

5th December 2022

Planning Department,
Civic Offices,
Tipperary County Council,
Emmet Street,
Clonmel,
Co. Tipperary,
E91 N512

Re: Issues Paper for the Clonmel Local Area Plan 2024 – 2030

A chara,

Thank you for your authority's work in preparing the Issues Paper for the proposed Clonmel Local Area Plan 2024-2030 (the Issues Paper). The Clonmel Local Area Plan 2024 – 2030 (the LAP), which will replace the Clonmel and Environs Development Plan 2013 - 2019, is a mandatory local area plan under section 19(1)(b) of the *Planning and Development Act 2000*, as amended (the Act).

The Office welcomes the commencement of the plan-making process, through the publication of the Issues Paper, in view of the provisions under sections 18(4)(b) and 19(2B) and in view of the recent adoption of the Tipperary County Development Plan 2022-2028 (the Development Plan) on 11th July 2022.

The Office acknowledges your authority's work, more broadly, in advancing the preparation of the LAP.

As section 20(1) does not prescribe the requirements for public consultation at pre-draft stage for LAPs, the planning authority is commended for publishing an Issues Paper, engaging proactively with the public and notifying the Office of the intention to prepare the LAP. The future LAP has the potential to deliver on key objectives of the Development Plan, including housing, employment and services.

In accordance with the provisions of section 31AO of the Act, the Office is obliged to evaluate and assess local area plans in the context of certain statutory parameters including:

- matters generally within the scope of section 19;
- consistency with the objectives of the development plan, its core strategy, the Regional Spatial and Economic Strategy for the Southern Regional Assembly (the RSES);
- consistency with the transport strategy of the National Transport Authority;
- ministerial guidelines made under section 28;
- ministerial policy directives issued under section 29; and
- such other matters as the Minister may prescribe under section 262 or otherwise prescribe.

The Office has set out some broad issues, relevant to the preparation of most, if not all LAPs, in addition to some specific issues of particular relevance to the preparation of this LAP, under the following ten themes:

1. Strategic Policy Framework
2. Development plan and core strategy
3. Zoning, compact growth and infrastructural services
4. Regeneration
5. Education, social and community amenities
6. Economic development and employment
7. Transport and mobility
8. Environment and natural and built heritage
9. Climate change mitigation and adaptation
10. Implementation and monitoring

The Office's comments are offered without prejudice to any observations and recommendations as may be forthcoming from the Office at future stages of the plan making process. They do not affect the obligation on your planning authority to comply

with the relevant legislative requirements, or to be consistent with the fullness of the detailed policy context of the higher order plans and strategies and Ministerial guidelines.

1. Strategic Policy Framework

The planning authority will be aware that section 20(5) of the Act requires the LAP to be consistent with the objectives of the RSES, in addition to the National Planning Framework (NPF), the specific planning policy requirements (SPPRs) of section 28 guidelines and the relevant development plan.

The provisions of the RSES have generally been transposed through the Development Plan. Therefore, in ensuring consistency with the Development Plan and core strategy, the planning authority can ensure that it is also generally consistent with the RSES and NPF. However, the Office would encourage the planning authority to liaise with the Southern Regional Assembly in preparation of the draft LAP to ensure consistency with the RSES, particularly where clarity is required on the objectives and guiding principles set out therein.

The Issues Paper demonstrates a clear understanding of the role of the settlement within the wider county and regional context. Clonmel is identified as a key town in the RSES, which acts as a key regional centre for health, social and cultural activities. It is a regional policy objective (RPO) of the RSES (RPO 17) to support Clonmel as a self-sustaining regional economic driver and as a key location for investment in the region. RPO 17 also seeks to support planned place-making initiatives for redevelopment of Kickham Barracks and *Clonmel Flights of Discovery*. The development of Clonmel's economic synergies and potential within the Limerick-Waterford east-west axis through improvements in public transport and upgrades to the N24 Waterford Limerick strategic routes is also supported by RPO 17.

In aligning with the RSES, the LAP should consider the strategic vision, goals and guiding principles of the RSES, in addition to consistency with the relevant RPOs.

