



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: MA-023-22

27th October 2022

Senior Executive Officer,
Planning Department,
Kildare County Council,
Áras Chill Dara,
Devoy Park,
Naas,
Co. Kildare
W91X77F.

Re: Material Alterations to Draft Kildare County Development Plan 2023 - 2029

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft Kildare County Development Plan 2023 - 2029 (the draft Plan).

As your authority will be aware, one of the key functions of the Office of the Planning Regulator (the Office) includes 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.

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 major task undertaken by Kildare County Council in preparing and publishing the material alterations to the draft Plan and appendices containing the associated technical and environmental reports. The presentation of the material amendments in a systematic and coherent manner has allowed all parties to access and understand the proposed amendments, and the Office would like to commend the planning authority for its approach.

In particular the Office welcomes the updates made to the draft Plan with respect to the Climate Action Plan 2021 and the commitment to prepare Local Transport Plans for each of the Local Area Plans.

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 Eastern and Midland Regional Assembly area, but recommended changes to ensure consistency with national and regional policies and having regard to section 28 Guidelines.

In particular, the submission sought a better alignment between the core strategy in the draft Plan, required under Section 10 of the Act, and the approach to mid-tier settlements in the county settlement hierarchy.

Specifically, our recommendations sought a revised approach to future housing and population growth in Clane so that the ongoing rapid pace and scale of development

might be better matched with the capacity of its social and physical infrastructure to meet the needs of existing and future residents, including public transport.

Our recommendations also required that the growth of certain settlements, including Kill, Derrinturn, Prosperous and Blessington, together with the Tier 5 villages and Tier 6 settlements be re-examined having regard to flood risk, wastewater treatment infrastructure constraints and to ensure that development occurs in a manner consistent with compact growth, the sequential approach to development.

The allied intention of the above was to support the further development of key and strategic locations such as Naas, Maynooth, Newbridge and Kildare, each of which benefit from substantial infrastructural investment, locations on strong public transport routes and the capacity to deliver self-sustaining locations with housing, employment and community facilities.

The Office also raised significant concerns regarding the approach to flood risk management in the draft Plan, including the preparation of the Strategic Flood Risk Assessment in accordance with National Policy Objective 57 and the *Planning System and Flood Risk Management Guidelines (2009)*, and the zoning of lands for highly vulnerable residential use in tier 4, 5 and 6 settlements (Recommendations 3, 5 and 13).

Where the recommendations of the Office have not been fully addressed, the Office has carefully considered the reasons set out in the CE's report and notice letter to the Office under section 12(5)(aa).

The Office remains particularly concerned, however, in relation to a number of specific zoning objectives in flood risk zones as detailed in section 2.2 of this letter.

The Office also notes the decision of the planning authority not to comply with Recommendation 2, the designation of Clane in the settlement hierarchy, which is also addressed in further detail below.

Where material amendments were not made to address our recommendations, your authority is advised that section 12(10) of the Act provides scope to make a further



modification to a material alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

This submission also sets out and explains the serious concerns of the Office with regard to a number of material amendments in relation to land use zoning objectives, which conflict with national and regional policy for flood risk management, compact growth, sequential development, and zoning of employment uses.

It is within this context the submission below sets out 7 recommendations and 2 observations under the following [number] themes:

Key theme	MA Recommendation	MA Observation
Core strategy and settlement strategy	1	-
Sustainable Development	2,3,4	1
Economic Development and Employment	5	-
Sustainable Transport and Accessibility	-	2
Climate Action	-	-
Flood Risk Management	6	-
Record of Protected Structures	7	-

1. Core Strategy and Settlement Strategy

1.1 Core Strategy Table

The Office welcomes the clarity provided by the amendment MA 2.7 to include footnote references to Objectives V GO4 and V GO9 to the core strategy table 2.8.

However, it is noted that there are no further amendments proposed to the core strategy table 2.8 as requested by Recommendation 1 of the Office's submission to the draft Plan with.



