

6 May 2022

Forward Planning,
Planning Department,
Block B,
Wexford County Council,
County Hall,
Carricklawn,
Wexford,
Y35 WY93.

Re: Material Alterations to Draft Wexford County Development Plan 2021-2027

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft Wexford County Development Plan 2021-2027 (the Material Alterations 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 that the draft Plan needed to respond more fully to the changed policy context brought about 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 section 28 Ministerial Guidelines.

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

The Office acknowledges the extensive work undertaken by the planning authority in responding to many of the issues raised by the Office in its recommendations and observations, many of which will ensure greater alignment with strategic policy context.

In particular, the Office considers that the improved ambition for growth in Wexford town together with amendments to the settlement hierarchy provides a more focussed and appropriately structured policy framework consistent with national and regional policy, and leading to better planning outcomes for the county. The increased growth in Wexford town also recognises the considerable potential within the town to provide a high quality of life for residents in a sustainable manner.

The Office also welcomes the inclusion of Housing Supply Targets, which provides greater clarity in relation to meeting housing demand in the county consistent with the National Planning Framework. However, the process followed has misapplied the methodology set out in the section 28 Guidelines *Housing Supply Target Methodology for Development Planning (2020)* and will require modification (MA Recommendation 1).

The Office notes that due to stated resource and time constraints the planning authority was unable to fully address Recommendation 3 of its submission to the draft Plan in respect of important aspects of a county development plan, including land-use zoning maps, settlement boundaries and strategic objectives in relation to key planning matters.

The Office does, however, acknowledge the commitment to undertaking a significant body of work to address these matters following the adoption of the Plan, including the preparation of 4 Local Area Plans and 14 settlement plans, and defining settlement boundaries and objectives for 24 villages (MA Recommendation 2). This work should be an immediate priority for the planning authority and will require the allocation of adequate resources to the planning function to fulfil these commitments.

The Office acknowledges that Wexford has a large rural population and welcomes the commitment in the draft Plan to establish an inter-departmental rural regeneration team to proactively coordinate active land management in the rural towns and villages. The commitment to review the rural housing policy in the draft Plan following the publication of revised Ministerial Guidelines is also welcomed.

Recognising the challenges in relation to housing in rural towns and villages identified by the planning authority in the chief executive's report and the section 12(5)(aa) notice, the Office would also encourage the planning authority to use this opportunity to further consider how active land management initiatives can be used to meet the housing needs of these areas and to prevent the unsustainable development of urban generated housing in the open countryside.

The need to support economic development in smaller towns and villages is also raised in respect of tourist accommodation (MA Recommendation 4).



The Office also notes the inclusion of a minimum apartment size, for settlements with a population less than 8,500, as a footnote under material amendment PMA DMM.7, which has the potential to restrict the provision of smaller, more affordable units and the delivery of smaller infill regeneration schemes (MA Recommendation 3).

Finally, the Office acknowledges the Council’s proactive role and work with the 3 Counties Energy Agency (3CEA) in terms of leadership in sustainable energy and climate action. However, the Office considers that care needs to be taken in the final stages of making their plan to ensure that the finer policy requirements do not compromise delivery of the Council’s overall ambitions and commitments on climate action (MA Recommendations 6 and 7).

It is within this context the submission below sets out 7 recommendations and 4 observations under the following 6 themes:

Key theme	MA Recommendation	MA Observation
Core strategy and settlement strategy	MA Recommendation 1	MA Observation 1
Sustainable Development	MA Recommendation 2 MA Recommendation 3	MA Observation 2
Rural Housing and Regeneration	-	-
Economic Development and Employment	MA Recommendation 4	MA Observation 3
Sustainable Transport and Accessibility	MA Recommendation 5	
Climate Action and Renewable Energy	MA Recommendation 6 MA Recommendation 7	MA Observation 4