The LAP should also consider practical implementation issues and measures that can best be promoted via the policies and objectives of the LAP.



2. Development plan and core strategy

Section 19(2)(b) of the Act also requires that the LAP shall be consistent with the objectives of the Development Plan and its core strategy. A key message of the section 28 *Local Area Plan Guidelines for Planning Authorities* (2013) (LAP Guidelines) is that consistency between local area plans and the core strategy of development plans is an essential requirement, particularly in relation to the quantum and location of lands identified for development.

The Office would therefore caution against the introduction of any objectives that would conflict with the detailed provisions of the core strategy for the settlement and the housing supply target for the settlement.

Tipperary is the only county with three Key Towns, including Clonmel, designated in the RSES and under the Development Plan. However, the Office acknowledges the higher designation of Clonmel as a Key Town and Self-Sustaining Regional Driver in the core strategy. In this respect, the core strategy indicates that there is currently 136 ha of available zoned lands for Clonmel with an estimated requirement of between 51.8 ha and 63.5 ha of residential zoned land.

In its submissions on the review of the Development Plan the Office raised concern about the extent of residential zoning relative to that required to deliver the housing supply targets for the Key Towns and District Towns. The *Development Plans, Guidelines for Planning Authorities* (2022) (Development Plans Guidelines) provide clear guidance in terms of ensuring that sufficient housing lands/sites are provided based on the housing unit yield of land zoned for residential and a mix of residential and other uses. This is critical in terms of the ability to plan for the timely delivery of physical and social infrastructure in the right location to serve new housing development and to support compact and sequential growth.

The Office notes that, in response, the planning authority committed, through the preparation of the LAPs, to the application of the mechanisms to address excess residential land use zoning provided for under the Development Plans Guidelines in Objective 4-A of the Development Plan¹.

¹ Footnote 32 to that objective, refers.



3. Zoning, compact growth and infrastructural services

Having regard to section 19(2)(b), the Office would caution against the introduction of objectives, including any land use zoning objectives, that are inconsistent with any objectives relating to land use zoning or otherwise in the Development Plan. In this regard, the objectives of the LAP are required to be consistent with the policy objectives of the RSES, including, in particular, any strategic development sites for the delivery of residential, employment or other uses.

It is noted that land use zoning objectives have not been included for Clonmel in the Development Plan. Where proposed, it will be essential for any land use objectives to demonstrate consistency with the objectives for compact growth under the NPF (NPO 3c) and the RSES (RPO 35) and the efficient use of land (NPO 35). Compact growth will play a central role to the achieving the National Climate Objective and the Government's obligatory target of 51% for greenhouse gas (GHG) emissions reduction by 2030 and for a carbon neutral economy by 2050. The application of mechanisms to address excess residential land use zoning consistent with Objective 4-A of the Development Plan, referred to above, will be a critical consideration in this regard.

In this regard any provisions or standards for residential density or building height in the LAP should have regard to relevant section 28 guidelines, including *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns & Villages* (2009), *Urban Development and Building Heights, Guidelines for Planning Authorities* (2018), and *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* (2020) and should be consistent with any SPPRs therein.

Land use zoning should also follow the policy and objective for a sequential approach to zoning for residential development set out under section 6.2.3 of the Development Plans Guidelines.

Where land use zoning objectives are proposed to be included in the LAP, the planning authority will need to ensure consistency with the provisions for a tiered approach to zoning under NPO 72 a-c of the NPF. This will require the carrying out of an infrastructure assessment for the town in accordance with Appendix 3 of the NPF and with section 4.5.2 - Settlement Capacity Audit of the Development Plans Guidelines.



It will be of critical importance to the implementation of the LAP to ensure that all lands zoned for residential and other development are serviced or will be serviceable during the plan period. This will enable the planning authority to meet the growth targets for the plan period through the delivery of strategic employment land at Ballingarrane as identified in the RSES.

