



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: MA-016-22

4 April 2022

Planning Section,
Planning Department,
Johnston Centre,
Farnham Street,
Cavan Town,
H12 C9K1.

**Re: Material Alterations to Draft Cavan County Development Plan 2022 – 2028,
incorporating a Local Area Plan for Cavan Town.**

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft Cavan County Development Plan incorporating a Local Area Plan for Cavan Town 2022 - 2028 (Mas to the draft Plan).

As your authority is aware, a key function of the Office of the Planning Regulator (the Office) is the strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the material alterations to the draft plan under the provisions of sections 31AM(1) and (2) of the Planning and Development Act, 2000, as amended, (the Act) and within the context of the Office's earlier recommendations and observations.

As outlined in the Office's submission to the draft Plan, the Office considered the draft plan to be generally consistent with policies in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly area, and recommended changes to enhance its alignment with national and regional policies in the aforementioned, and for consistency with the Section 28 Ministerial guidelines including amongst others the



Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), the Sustainable Residential Development in Urban Areas Guidelines (2009), the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

The planning authority is advised that section 12(10) of the Act provides the members of the planning authority with scope to make a further modification to a material alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

Overview

Overall, the Office considers that the draft Plan provides a strong framework for development in County Cavan over the next six years with a high level of consistency with the national and regional policy frameworks.

In particular, the Office strongly commends the planning authority for including zoning maps with flood risk information for all settlements, and for rebalancing the



county's housing allocation to promote more significant growth in the Key Town of Cavan.

The Office also welcomes the proposed material alterations that have been informed by the revised Strategic Flood Risk Assessment (SFRA) and the Infrastructural Assessment Report, and acknowledges the significant work that was involved in amending the core strategy table and making consequential changes to land zoning across many settlements.

While it is acknowledged that the material alterations have generally responded in a positive manner to the Office's recommendations and observations, there are a number of areas where the Office is of the view that the material amendments are not consistent with national or regional policies in respect of the core strategy and the supply of residential zoned land, compact growth and regeneration, flood risk management, and certain specified land-use zoning amendments. These instances are clearly identified in the submission below and the reasons and considerations of the Office in reaching this conclusion are set out.

It is within this context the submission below sets out 8 recommendations and 8 observations under the following 7 themes:

Key theme	MA Recommendation	MA Observation
<u>Core strategy and Settlement Strategy</u>	-	MA Observations 1 and 2
<u>Residential Zoning Amendments</u>	MA Recommendations 1,2,3 and 4	MA Observation 3
<u>Economic Development and Employment</u>	MA Recommendations 5, 6 and 7	MA Observation 4
<u>Development Management and Masterplans</u>	-	MA Observations 5 and 6



Rural Housing and Regeneration	MA Recommendation 8	MA Observation 7
Sustainable Transport and Accessibility	-	MA Observation 8
Climate Action & Renewable Energy	-	-

1. Core Strategy and Settlement Strategy

The Office generally supports the approach and distribution of the county's future housing growth which rebalances the County's housing allocation to the Key Town of Cavan and serviced settlements. This has also been achieved by making changes to the settlement hierarchy and availing of the mechanism for 'additional provision' in section 4.4.3 of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (August 2021).

The Office notes the inclusion of 'additional provision' for housing land in Cavan Town to provide choice and flexibility regarding its ambitious growth targets and welcomes the reduction in land zoned Residential Strategic Reserve, and considers this approach to be reasonable.

The Office notes, however, that a number of the proposed residential zoning amendments in Cavan Town, Virginia, Mullagh and Kilnaleck are not required to meet the need for zoned land consistent with the housing supply targets set out in the core strategy. Moreover, these lands are often located in peripheral locations contrary to compact growth and sequential development, risking development occurring in a piecemeal manner in locations poorly served by social and physical infrastructure. These zoning amendments are dealt with in turn in section 2 below.

In relation to the core strategy table, while the amendments in response to Recommendations 1, 2 and 4 of the Office's submission to the draft Plan are welcome, it is considered that the core strategy table would benefit from further clarity in relation to the matters set out below.