1. Core Strategy and Settlement Strategy

1.1 Population targets

As noted at draft Plan stage the population target for the county of 167,300 by 2027 was considered consistent with the NPF and RSES. It must however be recognised that there has been a significant passage of time since the plan was at draft stage such that it will be adopted and effective in 2022; not 2021 as originally anticipated. Therefore, the structure and layout of PMA CH3.34 which identifies the allocation of population to the settlement hierarchy table 3.3 should reflect the actual plan dates and include targets for 2022, 2028, in lieu of 2021 and 2027. Since the table is laid out on a pro rata basis, this can be readily updated by way of inclusion of additional new columns as a minor modification.

MA Observation 1- Population Targets and Plan Timeline

In the interests of clarity and transparency, the planning authority is requested by way of minor modification to update table 3.3 of the Plan (as per PMA CH 3.34) to include columns with the population allocation that corresponds with the 2022 – 2028 plan period.

1.2 Core Strategy and Housing Supply Targets

The Office recognises that the section 28 Guidelines *Housing Supply Target (HST) Methodology for Development Planning (2020)* were published shortly after the display period of the draft Plan, and strongly welcomes the steps taken to align the core strategy population allocations, housing units and housing land requirements (PMA CH 3.36) and housing strategy (book 2 PMA HS 1 and 2) to incorporate the HST guidelines.

The Office notes that the HST undertaken by the planning authority which includes 'Adjustment 1' (Row E), has also applied 'Adjustment 2' (Row F). The guidelines clearly state, however, that Adjustment 2 ('F') only applies to counties where the actual housing output has been greater than the NPF 50:50 scenario, which is not

the case in County Wexford¹. Furthermore, sections 4.6 and 4.7 of the guidelines require a strong justification for the application of this adjustment in accordance with specific criteria, which the draft Plan does not address.

The application of Adjustment 2 ('F') in the revised core strategy is not therefore in accordance with the provisions of the guidelines, and results in an over-estimation of housing demand for the plan period by c.1682 units.

This has important implications in terms of timely delivery of physical and social infrastructure in the right locations and the realisation of sustainable communities. It also risks requiring infrastructure beyond reasonable need, that will divert resources and take longer to deliver and at greater cost.

Notwithstanding the need to apply the correct targets to the core strategy, the Office is satisfied that the revised proportionate distribution of growth to settlements in the Material Alterations, is reasonable and provides the necessary basis for the modifications.

MA Recommendation 1- Housing Supply Targets

Having regard to the section 28 Guidelines *Housing Supply Target Methodology for Development Planning (2020)* and Appendix 1 of the accompanying Ministerial Letter to Local Authorities, the planning authority is required to:

- (i) review and amend the Housing Supply Target (HST) calculations in both the housing strategy (Book 2) and the core strategy (Table 3.4) to provide for Adjustment 1 (row E) only and omit the application of Adjustment 2 (row F) (PMA HS.2);
- (ii) review and amend the proposed core strategy and housing strategy to include the total housing supply target for the county and the

¹ The purpose of this mechanism is to provide for a higher rate of growth in these countries in the period to 2026, but to converge with the NPF scenario by 2031.

consequential housing supply targets for each settlement based on the total plan demand as per item (i) above;

The planning authority should retain the proportionality of the allocation to each level of the settlement hierarchy broadly as indicated in the amendments to Table 3.3 (PMA CH3.34).

- (iii) review and amend the zoned land requirement identified in the core strategy table (Table 3.4) consistent with (ii) above.

1.3 Settlement Hierarchy and distribution of growth

The Office welcomes the revisions to the settlement hierarchy under PMA CH3.11 and the introduction of sub-levels 3a and 3b to distinguish between the different size, scale and functions of the level three settlements. The differentiation between the larger level 3a ‘Service Settlements’ which includes sizeable towns of Bunclody, Rosslare Harbour and Kilrane, from smaller level 3b ‘Strategic Settlements’ which are significantly smaller in scale, has a stronger evidence-base and provides greater coherence for the settlement hierarchy, which in turn should assist in focusing development and investment in the county.