In this regard the Office notes that Irish Water has indicated that there is sufficient water supply and wastewater capacity to accommodate the projected growth set out in the core strategy of the Development Plan. The planning authority will be aware that Irish Water have recently prepared GIS mapping information, in relation to the proximity of zoned lands to water and wastewater networks, as a support tool for local authorities in preparing Residential Zoned Land Tax mapping. The Office therefore advises the planning authority to utilise the available resources and liaise closely and collaborate with the relevant prescribed authorities concerning the delivery of essential services and infrastructure.

4. Regeneration

Both the NPF (NPO 4, 6, 18a, 18b and 35) and the policy objectives and provisions of the RSES place a strong emphasis on the opportunities for urban and village regeneration to create attractive, liveable, well-designed, high quality urban places that provide for a high quality of life and well-being. Regeneration and revitalisation of settlements through reuse of brownfield sites and vacant/underutilised buildings will play a crucial role in mitigating climate change and in achieving the Government's obligatory target of 51% for GHG emissions reduction by 2030 and for a carbon neutral economy by 2050.

Where the RSES identifies any opportunity sites to support town centre regeneration, these opportunity sites and others should be clearly identified in the forthcoming LAP. Notwithstanding, an evidence-based approach should be taken to the identification of regeneration sites, or vacant or underutilised buildings, generally, in accordance with the guiding principles of the RSES for urban infill and regeneration, where applicable. RPO 17 identifies lands at Kickham Barracks and *Clonmel Flights of Discovery* for planned place-making initiatives.

The designation of 'regeneration areas' in the LAP or in the Development Plan is a requirement for the implementation of the Vacant Site Register under the *Urban Regeneration and Housing Act 2015*. In larger settlements (>10,000), the Development Plans Guidelines advise that the identification of 'regeneration areas' should be

coordinated with the identification of 'Settlement Consolidation Sites' determined by the planning authority.

The LAP should align with the objectives of the regeneration strategy of the development plan and focus development on the key regeneration sites identified. There is pressing need to implement a strong policy framework to support the utilisation of existing buildings, brownfield/infill sites, and derelict and underutilised sites. Proactive land activation measures, including the planning authority's powers in respect of land acquisition/compulsory purchase, derelict sites and the vacant land, among others, should all be considered.

Also important in this respect is the Government's *Town Centre First: A Policy Approach for Irish Towns* (2022), which envisages Town Centre First (TCF) Plans as central to informing the future direction of towns and the priority investment interventions supported through TCF-aligned funding streams.

The identification of intended sources of funding to facilitate, support or complement key regeneration projects, such as the recently announced *Croí Cónaithe (Towns) Fund Scheme* (2022), is a further land activation measure to be considered in the LAP. In this regard the Office notes that funding under the Urban Regeneration and Development Fund has been awarded for three projects in Clonmel, public realm and civic plaza improvements at Kickham Barracks, a Regional Sports hub and Kilsheelan Cluster Housing Serviced Sites.

5. Education, social and community amenities

Access to quality childcare, education and health services is a National Strategic Outcome of the NPF. In this regard, the LAP should be consistent with NPO 31, which seeks to align population and employment growth with investment in childcare and education facilities on well-located sites within or close to the existing built-up areas to meet the diverse needs of local populations. The LAP should also be consistent with the objectives of the RSES for education facilities. It should also have regard to the provisions for social audits under the Development Plans Guidelines, or to civic infrastructure audits under the LAP Guidelines.

It is an objective (NPO 4) of the NPF to ensure the creation of liveable places that are home to diverse and integrated communities and (NPO 28) providing improved integration and greater accessibility in delivering sustainable communities and associated services.

This includes planning for the housing/transport/accessibility and leisure needs of an aging population (NPO 30) and for the Traveller community. The LAP should also be consistent with the objectives of the RSES for social and community facilities.

The NPF expects the local authority's *Local Economic and Community Plan 2015-2020* (LECP) should also inform the LAP to provide for the co-ordinated spatial planning of community services for the area. In addition, the local authority's *Traveller Accommodation Programme 2019-2024* should also inform the LAP.

Having regard to NPO 33 to prioritise new homes that can support sustainable development at an appropriate scale of provision relative to location, it is important that the LAP takes an integrated approach to the planning of education, social and community facilities and amenities. The LAP should consider the capacity of existing facilities, including community centres, leisure, amenity and cultural facilities to serve existing and future residents. In addition, and aligned with the need for a sustainable settlement and transport strategy, the LAP should ensure that education, childcare, and social and community facilities can be easily accessed by walking or cycling from existing and proposed new residential areas.