The Office acknowledges the comments in the Chief Executive's Report in this regard and that new LAPs will be prepared for the majority of the larger settlements in the County at which point the detail on shortfall and/or excess lands in table 2.8 would then be outdated. Notwithstanding, and having regard to Section 10(2A)(c) and (d) of the Act and section 4.4 of the Development Plan Guidelines for Planning Authorities (2022), the Office considers that the Plan should provide clear information regarding the shortfall or excess of residential zoned land to inform the forthcoming LAPs.

1.2 Settlement Hierarchy

In relation to the designation of Clane as a tier 3 self-sustaining growth town in the county settlement hierarchy, the Office commends the planning authority in commissioning AIRO to prepare an assessment of the overall function and performance of the settlement in order to provide an evidence based approach to the capacity of Clane to accommodate further growth.

This report indicated a population growth in Clane of 34% between 2002 and 2016; 39% of the resident workers in the town commute out of County Kildare to work; and 77% of those surveyed in 2016 census travel to work by private car.

Having considered this report and the public submission in the draft Plan, the Office notes the recommendation in the CE report that Clane be designated as a tier 4 town in the settlement hierarchy, which would have addressed Recommendation 2 of the Office's submission.

However, notwithstanding the CE Report and the evidence presented in the AIRO report, the elected members did not accept the CE recommendation and Recommendation 2 of the Office's submission has not, therefore, been addressed.

The result of the above undermines the purpose of the core strategy and the settlement strategy which sets out the parameters for growth within the county and the spatial priorities for that growth. It is also inconsistent with section 10(2)(n) of the

Act for the promotion of sustainable settlement and transport strategies to address climate change.

The decision of the members not to address Recommendation 2, will be considered by the Office in the context of its final assessment of the Plan when made. However, the planning authority should be aware of the serious concerns of the Office that this designation is not consistent with national and regional policy, and in particular risks the development of too many new homes in a town which has experienced significant population growth in recent years, and which has limited capacity to support sustainable development.

The Office further notes that a number of material amendments are proposed that re-designate the tier 7 Rural Node Lackagh/Mountrice as a tier 6 rural settlement (RS 1, RS 2, RS 3 and RS 4). There is no evidential basis or planning rationale provided for these amendments. Furthermore, the settlement boundary comprises two isolated stretches of ribbon development 1.3km apart and is dispersed in character with limited infrastructure provision. It does not, therefore, have the characteristics, services, infrastructure, or functional role commensurate with a tier 6 settlement.

MA Recommendation 1 – Settlement Hierarchy

Having regard to National Policy Objectives NPO 3, NPO 15, NPO 16 and section 4.2 – Settlement Strategy and Section 4.3 – Defining a Settlement Typology of the Regional Spatial and Economic Strategy, the range of social, community and retail services as well as capacities in service infrastructure such as footpaths, cycle lanes and public transport available, the planning authority is required to remove proposed amendments RS 1, RS 2, RS 3 and RS 4 that designate Lackagh/Mountrice as a tier 6 rural settlement



2. Sustainable Development

2.1 Development Approach for Settlements and Compact Growth

The Office generally welcomes the approach of the core strategy to seek to provide for a consolidated urban form within existing settlements and acknowledges the planning authority's intention to address the issue of residential zoning of land in the larger settlements through the preparation of new local area plans.

Notwithstanding, and as raised in the Office's submission to the draft Plan, it is considered that the draft Plan should prioritise the review of LAPs, in particular for Clane and Kilcullen, to ensure that these plans, and the zoning objectives therein, are aligned with the provisions of the core strategy.

The planning authority will be aware of the requirements of section 19(2b) of the Act that where any objective of an LAP is no longer consistent with the county development plan, the planning authority must as soon as may be (and no later than one year after the making of the development plan) amend the LAP to make it consistent. The Office advises, therefore that the planning authority sets out a clear timeline with respect to the commencement of the review of these LAPs.