MA Observation 1 - Core Strategy Table

Having regard to the amendments to the Core Strategy Table (Table 11) in particular the inclusion of information regarding consolidation sites and section 1.3.3 of the Appendix in the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (2021)*, the planning authority is requested to:

- (i) include an additional column as a minor amendment to the core strategy table showing any surplus or deficit of zoned residential land for each settlement consistent with the example core strategy table in section 1.3.3 of the Appendix in the Draft Development Plan Guidelines;
- (ii) include a footnote as a minor amendment to the core strategy table which clarifies that the estimated housing yield from the settlement consolidation sites relates to the lands identified as consolidation sites on the relevant zoning plans; and
- (iii) include clarification that the estimated yield for the settlement consolidation sites only relates to the lands zoned Proposed Residential and not lands zoned Existing Residential.

Recommendation 2(viii) of the Office's submission to the draft Plan required the planning authority to ensure that no residential development proposals, including single housing, are considered by the planning authority, on lands identified as Strategic Residential Reserve until after the full lifetime period of the Development Plan 2022-2028. The Chief Executive's (CE's) report recommended that no residential development of any type be permitted on Strategic Residential Reserve.¹

Land zoned for Strategic Residential Reserve are by definition lands that will not be developed for housing within the plan period (Section 4.4.4 of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (August 2021)*). The proposal under, Material Amendment 154, to allow a single house to be developed

¹ P52 CE Report on submissions to the draft plan

on land zoned Residential Strategic Reserve is therefore not consistent with the primary purpose of the zoning objective or the objectives of the core strategy and could undermine future delivery of housing at an appropriate scale.

MA Observation 2 - Strategic Residential Reserve

Having regard to Recommendation 2(viii) of the Office’s submission to the draft Plan, the Chief Executive’s recommendation to amend section 14.8, and the findings and mitigation in the Strategic Environmental Assessment of the material alterations (tables 5.1 and 6.1), the planning authority is requested to make a minor modification to Material Amendment 154 to delete the wording “Only single residential development that would not result in ribbon development or compromise the development of the remainder of the lands will be considered”.

2. Residential zoning amendments

Having reviewed the proposed material amendments in respect of the zoning objectives for individual sites and changes to settlement boundaries, the Office accepts the rationale presented by the chief executive and elected members for many of the proposed amendments.

As referenced above, the Office has, however, identified a number of instances where the amendments are not consistent with compact growth under NPO 3c of the National Planning Framework (NPF), and RPO 3.1 of the Regional Spatial and Economic Strategy (RSES), and/ or the sequential approach to development set out in the *Development Plans, Guidelines for Planning Authorities (2007)* and the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (August 2021)*. As previously stated, there is also no evidence based justification or need for these zoning objectives to meet the requirements for housing set out in the core strategy.

Cavan Town

Material Amendment 168 proposes to zone approximately 7 ha of land for Proposed Residential at the southwest periphery of Cavan Town.

The lands are c. 2 km from the edge of the town centre and are remote from services, and would result in leapfrogging of residential development to the edge of the settlement. Furthermore, the Office notes that the land is located in flood zones A and/or B. The Material Amendment is identified in the SEA as being inconsistent with established population targets and/or the proper planning and sustainable development of the town and is not justified.

The material amendment is not, therefore, justified and is contrary to compact and sequential growth and inconsistent with NPO 57 and *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* and section 4.19 of *Development Plans, Guidelines for Planning Authorities (2007)*.

The rezoning of the lands marked 'C' to Proposed Low Density Residential in Material Amendment 161 affects two parcels of land. While the southernmost rezoning is considered acceptable as it is partly affected by flooding and adjoining a cluster of low density housing on Keadue Lane, the northernmost rezoning should be omitted and the land revert to Strategic Residential Reserve for future consideration of development at a higher density in light of the established estate housing to the east and proposed rezoning to the west marked 'D' on the Cavan Town Local Area Plan Material Amendments map.