6. Economic development and employment

The LAP Guidelines state that LAPs should include objectives to promote local economic development and employment growth by focusing on issues such as the creation of vibrant and dynamic city and town centres where local businesses thrive and the provision of low cost accommodation for start-up businesses.

The NPF, RSES and the LAP Guidelines emphasise the need to take an evidence-based approach to the inclusion of objectives for employment and other commercial uses. The NPF expects that the local authority's LECP would inform the LAP to provide for the co-ordinated spatial planning for the area.

The LAP is required to be consistent with any objectives of the RSES concerning strategic enterprise/employment sites, or in respect of development type or location-specific development (e.g. rural development). In this regard, both the RSES and the Development Plans Guidelines recognise accessibility as a central consideration in selecting employment zonings and the transport provision of potential locations for development needs to be strategically considered, including through the application of the sequential



approach. The Office notes, in particular, that the RSES and the Development Plan identify Ballingarrane Park as a strategic employment landbank for Clonmel and refer to Munster Vales and the Suir Blueway as significant tourist infrastructure, relevant to the settlement.

The facilitation of retail facilities will also need to be considered to provide for the anticipated population growth. Regard should be had, in particular, to the sequential approach to the location of retail development and other provisions of the *Retail Planning Guidelines for Planning Authorities (2012)* (Retail Guidelines), and the position of the settlement in the retail hierarchy of the county development plan.

The application of the sequential approach to the zoning of lands for employment and commercial land uses, and the reuse of appropriate brownfield sites and vacant premises will contribute to the delivery of compact growth consistent with the National Strategic Objective of the NPF and will help implement the Government's TCF policy.

An integrated approach to land use and transport planning for enterprise, employment and commercial development will also play an important role in mitigating climate change and in achieving the Government's obligatory target of 51% for GHG emissions reduction by 2030 and for a carbon neutral economy by 2050.

7. Transport and mobility

The objectives and provisions of the NPF (NPO 27, NPO 33 and NPO 64, among others) and the RSES recognise the importance of implementing an integrated land use and transportation approach.

A mandatory national target of 51% reduction in GHG emissions by 2030 will be implemented through the *Climate Action Plan 2021*, which commits to delivering an additional 500,000 daily sustainable journeys by 2030 (an increase of 14% on current levels) through, among others, a significant increase in walking and cycling, supported by the goals of the Government's *National Sustainable Mobility Policy (2022)* (NSMP).

An integrated approach to land use and transport planning will be central to achieving these targets. In addition to the above, the LAP should be informed by the guiding principles and be consistent with the RPOs of the RSES relating to integration of land use and transport planning, where applicable.

The RSES sets out guiding principles for integration of land use and transport planning and identifies the requirement for local transport plans (LTPs) for certain settlements and/or under certain circumstances. An LTP is required for Clonmel as a key town under the RSES. The Development Plan Objective 12-F also commits to the preparation of an LTP to inform the LAP in consultation with the NTA in accordance with the *Area Based Transport Assessment Advice Note (2018) (ABTA Advice Note)*.

The LAP should also set out an ambitious (but realistic) modal shift target for the area of the LAP. The LTP will be key to informing the objectives, policies and measures in the LAP so that this target can be achieved. The NTA's and TII's *ABTA Advice Note and ABTA How to Guide Guidance Document Pilot Methodology (2021)* should be considered by the planning authority in preparing any LTP.

Consistency with the transport strategy and associated objectives and policies of the Development Plan is required.

The transport strategy of the LAP should also demonstrate consistency with the Avoid-Shift-Improve principle, the implementation of the Decide Provide approach and the 10-minute town concept.

The proactive implementation of the *Design Manual for Urban Roads and Streets* (revised 2019), including in particular 'filtered permeability', will ensure that over time the area will better accommodate pedestrians and cyclists, in addition to public transport where available. Similarly, the implementation of the NTA's *Permeability Best Practice Guide* will also ensure enhanced pedestrian and cycle routes within the area of the LAP.