The Office also welcomes the planning authority’s response to Recommendation 1 of the Office’s submission to the draft Plan in relation to the allocation of new population growth across the settlement hierarchy as set out in PMA CH3.34. In particular the redistribution of growth from lower tiers, level 5/6 and open countryside, to the level 1 Key Towns, such that almost half of new growth (48%) will be in Wexford and Gorey towns is commended. This represents a positive commitment to the Key Towns, which is consistent with the RSES and NPF, and a step away from the business-as-usual approach that the Office was concerned about in the draft Plan.

However, the Office is somewhat concerned that through PMA CH3.34 the overall new population growth allocated to New Ross, a level 2 large town, has been reduced by almost half from the draft Plan stage; such that the actual increase in

population in the material amendment is 778 by 2027 by comparison to 1467 originally identified at draft Plan stage.

Nonetheless, it is acknowledged that the council has secured €100,000 of funding under the Town Centre First Initiative to prepare a town centre first plan and that other policies have been identified in the draft Plan to promote the economic and tourist growth of New Ross town (e.g. PMA CH3.55).

The Office is willing to accept that the planning authority's approach is to focus on the economic growth of New Ross in the short/medium term in order to promote its attractiveness, vitality and viability as evidenced by the securing of funds under the Town Centre First programme.

The council's position that following such investment, population growth is likely to occur at a faster pace in the next plan period is acknowledged. Moreover, the Office notes that the planning authority intends to closely monitor the progress of New Ross in achievement of its targets and will adjust, as necessary, following the two-year plan review (PMA CH 3.54).

2. Sustainable Development

2.1 Development approach for settlements

The Office is disappointed with the response to Recommendation 3 of the Office's submission to the draft Plan and it is noted that, aside from the inclusion of a composite map indicating the rural nodes/level 6 [PMA CH3.12], none of the other items have been addressed in full. Both the CE report and Section 12(5)(aa) notification indicate that this recommendation could not have been complied with due to inadequate resources to complete the tasks within the required timelines.

The Office notes, however, that the Material Alterations would under normal circumstances have been on display almost one year ago and significant additional time has lapsed since the draft Plan was on display.

This could have provided an opportunity to more substantially address this recommendation through the inclusion of provisional mapping based on existing data sets such as the CSO boundary and specific policy objectives.

Nonetheless, the Office acknowledges the commitments made under PMA CH3.24 - level 3a & b settlements, PMA CH3.26 – Level 4 Large Villages, PMA CH3.27 – Small Villages, PMA CH3.29 – Small Villages Category 2, to vary the plan to include land-use zoning maps, settlement boundary maps and specific objectives for infill and regeneration.

The Office welcomes the overall intention of the planning authority to undertake this significant body of work as future actions following adoption of the county development plan. The Office would urge the planning authority to commence meaningful engagement at the earliest opportunity with key stakeholders and prescribed authorities in undertaking this work including, Irish Water, National Transport Authority (NTA), Transport Infrastructure Ireland (TII), OPW and the Regional Assembly and specifically when preparing local area plans for Key Towns and Large Towns in the settlement hierarchy.

In relation to local area plans, the planning authority is of course aware of the provisions of section 19(2B) of the *Planning and Development Act 2000* (as amended) which requires the planning authority to amend or replace the local area plans within one year of the making of the development plan.

The Office also considers that the timely preparation of Local Transport Plans using the Area Based Transport Assessment (ABTA) methodology will also be crucial to the preparation of the LAPs, particularly in the context of the provision of sustainable settlement and transportation strategies under section 10(2)(n) of the Act, and achieving the modal share targets for the county. In this context, it is imperative that the planning authority engage early with the transport authorities in respect of the preparation of LTPs.