While the principle of rezoning the lands the subject of Material Amendment 170 (marked 'R') is generally acceptable in respect of compact growth and sequential development, it is noted that part of the lands are affected by flood risk. It is considered that a minor modification is required to Material Amendment 170 to remove the section of the lands to the east affected by flood risk to ensure consistency with NPO 57 and the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*.

MA Recommendation 1 – Residential zonings: Cavan Town

Having regard to national and regional policy objectives NPO 3, RPO 3.1, and NPO 57, the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*, the *Development Plans Guidelines for Planning Authorities (2007)* and *Development Plans Guidelines for Planning Authorities - Draft for Consultation (August 2021)*, section 10(2)(n) of the *Planning and Development Act 2000*, as amended, and the findings in the report of the Strategic Environmental Assessment of the proposed Material Amendments, the Office considers that the following residential zonings proposed under the material amendments are inconsistent with the core strategy and/or contrary to the implementation of compact growth, sequential zoning and the provision of a sustainable settlement and transport strategy. The planning authority is therefore required to omit / amend the following material amendments:

- (i) Omit Material Amendment 168 as the land is affected by Flood Zones A and B and residential development at this location is contrary to compact growth and the sequential approach to development.
- (ii) Amend Material Amendment 170 to omit the Proposed Residential zoning from the eastern part of the lands affected by Flood Zones A and B;
- (iii) Amend Material Amendment 161 to omit the Proposed Low Density Residential zoning from the northernmost land parcel marked 'C' and revert to Strategic Residential Reserve as this land is considered more appropriate for higher density development given its location and surrounding context.

Virginia

Recommendation 1 (ii) of the Office's submission to the draft Plan requested the planning authority to review the housing growth targets for Virginia taking account of its wastewater treatment capacity constraints and to ensure that the town does not grow in a manner disproportionate to its scale and infrastructure capacity, and contrary to NPO 9 of the National Planning Framework. .



Since the planning authority has not amended or reduced Virginia’s population or housing allocation in the core strategy, the Office considers that there is no justification for increasing the quantum of lands zoned Proposed Residential.

The lands the subject of Material Amendment 185 are located at the northwest edge of the town approximately 1.5 km from the edge of the town centre. The draft Plan zones a number of other sites for Proposed Residential that are a sequentially closer to the town centre.

The development of this land would not contribute to compact growth and sequential development and the zoning is not required to meet the housing allocation for the town over the plan period. This Material Amendment is identified in the SEA as being inconsistent with established population targets and/or the proper planning and sustainable development of the town.

This rezoning is not justified, is contrary to compact and sequential growth and would result in residential development leapfrogging to the edge of the settlement inconsistent with section 4.19 of *Development Plans, Guidelines for Planning Authorities* (2007) and the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August 2021).

While Material Amendment 183 omitted most of the zoned lands within the preferred route corridor of the proposed Virginia Bypass, some lands zoned Proposed Residential remain. The Office considers it appropriate to review this having regard to the protection of alignments for future national roads projects in section 2.9 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012).

MA Recommendation 2 – Residential zonings: Virginia

Having regard to national and regional policy objectives NPO 3c and RPO 3.1, *the Spatial Planning and National Roads Guidelines* (2012), *the Development Plans, Guidelines for Planning Authorities* (2007) and *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (August 2021), section 10(2)(n) of the *Planning and Development Act 2000*, as amended, and the findings in the report of

the Strategic Environmental Assessment of the proposed Material Amendments, the Office considers that the following residential zonings proposed under the material amendments are inconsistent with the core strategy and/or contrary to the implementation of compact growth, sequential zoning and the provision of a sustainable settlement and transport strategy. The planning authority is therefore required to omit / amend the following:

- (i) Omit Material Amendment 185 as further residential development at this location is contrary to compact growth and the sequential approach to development;
- (ii) Amend Material Amendment 183 to remove the lands zoned Proposed Residential located within the preferred route corridor for the proposed Virginia Bypass.

Mullagh

Material Amendment 203 proposes to rezone lands to the east of the town centre of Mullagh from Proposed Residential to Proposed Low Density Residential.