MA Observation 1 – Local Area Plans

Having regard to the provisions of section 19(2b) of the Planning and Development Act 2000, as amended (the Act), concerning the time limit for ensuring consistency between existing Local Area Plans and the development plan, the planning authority is advised to provide greater clarity and certainty for the public by introducing a minor modification to amend the wording proposed in material amendment 2.11 (amend CSO 1.9 of the draft Plan) to make clear that where any objective of an LAP is no longer consistent with the development plan, the planning authority will as soon as may be (and no later than one year after the making of the development plan) amend the LAP to make it consistent.

The draft Plan set out a range of policies and objectives to support compact growth and regeneration but did 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 (2022)* (Development Plans Guidelines). 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.

The Office also reiterates the importance of identifying ‘*opportunity sites*’ in all of the tier 4 settlements as part of an active approach to land management.

2.2 Land Use Zoning

The Office notes the decision of the planning authority not to review the extent of lands zoning in a number of the tier 4, 5 and 6 settlements to address Recommendations 3, 6 and 7 in particular. This matter will be considered by the Office in the context of its final assessment of the adopted Plan in relation to the approach to zoning for residential use without a strong planning rationale. In particular, the Office remains concerned that lands remain zoned in the draft Plan which are zoned residential and are located in areas identified as at risk of flooding on the draft Plan zoning maps and where the plan-making Justification Test was not corrected applied, including

- Two land parcels outside the CSO boundary to the west of Blessington (5.39ha and 6.75 ha)
- Land outside the CSO boundary to the north of Prosperous (4.7 ha)
- Lands zoned outside of the CSO boundary for serviced sites to the south of Kill (5.1 ha)
- Lands to the northwest of Casteldermot (1.5ha)



- Lands to the south west of Allenwood (3.8 ha)
- Lands to the east of Ballymore Eustace (3.9 ha)
- Land within the plan boundary in Allen, Broadford, Kilberry, Kilkea, Nurney, Staplestown.

Given the extent of land zoned in the draft Plan, the Office has serious concerns regarding a number of material amendments which zone additional lands in tier 4 and 5 settlements, often outside of the CSO boundary, and further from services and facilities in a manner which does not follow the policy and objective to adopt a sequential approach to zoning for residential development under section 6.2.3 of the Development Plans Guidelines. These guidelines state that planning authorities should consider first and foremost how to encourage town and village development starting with their centres before moving outwards in a considered way that results in compact, well-planned, walkable and attractive places.

This also has the potential to undermine wider plan objectives and the core strategy to support sustainable development of upper tier settlements to achieve compact growth (consistent with NPO 3) and sustainable development of rural areas (NPO 15).

The Office welcomes the introduction of 'Strategic Reserve' land use zoning objective in Kill but notes that 'dwellings' are open for consideration on these lands.

Instead of focusing on building up local communities through sensitive infill development, reuse of existing buildings, these amendments will instead encourage piecemeal additions to sensitive local communities that have access to limited services and infrastructure which is contrary to the obligations on all local authorities to secure compact forms of urban development and contrary to the implementation of sequential and public transport and active travel centred housing delivery locations.

The amendments are, therefore, considered to be inconsistent with national and regional policy in respect of compact growth (NPO 3c and RPO 3) and/or with sequential residential zoning under the Minister's Guidelines, the implementation of



the core strategy, the proportionate growth of settlements (NPO 18a), and the provision of a sustainable settlement and transport strategy in accordance with section 10(2n) of the Act.

MA Recommendation 2 - Land Use Zoning Amendments in Tier 4 & 5 Settlements

Having regard to national and regional policy objectives NPO 3c and NPO 18a, section 6.2.5 and 6.4.5 of the *Development Plans, Guidelines for Planning Authorities (2022)*, and section 10(2)(n) of the *Planning and Development Act 2000*, as amended, the Office considers that the following settlement boundary extensions and 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.

