

3rd May 2022

Planning Policy and Projects Unit, Tipperary County Council, Civic Offices, Nenagh and Clonmel, Co Tipperary,

<u>Re: Material Alterations to Draft Tipperary County Development Plan 2022 -</u> <u>2028</u>

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft Tipperary County Development Plan 2022 - 2028 (the MAs to the draft Plan).

As your authority will be aware, one of the key functions of the Office of the Planning Regulator (the Office) includes 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 submission of the Office 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 Southern Regional Assembly area, and recommended changes to enhance its alignment with national and regional policies in the aforementioned, and having regard to the *Development Plan Guidelines for Planning Authorities – Draft for Consultation* (2021), *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities on Statutory Plans,*



Renewable Energy and Climate Change (2017), 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

With the exception of the matters raised below, the Office is generally satisfied that the material alterations to the draft Plan have responded in a positive manner to the Office's recommendations and observations on the draft Plan.

In particular, the Office acknowledges the work that was involved in amending the Core Strategy and in the preparation of 'Town Profile Plans' for the Key Towns and District Towns of the County.



The Town Profile Plans provide a positive and innovative response to assist in delivering transformation and achieving low carbon development patterns through local transport planning and town centre regeneration.

The information provided on Renewable Energy Targets and the revisions to the Strategic Flood Risk Assessment (SFRA) are also welcome in terms of climate action.

Having regard to the large number of proposed material amendments, the Office has identified relatively few matters of significance that warrant additional recommendations at this stage of the plan-making process.

The Office has however identified a concern in relation to the extent of the requirement for residential zoned land, and a failure to quantify the amount of housing that can be delivered within the built-up footprint of the Key Towns and District towns that will need to be resolved through the Local Area Plan (LAP) process. This will be critical to ensuring the County's growth takes place in a compact and sustainable manner. This matter is the subject of MA Recommendations 1 and 2.

Where the Office is of the view that individual material amendments are not consistent with national or regional policies, these instances have also been clearly identified in the submission below, and the reasons and considerations of the Office in reaching this conclusion has been set out.

With the exception of the above, the Office considers that the draft Plan provides a sound basis for sustainable development within County Tipperary with a high level of consistency with the national and regional policy frameworks. The matters raised below are, however, important in terms of the statutory requirements for making a development plan and will require careful and meaningful consideration.

It is within this context the submission below sets out four recommendations and one observation under the following four themes:



| Key theme | MA Recommendation | MA Observation |
|--------------------------------|---------------------|------------------|
| Core strategy and settlement | MA Recommendation 1 | MA Observation 1 |
| strategy | | |
| Sustainable development | MA Recommendation 2 | - |
| Sustainable Transport and | MA Recommendation 3 | - |
| Accessibility | | |
| Record of protected structures | MA Recommendation 4 | - |

1. Core Strategy and Settlement Strategy

1.1 Housing and population targets

The Office welcomes the material amendments made to the core strategy, in response to Recommendation 1 of the Office's submission to the draft Plan. These amendments include the adjustment of the population target and the adjustment of the housing targets to reflect the Housing Supply Targets Methodology for Development Planning (2020) (the HST Guidelines) for the plan period.

1.2 Core Strategy and zoning for residential use

The Office also welcomes the adjustments to the population growth targets across the core strategy in response to concerns raised in Recommendation 2 of the Office's submission to the draft Plan, which ensures better consistency with NPO 6, NPO 7 and RPO 3 and avoids disproportionate levels of new housing development in relatively small settlements.

Notwithstanding, the approach to determining requirements for zoned residential lands based on densities of 20/25uph and 15uph¹ for the Key Towns and District Towns respectively is not consistent with the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009)*(SRDGs).

While it is reasonable for the draft Plan to provide a tailored approach to the consideration of residential densities for settlements depending on their size and character/function, it is nonetheless important that the core strategy is based on

¹ As detailed in footnote 12 of Table 2.4, Volume 1 Amendment 1



reasonable densities within the ranges advised in the Guidelines to support national and regional policy objectives for compact growth.

These Guidelines recommend that for towns of over 5,000 population, the density should be in the general range of 35-50 dwelling per hectare, with densities of less than 30 dwelling per hectare generally discouraged.

Even applying the lower range of these densities, and making provision for a net to gross conversion, the densities applied are significantly below those set out in the guidelines. This results in an excess in the requirement for residential zoned land in the core strategy table, above what is required to deliver the Housing Supply Targets for each town.

While it is vital that development plans ensure a sufficient and stable supply of development land in appropriate locations, by over-estimating the requirement for such land your authority runs the risk of development taking place that is not matched by appropriate infrastructure, or is out of scale with its context and local communities.

This approach is inconsistent with the provisions under the NPF and RSES and would undermine objectives under section 10(2)(n) of the Act for sustainable settlement and transport strategies to address climate change.

In order to ensure that housing is located in the right places, planning policy must prioritise locations that are currently serviced in terms of the social and physical infrastructure, and are easily accessible from existing urban areas by walking, cycling and public transport and that also have a high prospect for housing delivery over the plan period.