In relation to the level 3a & b settlements, the implementation of the aforementioned objectives to support the proper planning and sustainable development of these settlements is critical given the weak policy framework for these settlements in the



draft Plan and the lack of demonstrable consistency with NPO 3, 6, 7 and RPO 3, 34, 35. Consequently the Office considers that greater clarity and certainty should be provided regarding the timelines for addressing this gap.

MA Recommendation 2- Local Area Plans and policy frameworks

Having regard to the provisions of sections 18(4)(b) and 19(2B) of the Planning and Development Act 2000 (as amended), and to ensure that the Plan is consistent with the policy framework of the NPF and RSES, in particular NPO 3, 6 and 7 and RPO 3, 34 and 35, the planning authority is required to include a modification to the draft Plan to supplement section 3.6 of the Plan 'Core Strategy and Development Approach' to:

- (i) state that the local area plans for Wexford, Enniscorthy and New Ross towns will be made and have effect within 12 months of the adopted county development Plan.
- (ii) confirm that these LAPs will include and be informed by Local Transport Plans required under RPO 11 and committed to under objective TSO8 of the draft Plan, and will also implement other policy commitments within as part of the LAP process including: Town Centre Health Checks (PMA CH5.2); urban regeneration framework plans and the economic development spatial strategies (PMA CH6.18); and
- (iii) include a timeline and work programme for the implementation of the actions indicated in the following proposed material amendments:
 - PMA CH3.24 – Level 3a and 3b Settlements
 - PMA CH3.26 – Level 4 Large Villages
 - PMA CH3.27 – Small Villages
 - PMA CH3.29 – Small Villages Category 2.



2.2 Compact Growth & Regeneration

In response to Recommendation 4, and Observation 2 of the Office's submission to the draft Plan, the Office welcomes the inclusion in the core table 3.4 (PMA CH3.36) the identification of the units to be delivered in the built up area, this gives certainty to the plan's strategy on compact growth (albeit the exact quantum will require revision under MA Recommendation 1).

The Office further acknowledges the suite of proposed material amendments to chapter 5 and its policy commitments to design, place making in towns and villages.

The planning authority's commitment to prepare an audit of available brownfield sites across the county over the plan period is also welcome (PMA CH5.8). The Office would, however, encourage the planning authority to set a specific timeframe for the completion of this exercise.

Furthermore, although it is disappointing that some of this work was not brought into the draft Plan by way of inclusion of settlement plans through the Material Alterations process as discussed above, the Office does welcome the various policy amendments that will set the framework for the future LAP and settlement plans (PMA CH5.13-5.14) and promote meaningful active land management including:

- PMA CH5.11 – establishment of an inter-departmental rural regeneration team to co-ordinate active land management in the rural towns and villages.
- PMA CH 5.12 the identification of key active land management proposals for level 1 and 2 settlements, including detailed proposal and timelines.
- PMA CH5.15 new policy objective to pursue five sites per Municipal District under the Derelict Sites legislation and three sites per annum under the Urban Regeneration and Housing Acts.

2.3 Settlement Plans

The Office welcomes the amendments to the settlement plans of Bunclody and Rosslare Harbour and Kilrane, the only two settlements for which land use zoning maps are included in the draft Plan.

In particular the amendments to the text, key sites and mapping is well considered and clearly communicated, notwithstanding that the quantitative aspects of these will need future refinement in light of MA Recommendation 1 (HST) above. The Office looks forward to a similar approach for the future LAPs and settlement maps for all settlements in the county in due course.

However in terms of the precise detail of the settlement plan for Bunclody and the quantum of phase 1 lands (6.92ha) and units (133) identified for delivery on sites A, B and D, is inconsistent with allocations in the core strategy table (as per PMA CH3.36) and should be reviewed to ensure internal consistency within the plan.

The Office further notes that Irish Water has indicated that there is a current constraint in water capacity for Bunclody, which may limit development until the planned upgrade is completed.