- (i) the planning authority is therefore required to make the Plan without the following material amendments:
- Amendment ST20 Rathangan;
 - Amendment V15 Allenwood;
 - Amendment V16 Athgarvan;
 - Amendment V22 Ballymore Eustace;
 - Amendment V24 Coill Dubh/Coolearagh;
 - Amendment V26 Crookstown;
 - Amendment V28 Johnstownbridge;
 - Amendment V33 Robertstown
- (ii) the planning authority is required to include a minor modification as necessary to clarify that the lands identified as strategic reserve are



generally not developable for housing within the lifetime of the Plan except under exceptional circumstances.

The Office acknowledges that the lands included in the plan boundaries for the tier 6 settlements do not constitute zoned land as identified in section 3.1.1, Volume 2 of the draft Plan.

Notwithstanding, the housing supply target for tier 6 (comprising 19 settlements) is 137 new homes, while the plan boundaries provide for substantially in excess of this provision¹. This has the potential to undermine wider plan objectives and the core strategy to support sustainable development of upper tier settlements to achieve compact growth (consistent with NPO 3) and sustainable development of rural areas (NPO 15).

Furthermore, having reviewed the proposed material amendments in respect of the tier 6 settlements, concerns remain about the extent of land included within these settlements that will further provide for residential development relative to the housing supply targets in the core strategy and the local characteristics of these settlements.

The Office is therefore of the view that the cumulative effect of material amendments RS 6, RS 7, RS 9, RS 10, RS 11, RS 13, RS 14, RS 15, RS 17 result in an incoherent and piecemeal strategy for the proper planning and sustainable development of these areas.

MA Recommendation 3 - Tier 6 Rural Settlements

Having regard to national policy objectives NPO 3c and NPO 15 which support compact growth and sustainable development of rural areas, and the draft Plan's core strategy objectives CSO 1.1, CSO 1.2 and HO 09, the planning authority is required to make the Plan without the following amendments:

¹ Draft Plan provided 44 hectares of 'Settlement Expansion' and 12.5 hectares for 'Serviced Sites'.

- RS 6 Brannockstown
- RS 7 Brownstown
- RS 9 Cutbush
- RS 10 Kilberry
- RS 11 Killeel
- RS 13 Maganey/Levitstown
- RS 14 Maganey/Levitstown
- RS 15 Milltown
- RS 17 Nurney

2.3 Residential Land Use Zoning – Infrastructure capacity

The Office's submission to the draft Plan welcomed the infrastructure assessment in chapter 17. However, a refinement to the methodology was required to adhere to the Tiered Approach to Zoning as per NPO 72 of the NPF in Recommendation 9.

There are no material amendments proposed in response to Recommendation 9. The Office notes the comments in the CE Report that all lands zoned are considered either tier 1 or tier 2 and that further guidance has yet to be issued in relation to NPO 72. However, it is considered the standardised methodology in Appendix 3 can be followed and is not therefore dependent on future guidance given that there is a methodology provided.

Furthermore the Office notes that a number of proposed amendments in Volume 2 associated with the tier 4, 5 and 6 settlement plans state that upgrading of the wastewater treatment plant networks are necessary (ST 6 Derrinturn, ST 17 Rathangan, V6 Allenwood, V 14 Timolin, RS 8 Calverstown, RS 16 Nurney, RS 18 Rathcoffey). There is no clear timeline provided for these upgrades to justify the

consideration of these lands as being serviceable within the lifetime of the plan (ie tier 2).

The planning authority is advised to consider these details with respect to the suitability of additional lands being zoned in these settlements as outlined in section 2.2 above.

Notwithstanding and as previously advised, the detail provided in the infrastructure assessment of the draft Plan does not reflect the standardised approach set out in the Development Plan Guidelines or Appendix 3 of the NPF. A detailed infrastructure assessment is an important tool to inform the zoning of land, but it is also an important source of information for landowners and developers in deciding whether to make an application for development, and can be a determining factor in the activation of a planning permission and the delivery of much needed housing.

Accordingly, the Office considers that further clarity is required to ensure consistency with NPO 72 (a-c) and there should be a policy commitment to prepare a more detailed infrastructure assessment to inform the local area plans for the larger settlements.