The subject lands are located in close proximity to the town core where residential densities are expected to be higher. Indeed, this land is better located than some of the other lands zoned Proposed Residential. It is also noted that the zoning map already identifies other lands for Proposed Low Density Residential. In this context, the reduction of residential density close to the town core proposed by this Material Amendment is not consistent with a compact urban form and is not justified.

Material Amendments 205 and 206 propose to zone lands for low density residential development that lie outside the town boundary and are currently unzoned. The proposed material amendments would militate against the compact growth and sequential development of the town and exacerbate ribbon development at the edge of the settlement. In this regard, the proposed amendments are inconsistent with NPO 3 and the sequential approach to development.

MA Recommendation 3 – Low density residential zoning: Mullagh

Having regard to national and regional policy objectives NPO 3c and RPO 3.1, the *Development Plans, Guidelines for Planning Authorities (2007)* and *Development Plans, Guidelines for Planning Authorities - Draft for Consultation (August 2021)*, and section 10(2)(n) of the *Planning and Development Act 2000*, as amended, the Office considers that the following residential zonings proposed under the material amendments are inconsistent with the core strategy and/or contrary to the implementation of compact growth, sequential zoning and the provision of a sustainable settlement and transport strategy. The planning authority is therefore required to make the plan without the following material amendments:

- (i) Material Amendment 203, as this land is more appropriate for zoning as Proposed Residential rather than Proposed Low Density Residential given its close proximity to the town centre;
- (ii) Material Amendment 205, as further low density residential development at this location is contrary to compact growth and the sequential approach to development.
- (iii) Material Amendment 206, as it would result in development 'leapfrogging' to a location outside the development boundary in the draft Plan and be contrary to compact growth and the sequential approach to development.

Kilnaleck

Material Amendment 212 proposes to extend the development boundary of Kilnaleck and zone further lands as 'whitelands'.

This rezoning should be omitted as it would not contribute to compact growth and sequential development and would result in 'leapfrogging' of development beyond the development boundary. This Material Amendment is identified in the SEA as being inconsistent with established population targets and/or the proper planning and sustainable development of the County and is not justified.

MA Recommendation 4 – Settlement Boundary: Kilnaleck

Having regard to national and regional policy objectives NPO 3c and RPO 3.1, the *Development Plans, Guidelines for Planning Authorities (2007)* and *Development Plans, Guidelines for Planning Authorities - Draft for Consultation (August 2021)*, and section 10(2)(n) of the Planning and Development Act 2000, as amended, the planning authority is required to omit Material Amendment 212, as extending the ‘whitelands’ zoning in the manner proposed is contrary to compact growth and the sequential approach to development.

Belturbet

Material Amendment 201 proposes to rezone land in Belturbet from Proposed Residential to Public & Community. The lands are adjoining the GAA grounds to the west and a golf course to the east. While the rezoning is acceptable in principle, it is unclear how the lands zoned Proposed Residential to the rear would be accessed.

MA Observation 3 – Belturbet (Material Amendment 201)

While the principle of rezoning the land from Proposed Residential to Public & Community is generally acceptable having regard to the surrounding land uses, the planning authority is requested to clarify how it is intended to provide access to the adjoining lands zoned Proposed Residential to the northeast.

3. Economic Development and Employment

Recommendation 8 of the Office’s submission to the draft Plan addressed the issue of the supply of enterprise and employment land. The Office notes the response to the recommendation set out in the chief executive’s report (CE report), and in particular the identified need for enterprise and employment land in Cavan Town and Virginia.

In particular, Recommendation 8(ii) required the planning authority to omit the General Enterprise and Employment land use zonings to the south and east of the



N55 and N3 at Corlurgan Business Park, on the Ballyjamesduff Road and east of the N3 bypass on the R212.

In relation to the Corlurgan Business Park, while the Office accepts the rationale for rezoning part of the lands to reflect the established use, the proposal to extend the zoning to the east remains of concern given that the lands have not been identified as serviced or serviceable in the settlement capacity audit² and are in a peripheral location.