The planning authority should ensure that any such constraints are clearly identified in the adopted Plan.

MA Observation 2 – Bunclody clarifications

The planning authority advised that there are minor inconsistencies between the quantum of lands indicated in phase 1 for Bunclody and the core strategy housing land requirements. The planning authority is advised to ensure that the plan is internally consistent (making provision for the modifications required under MA Recommendation 1 above).

Furthermore, any infrastructure constraints in Bunclody should be clearly identified in Table B1 and the text of the settlement plans.



2.4 Standards and Guidelines

The Office notes that PMA DMM.7 seeks to include, by way of a footnote to the table 3.6 in the Development Management Standards, a floor area standard expressly for apartments in settlements with a population of less than 8,500 (CSO 2016) such that footnote to the table will read as follows:

*'The Guidelines outline that the floor area parameters set out in SPPR 3 shall generally apply to apartment schemes but do not apply to purpose-built and managed student housing. **The Council will require the floor area of all new apartments in settlements with a population less than 8,500 (as of Census 2016) to be a minimum of 90m².**'*

The inclusion of PMA DMM.7 conflicts with SPPR 3 of the section 28 *Guidelines for Planning Authorities of the Sustainable Urban Housing: Design Standards for New Apartments* (2018) guidelines which specifies minimum apartment floor areas relative to the number of bedrooms. Under the SPPR, the 90 m² standard applies to 3-bedroom apartments (5 persons).

By effectively requiring all apartments to be at least the size of a 3-bedroom apartment, this requirement could also be considered to be inconsistent with SPPR 1 which states that development plans may only specify a mix for apartment and other housing developments further to an evidence-based Housing Need and Demand Assessment (HNDA). The Office notes that the Housing Strategy identifies a need for 40% 3-bedroom units and as such no evidence-based justification has been provided to support a 100% requirement for this size of unit in towns with a population less than 8,500 population under PMA DMM.7.

By applying this requirement the draft Plan also risks undermining the delivery of smaller units to meet the needs of the existing and future community who may have a demand for smaller, more affordable housing that still provides a high level of amenity in accordance with national standards. Similarly, development on constrained brownfield and infill sites, which would contribute to the regeneration of urban areas may also be prevented under the provision.

Although the Office appreciates that the motivation for this policy is to provide a high standard of amenity for future residents, the draft Plan contains a wide range of objectives to ensure that residential development is consistent with this objective.

In relation to the requirement for consistency with the SPPR, your authority will be fully aware of the statutory obligation of local authorities to ensure that the development plan is consistent with specific planning policy requirements (SPPR) specified in guidelines under section 12(18) of the Act.

The Office would further comment that the introduction of such requirements via a footnote is not consistent with the need for clarity and transparency in the development plan.

MA Recommendation 3 - Apartment sizes

Having regard to Specific Planning Policy Requirement 1 and 3 of the section 28 *Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments* (2018), NPO 6 and 18a, and RPO 3, 34 and 35, and in the interests of clarity and consistency, the planning authority is required to make the Plan without material alteration PMA DMM.7 in relation to the requirement of a minimum floor area for new apartments in settlements with a population less than 8,500 of 90m².

3. Rural Housing and Regeneration

3.1 Rural housing policy

The Office welcomes a number of the amendments to the text in table 4.6 of the draft Plan, which sets out the criteria for one off rural housing and closer aligns the plan with the policy of the NPF. In particular, the amendments provide clarity that persons qualifying under category B, with a demonstrable economic functional need, must be engaged in resource based activity that has a requirement to reside in proximity. The Office also welcomes further refinements to the text in table 4.6 for category A, persons (with a demonstrable social functional need) to reaffirm that the dwelling

must be their permanent place of residence as well as having never owned a rural house [PMA CH4.24].

However, as outlined in the section 12(5)(aa) notification, Recommendation 6 and 7 of the Office's submission to the draft Plan has not been complied.