MA Recommendation 4 - Tiered Approach to Zoning

Having regard to NPO 72, the planning authority is required to insert a footnote to new objective CSO 1.18 to state *'detailed infrastructure assessments, consistent with NPO 72 and the methodology for a Tiered Approach to Zoning under Appendix 3 of the NPF, and Settlement Capacity Audits under Appendix A of the Development Plans, Guidelines for Planning Authorities (2022) will be prepared to inform the development strategy for future Local Area Plans in the county'*.



3. Economic Development and Employment

The Office's submission to the draft Plan generally accepted the strong policy support for promoting the economic development of County Kildare consistent with the guiding principles and regional policy objectives of the RSES.

Having reviewed the proposed material amendments in respect of the zoning objectives for economic and employment uses, the Office has identified amendments where the evidence and rationale underpinning the zoning is not clear or strategic in nature as per section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities (2022)*.

Amendments EN5 and EN 7 proposed to add a new site specific objective and amend Map V2 – 2.2 to zone lands for H3 Industry/Warehousing to the south west of Ladytown.

The Ladytown Business Park consists of an 'island' of Industry & Warehousing zoned land surrounded by agricultural/rural land in a location that is remote from high quality public transport and a significant residential population. The subject lands are in agricultural use and the rezoning does not provide for compact growth or follow a sequential approach, and does not provide for a plan led approach that facilitates sustainable travel patterns contrary to national (National Strategic Outcome 1) and regional planning objectives (RPO 5.3 and 5.6). The rezoning provides for greenfield development outside rather than within the existing built up areas of Naas and Newbridge settlements.

The proposed amendment would effectively extend the existing mixed use industrial/warehouse park (Ladytown Business Park) further into the rural area and are not sequentially located to provide for utilisation of existing infrastructure and/or sustainable transport options.

The Office notes that Ladytown is not included in Table 4.1 of the draft Plan which sets out the hierarchy of employment centres for the county. The draft Plan already provides 119 hectares of undeveloped enterprise and employment lands before the



enterprise and employment zoning at Ladytown is added in and in a location poorly served by public transport.

Further, Action RE A1 of the draft Plan sets out “*to undertake an evidence based assessment together with LEO, Enterprise Ireland and the IDA to inform the location of strategic employment sites throughout Kildare*”, so the inclusion of this land parcel is also premature and without any evidential basis pending the outcomes of this assessment.

The Office considers that the rezoning is contrary to compact growth and sequential development and would support unsustainable car dependant development at a greenfield location remote from high capacity public transport and in close proximity to a junction on the national road network.

MA Recommendation 5- Employment Lands

Having regard to National Strategic Outcome 1 (Compact Growth) and National Policy Objective 11 of the National Planning Framework (NPF), Regional Policy **Objectives 6.1** of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly, section 6.2.5 of the ***Development Plans, Guidelines for Planning Authorities 2022*** and to the implementation of objectives to promote sustainable settlement and transport strategies under section 10(2)(n) of the Act, the planning authority is required to make the Plan without the following amendments:

- (i) EN5 to add a new site-specific objective as LE 03 (Ladytown) in Section 2.7 (Volume 2)
- (ii) EN7 to amend Ladytown Environs Plan to zone lands H3 Industry/Warehousing.



4. Sustainable Transport and Accessibility

The Office's submission to the draft Plan welcomed the policies and objectives which support modal shift, compact growth, decarbonising transport and transition to more sustainable travel modes, consistent with Government's transport policy, *Smarter Travel: A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020*.

The Office welcomes the material amendments to Chapter 5 in the draft Plan which will support the integration of landuse and transport planning and will further align the Development Plan with national and regional transport policy.

The Office also commends the planning authority for the amendments to a number of policies to reflect the requirements of the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*. Further, the Office notes the amendments to TM A2 to reference the ABTA Guidelines which provide a methodology for the preparation of Local Transport Plans.