The Office does, however accept the rationale for the retention of the lands zoned General Enterprise and Employment on the Ballyjamesduff Road since the lands are relatively self-contained and have been identified as serviceable in the settlement capacity audit.

While the Office has concerns about General Enterprise and Employment lands extending beyond and northeast of the bypass along the R212 in light of the significant rezoning introduced in Material Amendment 160, it accepts that the lands have been identified as serviced in the settlement capacity audit and been the subject of a past planning application to support industrial development at this location.

While no changes have been made to the extent of employment lands in Bailieborough, the Office notes the settlement capacity audit in Appendix 6 of the CE's report on the draft Plan submissions, which identifies the undeveloped lands as serviced or serviceable. It is accepted that the majority of the zoned General Enterprise & Employment lands are reasonably proximate to the town core except for the lands to the southeast which have an established industrial use and that there is a reasonable basis for this zoning objective.

Having regard to the council's economic strategy, which seeks to address extensive commuting from the east of Cavan and the development objectives for Bailieborough which support its designation as a Self-Sustaining Town and to provide for a better

² Settlement capacity audit in Appendix 6 to the CE's report on draft Plan submissions



balance between existing housing and jobs, it is considered that the extent of employment land is acceptable.

The Office notes that employment land in Virginia has been reduced by way of a number of amendments which arise from the identification of the preferred route corridor for the Virginia Bypass.

The rationale for the omission of land in the northwest of the town close to the existing N3 under Material Amendment 184 is not however clear, particularly given the loss of employment lands due as a result of Bypass corridor. This amendment would remove the General Enterprise and Employment zoning from Plot G, a loss of some 4 Ha, which may compromise the development of adjacent lands within masterplan area 5 that do not have the benefit of direct road access. Furthermore, the removal of this zoning would prejudice the preparation of a comprehensive masterplan for the remaining M5 lands.

MA Recommendation 5 – Material Amendment 184

Having regard to the location of the land the subject of Material Amendment 184, which is identified as serviceable on the settlement capacity audit for Virginia, its designation in the Regional Spatial and Economic Strategic as a 'Place of Strategic Potential' and Development Objective VG 01 to 'Promote the development of Virginia as a driver of economic growth in the South East of the county...', the planning authority is required to make the plan without MA 184 relating to General Enterprise and Employment zoning on plot G on the Virginia land use zoning map.

The employment lands at Burrencarragh are located approximately 2 km from the edge of the town at a location that is removed from town services (including foot/cycle path) and is not accessible by public transport. The lands are approximately 40 ha in area and front the N3 where the 100 kph speed limit applies, and it is noted that the settlement capacity audit in Appendix 6 of the CE's report on the draft Plan submission classifies the lands as unserviceable.

While the site may have merit for development for a specific use that is unsuitable in or adjoining a built up area such as Virginia, the General Enterprise and Employment zone permits a wide range of land uses some of which would be unsuitable at a location such as this.

In this context, it is considered that there is a lack of clarity in section 2.3.11.6 of the draft Plan about what type of use is envisaged, and how State planning policy on national roads in particular sections 2.6 – Exceptional Circumstances and 2.9 – Protection of Alignments for Future National Road Projects of the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* will be adhered to.

While the future local transport plan and masterplan contemplated for Virginia and the Burrencarragh site respectively may address the current accessibility and national policy issues this is not sufficiently evident from the draft Plan.

MA Recommendation 6 – Employment lands at Burrencarragh

Having regard to Recommendation 8(iii) of the Office's submission to the draft Cavan County Development Plan and the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*, the unserviced nature of the Burrencarragh site and its remote location on a national road where the speed limit exceeds 60 kph, the planning authority is required to make a minor modification to section 2.3.11.6 to clarify / include the following:

- (i) the type of use envisaged which would by its nature be unsuitable in or adjoining a built up area such as Virginia;
- (ii) a more explicit statement regarding the need to adhere to State planning policy on national roads in particular sections 2.6 and 2.9 of the aforementioned Ministerial guidelines; and
- (iii) commitment to implement any recommendations from the future Virginia Local Transport Plan regarding the potential development of the site.