In relation to Recommendation 6, the NPO 19 and the draft Plan has retained five rural area types. The council has agreed to review the rural housing policy when the revised section 28 guidelines are published and the Office notes that an objective to confirm this has been included under PMA CH4.26.

In relation to Recommendation 7, the Office notes the response of the planning authority that in County Wexford sites in existing settlements are extremely limited, there is a lack of public communal infrastructure, and that landowners in smaller towns and villages are slow to release land for development.

While the Office appreciates that these constraints present a serious challenge, policies to meet the housing needs of people from rural settlements in the open countryside is not a sustainable approach to the development of either the towns and villages or the open countryside.

The Office advises the planning authority to proactively consider how it might address these issues through rural regeneration initiatives such as serviced sites, and identification of land that might be suitable and available for development of appropriately scaled development in rural towns and villages in conjunction with the review of rural housing policy when the revised section 28 guidelines are published.

4. Economic Development and Employment

4.1 Rural Economy

The Office welcomes PMA CH6.21 which gives greater clarity to policy ED89 by removal of the reference to the term 'commercial' development in rural areas. This policy could be further reinforced to make it clear that development in rural areas

should be location specific and resource based, so that the vitality and viability of commercial uses in towns and villages in not undermined.

Notwithstanding this amendment PMA CH7.18 introduces a new policy to allow tourism accommodation for new holiday chalet/caravan/mobile home parks in rural areas on a 'case-by-case' basis. This is in conflict and undermines policy TM49 of the draft Plan, which clearly directed new holiday home developments to serviced towns and villages and indicated that only new holiday homes in rural areas were to be ancillary to integrated tourism/leisure/recreation complex.

The Office also notes that additional policies have been included under PMA 6.25 and PM 6.26 to facilitate small business developments and small workshops within the curtilage of dwellings in rural areas. The draft Plan does not, however, specify parameters in relation to the nature or extent of such business, which could cumulatively adversely affect the vacancy and economic development of rural towns and villages, and lead to unsustainable travel patterns. Careful monitoring will be required to:

- (a) ensure that development in the rural areas is appropriate;
- (b) allow for growth in the agri-food sector in line with government policy;
- (c) ensure the viability of commercial uses in towns and villages is not undermined; and
- (d) to avoid unsustainable travel patterns.

MA Recommendation 4 -Tourist Accommodation

Having regard to NPO 16, RPO 26 and RPO 27 to reverse rural decline in small towns and villages and to support regeneration of these settlements, the planning authority is required to make the Plan without Proposed Material Amendment PMA CH7.18.

MA Observation 3 – Monitoring of rural economic policies

The planning authority is requested to put in place mechanisms to measure, monitor and report (where required) the outcomes as exhibited in the development management systems (including s247 pre-application consultation, planning applications and appeals) of the following policies:

- (i) Rural economy Policy ED89, as amended under PMA CH6.21;
- (ii) New policy objectives in respect of commercial development in rural areas and facilitating small workshops within the curtilage of dwellings (PMA CH6.25-6.26)

4.2 Retail

The Office welcomes that the retail hierarchy has been amended to reflect the revisions to the settlement hierarchy, under PMA CH3.37 and PMA Retail.1.

The Office recognises that the projected retail requirements are based on the population projections contained in the core strategy, which are broadly acceptable. However, like many elements of the plan the relevant date/lifespan of the plan 2022-2028 is not appropriately reflected; this matter extends to the retail strategy set out in volume 8 of the Plan.

Consistent with MA Observation 1 above, the planning authority should consider undertaking minor modifications to ensure that the plan is internally consistent and reflects the true life of the Plan in order to ensure certainty and clarity for implementing the Plan.

5. Sustainable Transport and Accessibility

The Office welcomes the planning authority's response to Recommendation 8 of the Office's submission to the draft Plan. PMA CH8.3 includes baseline figures for modal share and targets for 2027 for the county as a whole, and for Wexford, Gorey, Enniscorthy and New Ross.