8. Environment and natural and built heritage

The planning authority is the competent authority for the purposes of Strategic Environmental Assessment (SEA) and Appropriate Assessment. The planning authority will be aware of its obligations and responsibilities under the SEA Directive and under the Habitats Directive.

In this regard the planning authority is required to have regard to the revised section 28 *Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities (2022)*. It should also consider the *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2010)*, as revised.

It is an objective (NPO 52) of the NPF to ensure that the planning system responds to national environmental challenges and that development occurs within environmental limits. The planning authority should ensure the LAP is consistent with objectives of the NPF concerning environmental protection (NPO 52, NPO 57, NPO 58, NPO 60, NPO 62, NPO 63, NPO 64 and NPO 65, among others), in addition to the objectives or guiding principles of the RSES.

In particular, the Office highlights the importance of integrating green and blue infrastructure into the LAP, in accordance with NPO 58 and the objectives and guiding principles of the RSES. Planning for green and blue infrastructure, such as public parks and water bodies can contribute to climate change adaptation, in particular flood risk management through nature-based solutions. It can also make a positive contribution to climate mitigation, when integrated with greenways, and have positive impacts on biodiversity.

Regarding built-heritage, NPO 17, the RSES and several section 28 guidelines (LAP Guidelines and the Development Plans Guidelines, among others) recognise that protecting, conserving and managing sites and features of special interest, in addition to public realm improvements, can instigate a heritage-led regeneration of settlements to generate economic benefits in terms of tourist footfall, improved retail environment and improved quality of life. The re-use of built heritage will contribute to compact growth and regeneration and to climate change mitigation having regard to embodied carbon.

Although the key built-heritage related objectives and policies are contained in the Development Plan, the planning authority should consider what location specific objectives or measures would assist in the protection or improvement of built heritage over the period of the LAP. In this regard the planning authority should have regard to the *Architectural Heritage Protection Guidelines for Planning Authorities (2011)*, as amended.

9. Climate change mitigation and adaptation

It is a National Strategic Outcome of the NPF to transition to a low carbon climate resilient society. It is an objective (NPO 52) of the NPF to ensure that the planning system responds to national environmental challenges and that development occurs within environmental limits. The NPF acknowledges climate change as a national environmental challenge and it is an objective (NPO 54) to reduce Ireland's carbon footprint in support of

national targets for climate policy mitigation and adaptation, including targets for GHG emissions reduction.

The effective implementation of climate mitigation objectives through the LAP, consistent with national and regional policy objectives (and guiding principles) identified by the Office under each of the themes, above, will be critical to the achievement of the Government's GHG emissions reduction target to mitigate climate change.

In terms of climate adaptation, flood risk management is the most critical climate change adaptation measure to be addressed in the LAP, informed by Strategic Flood Risk Assessment (SFRA). The planning authority should ensure that it has regard to the detailed requirements and provisions of the section 28 *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines), including the staged approach to flood risk assessment and, in particular, the application of the sequential approach and the requirement to carry out the plan-making Justification Test.

The planning authority should overlay the flood risk zones on any proposed land use zoning maps, to illustrate the potential flood risk arising and to demonstrate how the sequential approach has been applied. The planning authority is also requested to make a copy of digital mapping data available to the Office and to the OPW to facilitate assessment. Further, the planning authority is advised to liaise with the OPW in the carrying out of SFRA to avoid issues arising at draft LAP stage. This will be of particular importance where land use zoning objectives are proposed to be included.

As noted above, the implementation of objectives for green and blue infrastructure consistent with national and regional policy objectives should also form an important part of the LAPs response to climate change adaptation.

In accordance with NPO 57, the LAP is required to integrate sustainable water management solutions, such as Sustainable urban Drainage Systems (SuDS). In this regard the Office would draw the planning authority's attention to *Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design, Best Practice Interim Guidance Document* (2021) which was issued by the Department of Housing, Local Government and Heritage after the adoption of the Development Plan.