Material Amendment 197 proposes to zone land for General Enterprise & Employment development that lie outside the town boundary of Cootehill. There is a major serviced landbank of industrial land centred on the established IDA site while this proposal is located to the rear of existing low density ribbon development at the edge of the town. This material amendment would extend the town boundary, may impact on adjoining residential amenities and is not justified given its location and the extent of lands already zoned for General Enterprise & Employment in the town.

MA Recommendation 7 – Material Amendment 197

Having section 10(2)(n) of the *Planning and Development Act 2000*, as amended, the location of the lands outside the development boundary for Cootehill and at the back of established low density housing, and the extent of lands already zoned for General Enterprise & Employment in the draft Plan, the planning authority is required to make the Plan without MA 197 as it is not justified and would be contrary to the compact growth and sequential development of the town and the provision of a sustainable settlement and transport strategy.

Observation 6 (Rural Tourism) of the Office's submission to the draft Plan requested that Objectives, TV 02 and TV 04 in Section 9.5 "Tourism Infrastructure and Visitor Services" be reviewed to ensure that commercial type development and tourist/holiday type accommodation is encouraged to locate in towns and villages. The CE's report does not appear to address this Observation and the wordings remain unchanged. The objectives as worded could result in a proliferation of dispersed holiday accommodation and could discourage the location of such facilities within towns and villages, where such uses and development could contribute to their revitalisation.



MA Observation 4 – Rural Tourism

Having regard to Observation 6 of the Office’s submission to the draft Plan, the Office requests a minor modification to Objectives TV 02 and TV 04 to clarify that:

- (i) Objective TV 02 will encourage rather than facilitate the provision of high-quality tourist accommodation which shall only be acceptable in rural areas, outside towns and villages, if it is location specific or resource based;
- (ii) Objective TV 04 will facilitate the development of visitor infrastructure linked to natural and heritage environments if it is location specific or resource based.

4. Development Management and Masterplans

The draft Plan as published originally stated that there was a presumption against new apartment type accommodation in small towns and villages. The CE’s report recommended the omission of that restriction from the draft Plan in response to Recommendation 5 of the Office’s submission to the draft Plan. This was not, however, accepted by the elected members.

The Office appreciates the concerns of members regarding inappropriate development in small towns and villages. However, the blanket nature of this provision is not considered justified, and may very well prevent development that might make a positive contribution to the regeneration of these settlements.

MA Observation 5 – Apartment Development

Having regard to Recommendation 5(iv) of the Office's submission to the draft Plan and the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* (2018), the Office requests that the planning authority amend the wording of Amendment 147 (Section 13.4.14 Apartments) to read '...There is a presumption against inappropriate new apartments type accommodation in small towns and villages of the County...'

While the introduction of a density table and revised Residential Density Development Objectives are welcome, the planning authority is advised to consider a minor modification to section 2.15 to clarify that the density ranges in the density table are targets and are not to be read as maxima.

While the Office welcomes the introduction of a consultation strategy for masterplans and confirmation that the planning authority will be the lead partner for same, further clarity should be provided to ensure that the policies and direction contained in completed masterplans will be incorporated into the development plan by way of variation where appropriate.

MA Observation 6 - Masterplans

Having regard to material amendments 19, 24, 25, 41 and 48 which relate to the preparation of masterplans in amongst others Cavan Town and Virginia, the planning authority is requested to make minor modifications to the text in section 2.2.12, section 2.3.11, section 2.3.11.6, section 2.7.11, and section 2.10.11 to clarify that the policies and direction contained in completed masterplans will be incorporated into the development plan by way of variation where appropriate. This will ensure that the policies and direction contained in completed masterplans have statutory weight to inform decisions on future planning applications.



5. Rural Housing and Regeneration

Recommendation 6 of the Office’s submission to the draft Plan required the planning authority to revise the draft Plan’s policy in respect of rural housing to ensure consistency with NPO 19 of the National Planning Framework.