While the Office appreciates the planning authority's ambition for a new station serving the Curragh, this infrastructure project is not included in the NTA's *Draft Transport Strategy for the Greater Dublin Area 2022 – 2042*. Therefore, the planning authority is advised to review the material amendments which sets out to investigate the feasibility of a new station serving the Curragh to avoid creating unrealistic expectations around the delivery of this project and in the interest of clarity and transparency.



MA Observation 2 – Rail Station at the Curragh

Having regard to section 9(6A) of the Planning and Development Act 2000, as amended and the need to ensure that the Kildare County Development Plan is consistent with the *Greater Dublin Area Transport Strategy 2022 – 2042*, the planning authority is advised to review amendment No 5.43 which '*investigates the feasibility of a new train station at the Curragh*' and acknowledge any decision to develop a new rail station will be progressed by the NTA in conjunction with Irish Rail.

5. Climate Action

The Office welcomes the response of the planning authority to Recommendation 12 and Observation 3 and 4 of its submission to the draft Plan. In particular the Office commends the planning authority for including proposed amendment MA 7.3 to revised Action EC A1 on the preparation of a Climate Action Plan for County Kildare and a number of amendments to ensure consistency with the *Climate Action Plan 2021*.

6. Flood Risk Management

The Office welcomes the planning authority's updates to the Strategic Flood Risk Assessment (SFRA) and the decision of the planning authority to include a number of amendments to rezone lands identified as within a flood risk zone to water compatible uses such as Open Space².

Notwithstanding, the Office notes that the plan-making Justification Test has not been updated in accordance with *The Planning System and Flood Risk Management 2009* (the Flood Guidelines) as required by Recommendation 13 of the Office's submission to the draft Plan.

² Amendments V 19, V 29 and ST 3.

As set out in section 2.2 above, the Office remains concerned regarding the zoning of lands for housing in flood risk areas where the Justification Test has not been carried out in accordance with the Flood Guidelines.

In this regard the Office advises the planning authority to ensure that the SFRAs prepared for the forthcoming LAPs include flood risk zones overlaid on land use maps to demonstrate that the sequential approach has been followed, and thereafter that the plan-making Justification Test is used in exceptional circumstances to successfully and transparently incorporate flood risk into the decision-making process on development plans in cases where flood risk areas cannot be avoided and where vulnerable land use zonings cannot be substituted.

In relation to the material amendments, the Office notes with concern that a number of material amendments have been proposed for the zoning of lands at risk of flooding for vulnerable or highly vulnerable uses in the settlements of Castledermot, Kilberry and Kill which have not passed the Justification Test contrary to NPO 57 to avoid inappropriate development in areas at risk of flooding in accordance with the Flood Guidelines.

MA Recommendation 6 - Flood Risk Management

Having regard to NPO57 and to the provisions of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) the planning authority is required to make the Plan without the following material amendments in Volume 2 Material Alterations:

- ST 4 Castledermot
- RS 10 Kilberry
- ST 13 Kill

The planning authority may consider making the Plan with proposed amendment V 27 Johnstown subject to a minor modification to state that '*the use or development of the lands will not cause unacceptable adverse flood risk impacts elsewhere*'.



7. Record of Protected Structures

The Office notes that a number of amendments are proposed to the Record of Protected Structures including three deletions. 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.'*

Volume 2, Appendix 6 details the following to be removed from the Kildare County Council Protected Structures:

- MA APS3 remove Hillford House (Ref No PPS 21)
- MA APS 4 remove Knockaphuca Houses (Ref No PPS 28)
- MA APS 5 remove Cope Bridge (Ref No PPS 20)

There is no structure address, photographs and/or analysis provided for these properties proposed for deletion. 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 2, Appendix 6.

MA Recommendation 7 - Record of Protected Structures

Having regard to National Policy Objective 17 of the National Planning Framework, the National Inventory of Architectural Heritage, 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) Hillford House (Ref No PPS 21)
- (ii) Knockaphuca Houses (Ref No PPS 28)
- (iii) Cope Bridge (Ref No PPS 20)

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.



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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,

A handwritten signature in black ink that reads 'AM O'Connor'.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