The inclusion of baseline data will enable effective review and monitoring and the inclusion of specific targets for the key towns and large towns will set a strong framework for the preparation of local transport plans and local area plans.

While the Office welcomes the inclusion of modal share targets, the evidence basis for both the county and settlement level targets is not clear, in particular whether a profiling of travel patterns has been undertaken. This is considered important given the level of commuter patterns between the north of the County and the Greater Dublin Area, and to better understand rural transport issues and the functional relationship between urban settlements and their associated rural catchments.

However, it is noted that the modal share targets will be reviewed as part of the LTP process for the four main towns and this will provide an opportunity for this type of analysis in relation to these settlements and in conjunction with the preparation of the relevant LAPs.

The Office also welcomes the other commitments to a sustainable transport strategy including implementation of the 10-minute town concept (PMA CH 8.11) and walking and cycling policies (PMA CH 8-21). The Office is aware that the local authority has been collaborating with the NTA under the Connecting Ireland project and, as referenced above, early engagement in the preparation of LAPs and settlement plans will be important to maximise integration of land use and transport and having regard to the climate action agenda.

5.1 Spatial Planning and National Roads Guidelines for Planning Authorities (2012)

The Office welcomes material amendments PMA CH 8.33, which gives greater effect to the section 28 *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* in compliance to Recommendation 9 (iii) and part of 9(iv) of the Office's submission to the draft Plan.

However, the planning authority has not fully addressed Recommendation 9 (iv) in respect of revisions required to TS59. The amendments retain the category 1 exceptions for access to national roads and therefore defers critical road safety and

policy considerations to the development management function, which is contrary to the section 28 Ministerial Guidelines on *Spatial Planning and National Roads* (2012).

The Office notes that there has been a lack of engagement with TII in preparation of the material amendments which could have avoided such non-compliance and that through minor modifications to the text there is an opportunity to ensure that policy TS59 is compliant with the guidelines.

MA Recommendation 5 – Spatial Planning and National Roads

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 by way of minor modification to the include the following additional text (in red) and delete reference (shown ~~strikerthrough~~) to pre-application consultation with TII in Objective TS59 Category1:

‘The Council will only consider developments of national or regional importance under this category where access is proposed to/from non-motorway and non-dual carriageway national roads. The Council will have regard to whether or not that national road is to be by-passed in its considerations. Such proposals are required to be subject to an evidence base and incorporated into the Development Plan by amendment or variation in accordance with the provisions of the Spatial Planning and National Roads Guidelines (2012) in advance of any decision to permit such proposals. Applicants for development will be required to undertake preplanning consultation with Transport Infrastructure Ireland’.

6. Climate Action and Renewable Energy

6.1 Climate Action

The Office welcomes inclusion of PMA 2.17 and 2.20, which reference the forthcoming Local Authority Climate Action Plans and also commits to review the plan in the context of the Section 28 Development Plans Guidelines on their adoption.

It is observed that the material alterations include reference to the *Climate Action and Low Carbon Development Act, 2021* as the Bill and do not reference the government's Climate Action Plan 2021, as published in November 2021.

MA Observation 4 - Climate Action Strategic Policy

The planning authority is requested to include by way of minor modifications to the text throughout the plan, and in particular within volume 10 Energy Strategy, accurate referencing to the enacted *Climate Action and Low Carbon Development Act, 2021* (no longer in Bill form) and appropriate reference to the government's *Climate Action Plan 2021*.

6.2 Renewable Energy – Solar Development

The Office notes that in response to Recommendation 10 of the Office's submission to the draft Plan, the planning authority has confirmed in its section 12(5)(aa) notice that this recommendation has not been complied with.