The Office welcomes the material amendments to enhance the alignment with national policy and the introduction of monitoring of rural housing.

It is noted, however, that the development objectives for Areas Under Strong Urban Influence inappropriately include reference to “link” in addition to “economic or social need consistent” with NPO 19.

MA Recommendation 8 - Rural Housing and Regeneration

Having regard to the *Sustainable Rural Housing Guidelines (2005)*, national and regional policies NPO 19 and the NWRA Regional Spatial and Economic Strategy 2020 (page 43), the planning authority is required to delete the words “link or” from the revised text of Material Amendment 139 Rural Housing and Material Amendment 141 Development Objective SUI 02.

While the Office notes that the spatial extent of the rural typologies has not been reviewed as required under Recommendation 6(ii) of the Office’s submission to the draft Plan, it is acknowledged that a review of the three rural typologies would be resource intensive and challenging to complete within the timescale for the material alterations stage of the development process. Furthermore, this may best be undertaken following the release of updated section 28 Guidelines on rural housing.



MA Observation 7 – Review of rural housing policies

Having regard to National Policy Objective 19 and the rural housing policies contained in the Draft Cavan County Development Plan 2022-2028, the planning authority is requested to include a minor modification to Material Amendment 138 (section 12.13) to state that the planning authority will review its rural housing policies and typologies in the plan pending updated section 28 guidelines for rural housing.

6. Sustainable Transport and Accessibility

The Office welcomes the amendments introduced which promote sustainable transport such as maximum car parking standards and the preparation of future local transport plans.

In response to Recommendation 10(ii) regarding targeted objectives for sustainable transport modes and modal share targets, the Office notes the commitment in MA 67 to engagement with the NWRA and National Transport Authority in the preparation of a sustainable transport plan for the Northern and Western Region. It is considered reasonable that future Local Transport Plans or a regional transport plan would inform future mode share targets for the county.

Under Recommendation 10(iv) of the Office's submission to the draft Plan, development objectives CNR 01 and CNR 02 were to be reviewed in the context of a sustainable transport plan for Cavan Town. Having regard to the revised text in Material Amendments 16 and 18, the Office considers that there is a need for greater consistency between development objective CNR 02 and what it stated in the revised text in section 2.2.6.

MA Observation 8 - Development Objective CNR 02

Having regard to Recommendation 10 of the Office's submission to the draft Plan and the proposed amendments to development objective CNR 02 (Material Amendment 16) and section 2.2.6 – Physical Infrastructure (Material Amendment 18), the planning is requested to make a minor modification to development objective CNR 02 so that it is consistent with what it stated in the proposed revised text in section 2.2.6. The Office considers that the wording in Material Amendment 18 explains the planning authority's intent in a clearer way.

7. Climate Action and Renewable Energy

In response to Recommendation 11 of the Office's submission to the draft Plan, the CE's Report on the Material Amendments contains some valuable information regarding the county's contribution to national renewable energy targets but suggests that specific targets in megawatts for wind energy is best set through a renewable energy strategy. Material Amendment 83 commits to the preparation of a Renewable Energy Strategy within a 6 month period of the adoption of the development plan and this commitment is welcomed. The Office welcomes the revisions to WE 03.

However, the Office notes that the material alterations do not identify how the development plan will contribute to meeting national renewable energy targets, including specific targets in megawatts for wind energy potential in the county as required by the Specific Planning Policy Requirement (SPPR) contained in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017*, and as set out in the Office's submission to the draft Plan.

While the Chief Executive's Report does provide evidence in relation to the county's current and potential (permitted development) contribution to realising national climate change and renewable energy targets, this does not provide any future commitment consistent with the national target for up to 80% RES-E in the Climate Action Plan 2021.



Given the urgency and importance of the need to address climate action, the Office would reiterate it's submission to the draft Plan and the requirement of the planning authority in respect of SPPR under section 21(1C) and 12(18) of the Act.

Summary

The Office requests that your authority address the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the Material Alterations to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