10. Implementation and monitoring

The NPF and the RSES place increased emphasis on and recognise the importance of monitoring the implementation of statutory strategies and plans, as a measure of plan effectiveness and to continually update a relevant evidence base to inform future planning strategies.

The planning authority will be aware of its duty and function under section 15(1) and 15(2) of the Act, to secure the objectives of the Development Plan and to report on progress achieved. . As the implementation of the objectives of the LAP derive from the objectives of the Development Plan, the obligations under the aforementioned subsections are also relevant to the LAP.

The planning authority is therefore encouraged to provide for monitoring of implementation of the objectives of the LAP, having regard to the provisions of the Development Plans Guidelines and the LAP Guidelines.

Summary

In summary, the Office commends your authority for the preparation of this Issues Paper. The Office advises your authority to pay particular attention to the following issues in the preparation of the LAP:

- the draft LAP should ensure that residential land use zoning is consistent with the Core Strategy and objective 4-A of the Development Plan. Residential zoning objectives should prioritise housing in areas close to the facilities and services of the town centre where land is already served by appropriate infrastructure or is capable of being serviced within the plan period, and avoid leapfrogging to more peripheral locations. This will ensure that development is consistent with national and regional policy for compact growth, sequential approach to development, tiered approach to zoning (infrastructure), and align with the National Climate Objective;
- the draft Plan should ensure that future residential development makes efficient use of land through increased residential density, in addition to the re-use of existing buildings and infill development schemes consistent with NPO 35 and in accordance with the relevant Ministerial Guidelines;
- with regard to regeneration, the draft LAP should ensure consistency with the objectives of the RSES (RPO 17) which identifies lands at Kickham Barracks and

Clonmel Flights of Discovery for planned place-making initiatives. The planning authority is also encouraged to utilise available funding to implement active land management policies and objectives for regeneration, such as the Urban Regeneration and Development Fund;

- in relation to Education, Social and Community Amenity, the draft LAP should support the centre for higher education at LIT Clonmel Campus and TUS campus and existing higher education providers, in accordance with RPO 17 and Development Plan Objective 8-H. The draft LAP should also ensure that the provision of social and community infrastructure is delivered in tandem with new residential zoned lands through mechanisms that monitor existing and proposed development in the town such as the preparation of social audit;
- in terms of Economic Development, the draft LAP should align with the provisions of the RSES, including through facilitating the future development of the strategic employment land bank at Ballingarrane Park, and ensure that an integrated and sustainable approach to employment is supported through policies and objectives of the LAP. It should also include policies and objectives to enhance the tourist attractions, noted under the RSES, to support Clonmel as a Tourist Centre in Ireland's Ancient East in accordance with RPO 17;
- in relation to Accessibility and Transport, the draft LAP should be informed by the preparation of a Local Transport Plan in accordance with the RPO 157, and should integrate land use and transport planning to provide for enhanced active and sustainable transport modes to help achieve the 10-minute town concept. It should also ensure the N24 Waterford to Cahir National Road Scheme is protected in accordance with RPO 167. The planning authority is advised to engage and consult with the NTA and TII in this regard;
- with regard to climate change mitigation and adaptation, the draft LAP should seek to include policies and objectives in relation to the implementation of SuDS and nature based solutions as a means for managing surface water run-off at key development sites. Irish Water has indicated that there is sufficient water supply and wastewater capacity in the town to cater for the projected growth. The planning authority is advised to liaise with Irish Water for further details;



- in relation to flooding, an SFRA should be carried out as part of the LAP in accordance with the staged approach to flood risk assessment under the Flood Guidelines, including the carrying out of Justification Tests where required. The planning authority should demonstrate that the sequential approach has been applied with land use zonings overlaid with both Flood Zone A and B in a clear, legible and digital manner. The planning authority is advised to liaise with the OPW in this regard; and
- the planning authority is encouraged to provide for monitoring of implementation of the objectives of the LAP, having regard to the provisions of the Development Plans Guidelines and the LAP Guidelines.

The Office looks forward to reviewing the future draft LAP and is committed to continued positive engagement with your authority in implementation of national and regional policies at the county and local level.

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 the undersigned or at plans@opr.ie.

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