In order to respond to the above, the Office considers that Planning Objective 4–A (planning objectives for local area plans) should specify that the preparation of local areas plans will include phasing/prioritising of any identified excess lands as a long term strategic and sustainable development approach.

The Office also notes that proposed amendment Volume 1, amendment 14, in policy 4 - 1 (d) specifies higher densities under Development Management Standards,



which are in line with the SRDGs and *Circular PL 02/2021*. The significantly lower densities in the core strategy table has, therefore, the potential to result in confusion for members of the public and should be clarified by way of a minor modification to the draft Plan.

MA Recommendation 1 – Core Strategy Table & Housing Land Requirement

In accordance with section 10(2A) of the Planning and Development Act 2000, as amended, and having regard to the Development Plans, Guidelines for Planning Authorities (2007), Development Plans, Guidelines for Planning Authorities – Draft for Consultation (2021) and Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009), the planning authority is required to include the following minor modifications in the adopted Development Plan:

- (i) omit footnote 12 from Core Strategy Table 2.4 to ensure there is no policy conflict within the adopted development plan regarding targets for densities; and
- (ii) amend Planning Objective 4–A to include a footnote stating that the mechanisms provided for excess zoned residential land under section 1.3.5 of Appendix A of the *Development Plans, Guidelines for Planning Authorities Draft* for Consultation (2021) will be applied in the preparation of the forthcoming Local Area Plans for the Key Towns and District Towns; and
- (iii) amend Planning Objective 4 A to state '...As part of this process to undertake infrastructure and serviced land assessments (in accordance with 'A Methodology for a Tiered Approach to Land Zoning' of the NPF), identify...'.

The Office also notes that there is a discrepancy in Table 2.4, as presented, in the proposed amendments to the draft Plan. The stated population increase over the 2016 – 2028 period does not equate to the stated 2028 population for all of the settlements listed below Tipperary town in Table 2.4. For the purposes of clarity, the



OPR's analysis of the revised Core Strategy Table 2.4, is on the basis that the '2016 population' figure in addition to the stated 'additional persons to 2028' figure equates to the projected 2028 population figure.

MA Observation 1 – Core Strategy Table 2028 Population

The planning authority is advised to ensure that the 'population projection 2028' figure set out in Table 2.4 accurately reflects the additional population allocation from 2016 to 2028.

2. Sustainable Development

2.1 Development approach for settlements & Compact Growth

The Office welcomes the inclusion of the 'Town Profile Plans'², that set out a common baseline for the key towns and district towns with key socio economic data such as jobs ratio, transport modes and housing stock presented in a clear and concise manner. The Office would like to commend the planning authority for its approach in this regard, in the absence of zoning maps and in advance of new LAPs for the relevant settlements.

Although the approach followed is generally exemplary, the planning framework for these towns could be further strengthened by a clearer concept of how to deliver compact growth and consolidation of these urban centres as per NPO 3c and RPO 35. The preparation of the forthcoming Local Area Plans³ and the zoning of the most suitable lands as referred to in MA Recommendation 1 above will, however, provide the opportunity to focus on the consolidation of the existing built up footprint of the towns and sequential approach to zoning.

² Proposed Amendment Volume 1, Amendment 10 & 11

³ Proposed amendment Volume 1, Amendment 9, Table 4.2, provides an indicative timeline for the preparation of the LAPs for the key towns and district towns



In this respect, the Office also notes that, in response to Recommendation 6 of the Office's submission to the draft Plan, a number of proposed material amendments⁴ will strengthen the policy framework regarding compact growth and land activation.

Notwithstanding, the draft Plan does not clearly demonstrate how the 30% compact growth target required by the NPF and the RSES will be met, for example by quantifying the minimum 30% infill lands in hectares as per the core strategy table in Appendix A to the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (2021).

This is considered important, not just in the interests of achieving compact and sustainable growth, but also in terms of the regeneration of towns under NPO 6 and RPO 34 of the RSES.

MA Recommendation 2 - Compact Growth

Having regard to policy objectives NPO 3c and RPO 35 to ensure that the delivery of 30% of all new homes targeted within settlements is provided within their existing built-up footprints, and to the regeneration of towns and villages under NPO 6 and RPO 35, the planning authority is required to:

- (i) include a minor modification to Planning Objective 4 A (Volume 1, Amendment 15) to state that, in addition to the identification of regeneration sites, Local Area Plans will identify consolidation sites within the existing built up footprints of the Key Towns and District towns that will specifically contribute to the delivery of 30% compact growth; and
- (ii) include a minor modification to Planning Objective 16 4 (Monitoring and Evaluation) to provide that the delivery of compact housing growth consistent with NPO 3c and RPO 35 will be subject to monitoring over the plan period.

⁴ Proposed amendments Volume 1, Amendments 33, 34, 35 & 36



3. Sustainable Transport and Accessibility

The Office welcomes the amendments introduced which promote sustainable transport such as the inclusion of specific policies to consult with the NTA and Transport Infrastructure Ireland (TII) on the preparation of a Park and Ride Strategy and Area Based Transport Assessments in relation to servicing the strategic employment zones and making sustainable transport modes more accessible.