The Office further observes that instead of omitting exclusion zones, the planning authority has sought to extend the number of settlements for which this exclusion zone applies to incorporate level 4 'large villages'. (PMA ES.7-10) This is illustrated in the update to maps 5-6 under PMA ES 9-10 which indicates the exclusion zones to an additional 15 settlements across the county.

The Office notes that the planning authority has not amended the text setting out the justification for the exclusion zones, therein it is stated that '*solar PV developments (solar farms) are generally not considered an efficient use of land within built up areas for towns and villages and should be avoided in these areas*'. The Office notes that the reason for these exclusion zones is '*to allow for future expansion of these settlements*'.

The Office remains unconvinced of the soundness of the rationale for these exclusion zones, in the context of compact growth and where there is a considerable excess of lands zoned in the settlements.

Notwithstanding the Office's reservations on the inclusion of exclusion zones, it is acknowledged that map 6 (PMA ES.10) provides for considerable areas of the county where solar farms are open for consideration.

A further amendment PMA ES.14 seeks to include a new solar energy objective to:

Facilitate, where appropriate, smaller scale solar energy developments in urban areas, industrial estates, business parks and small community-based proposals, subject to compliance with normal planning and environmental criteria and the development management standard contained in section 4.2.5.

The Office recognises this policy has a different emphasis and relates to smaller scale solar energy development, as opposed to 'solar farms' however the relationship between this policy and the exclusion zones should be made clear to avoid conflicting objectives or interpretation of the plan, which could undermine the delivery of sustainable energy development.

MA Recommendation 6 - Solar PV

Having regard to the government's commitment in the Climate Action Plan 2021 which sets out a target of increasing the share of electricity demand generated from renewable sources up to 80% by 2030 (including an increased specific targets of up to 12.5GW of solar renewable energy), National Policy Objective 55 which promotes renewable energy use and generation to meet national targets, and in the interests of clarity and transparency, the planning authority is required to include a minor modification to the Energy Strategy (volume 10) to include the following:

- (i) clarification of the relationship between new policy objective PMA ES.14 in respect of smaller scale solar developments and the exclusion zones around settlements as per map 5 and PMA ES.7. As these policies could be interpreted to be internally conflicting; and

- (ii) a commitment to undertake a strategic review of the solar PV exclusion zones of 1km around the four settlements in level 1 and the 250 metres exclusion zone around settlements in levels 2-4. This review should be undertaken in tandem with the preparation of local area plans and variations to the development plan to incorporate town and village plans (as per PMA CH3.24 and 3.26).

6.3 Renewable Energy – Wind Energy

At draft Plan stage the Office observed that there was narrative in the plan that made reference to letters of consent from adjoining landholders (within 250m) for wind energy development. This comment was not carried into the development management standards nor was it stated in the policy objectives ES6-15; thus was considered to be erroneous. This was not a matter subject of a recommendation/observation. However the planning authority has confirmed this was not included in error and under PMA ES.17 and ES.20 seek to enshrine this standard in the plan and further increase the distance to 300 metres.

There is no basis for the introduction of the requirement for letters of consent from adjoining landowners and this policy is inconsistent with the Section 28 *Wind Energy Development Guidelines* (2006) and the associated *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* (2017).

The inclusion of additional land owner consent requirements could frustrate and impede the delivery of wind energy development which is a government commitment in the Climate Action Plan 2021.

MA Recommendation 7 - Wind farm consent letter

Having regard to the Government's commitment in the Climate Action Plan 2021 which sets out a target of increasing the share of electricity demand generated from renewable sources up to 80% by 2030 (including an increased specific targets of up to 5 GW of offshore renewable energy), National Policy Objective 55 which promotes renewable energy use and generation to meet national targets,



and the section 28 guidelines *Wind Energy Development Guidelines* (2006) and the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* (2017), the planning authority is required to omit the requirement for adjoining land owner consent in the written narrative of the Plan and to make the Plan without PMA ES.17 and PMA ES.20.

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.

Yours sincerely,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