Recommendation 9 (ii) of the Office's submission to the draft Plan required a review of Policy 12 – 4 having regard to the provision of the section 28 *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012). Although the Office notes the amendment proposed in Volume 1 Amendment 64, the inclusion of the term *'to seek'* does not reflect the relevant provisions of the Guidelines and should be omitted from the proposed amendment.

The Office further notes that the planning authority has not identified stretches of national routes where a less restrictive approach may be applied as required by section 2.6 of the Guidelines (*exceptional circumstances*) as outlined in Recommendation 9 (iii) of the Office's submission to the draft Plan. In order to ensure that any '*exceptional circumstance*' being considered is in accordance with the 2012 Guidelines, and to clarify that the specific stretches of national road where the exceptional circumstance will apply will be included in the development plan by way of a variation, additional text as a minor modification to section 12.5.2 is considered necessary.

The amendments proposed in Volume 2, which include a number of text and map amendments to the 'Settlement Guide, Settlement Plans and Serviced Land Assessment' are welcomed by the Office and seek to further align the Plan with national and regional policy requirements.

Notwithstanding, the Office notes that, while the settlement boundary of Limerick Junction has been significantly reduced, there remains a substantial area of land north of the racecourse that is zoned as 'white land' in a location where an 80kph speed limit applies.



Objective SO 7 seeks to facilitate the future development of the Tipperary Racecourse lands in accordance with a number of principles, including compliance with the 2012 Guidelines and outlines that 'a single access point shall be provided from the N24 to cater for the entire area'.

Given the strategic nature of this national route, and the 2012 Guidelines, which seek to safeguard the strategic function and safety of the N24, it is considered necessary to an evidence-based strategy is provided in accordance with the 2012 Guidelines and reference to this should be included as a minor modification to Volume 2, SO 7.

MA Recommendation 3 – Sustainable Transport and Accessibility

Having regard to Recommendation 9 of the Office's submission to the draft Plan and the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), the planning authority is required to make the following minor modifications:

- (i) omit 'to seek' from policy 12 4 from proposed amendment Volume 1, Amendment 64;
- (ii) include additional text in section 12.5.2 to state any 'exceptional circumstance' being considered in accordance with the 2012 Guidelines shall be included by way of the variation in accordance with section 13 of the Planning and Development Act 2000, as amended; and
- (iii) include additional text in Volume 2, 'Settlement Guide, Settlement Plans and Serviced Land Assessment', No 26; Limerick Junction, Objective SO 7 (b) that a plan-led and evidence-based strategy is agreed in accordance with the requirements of the section 28 Ministerial Guidelines Spatial Planning and National Roads Guidelines for Planning Authorities (2012) prior to the submission of any subsequent planning application.



4. Record of Protected Structures

The Office notes that material amendment Volume 4, Amendment 2 proposes the deletion of eight properties from the Record of Protected Structures.

In respect of built heritage in rural towns, the NPF states 'Investment in our towns and villages through regeneration, public realm improvements and the appropriate adaptation and re-use of our built heritage, are key factors in developing, promoting and investing in a sense of place and aligning the objectives of creating high quality with that of spatial planning.'

Further, Section 2.7 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) states that 'Deletions will take place where the planning authority considers that the protection of a structure, or part of a structure, is no longer warranted. This will generally take place only when the structure has entirely lost its special interest value through major accident or where new information has come to light which proves that the special interest value was mistakenly attributed.'

Having regard to the above, the Office is not satisfied that a sufficient evidence based rationale for these decisions has been provided within Volume 4, Amendment 2. Furthermore, the Office notes that Behanmore National School (Ref No S555/TRPS555) and The Pike Presbytery (Ref No S548/TRPS548) are included on the National Inventory of Architectural Heritage.

MA Recommendation 4 - Record of Protected Structures

Having regard to National Policy Objective 17 of the National Planning Framework, the National Inventory of Architectural Heritage and Strategic Environmental Assessment (SEA) for relevant proposed material alterations, the planning authority is required to provide additional details in accordance with section 2.7 of the *Architectural Heritage Protection Guidelines for Planning Authorities* (2011) to indicate that the planning authority considers the following properties have lost their special interest or that the special interest value was mistakenly attributed:

(i) Ref S138/TRPS138 Crannagh



(ii) Ref S387/TRPS387 Pollanorman
(iii) Ref S798/TRPS798 Killeen
(iv) Ref S1042/TRPS1832 Racecourse
(v) Ref S555/TRPS555 Behanmore
(vi) Ref S548/TRPS548 The Pike
(vii) Ref S499/TRPS499 The Square
(viii) Ref S184/TRPS184 Greenlane
Where a clear evidence-based rationale cannot be provided the planning authority is required to make the Plan without the relevant material amendment.

Summary

The Office requests that your authority addresses 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,

AM C'Gnue

Anne Marie O'Connor Deputy Regulator and Director of Plans Evaluations