

7th March 2023

OPR Ref: IP-006-23

The Planning Department,
Waterford City and County Council,
Menapia Building,
The Mall,
Waterford City.
X91 FXN4.

Re: Issues Paper for the Dungarvan Local Area Plan 2023 – 2029

A chara,

Thank you for your authority's work in preparing the Issues Paper for the proposed Dungarvan_Local Area Plan 2023 - 2029 (the Issues Paper). The Dungarvan Local Area Plan 2023 – 2039 (the LAP), which will replace the Dungarvan Local Area Plan 2014 - 2020, is a mandatory local area plan under section 19(1)(b) of the *Planning and Development Act 2000*, as amended (the Act).

The Office of the Planning Regulator (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 Waterford City and County Development Plan 2022 - 2028 (the Development Plan) on 7th of June 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 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 prescribed 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:

- 1. Strategic Policy Framework
- 2. Development plan and core strategy
- Zoning, compact growth and infrastructural services
- 4. Regeneration
- 5. Education, social and community amenities
- 6. Economic development and employment
- 7. Transport and mobility
- Climate change and flood risk management
- 9. Environment and natural and built heritage
- 10. Implementation and monitoring
- 11. Other matters

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 the 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. The RSES Settlement Typology (table 3.2) identifies Dungarvan as a Key Town, which functions as a tourist centre for the Waterford Greenway and an important economic driver for West Waterford. The town is strategically located on the Waterford-Cork N25 transport corridor and significant location for indigenous industry and Foreign Direct Investment (FDI), with educational and health/community facilities and a vibrant retail and services sector serving the local community and an expanding tourism sector. The town is also a Gaeltacht Service Town for the nearby Gaeltacht na nDéise located around An Rinn and An Sean Phobal.

The Issues Paper acknowledges the full range of Specific Development Objectives (SDOs) in the adopted Development Plan, relevant to Dungarvan and Ballinroad, and helpfully invites the public to identify additional SDOs which are more local and site-specific for Dungarvan and Ballinroad.

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 regional policy objectives (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 therefore cautions against the introduction of any objectives that would conflict with the detailed provisions of the core strategy for the proposed area of the LAP and the housing supply target for the settlement.

The Issues Paper notes Dungarvan and Ballinroad's designation as a 'Key Town'. The Office acknowledges, and welcomes, the intention of the forthcoming LAP to include a preliminary core strategy map as a first step towards identifying key spatial development of the town beyond the lifetime of the current Development Plan.

The Office notes, however, that the Issues Paper refers to a requirement of 600 housing units up to 2028, whereas the Development Plan (Table 2.4), refers to a core strategy allocation of 330 housing units for Dungarvan and Ballinroad up to 2028. It will be necessary, therefore, to ensure that the LAP is consistent with the Development Plan in order to comply with section 19(2)(b) of the Act.

3. Zoning, compact growth and infrastructural services

The Office welcomed the approach to achieving compact growth, and the presentation of Table 2.4 in the Development Plan, in achieving 30% compact growth targets consistent with NPO 3c and RPO 3. 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 Development Plan phasing will be a critical consideration in this regard.



In its submissions on the review of the Development Plan the Office supported the refocussing of development around the town centre of Dungarvan, which promotes consolidation, regeneration, and enhances opportunities for sustainable travel. The LAP should, therefore, consider how the delivery of housing in locations such as Shandon and Kilrush that are well serviced in terms of the social and physical infrastructure, and are easily accessible by walking, cycling and public transport, can be supported and prioritised. In this respect, the Office advises the planning authority to liaise closely and collaborate with the relevant prescribed authorities concerning the delivery of essential services and infrastructure.

The draft LAP should also be informed by Specific Objective DGDO 22 ensuring that a masterplan is prepared for the lands at Monang to provide for planned and sustainable development.

The 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.

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.

The LAP provides an opportunity to identify specific regeneration projects aimed at enabling compact growth and Town Centre First implementation, consistent with the objectives of the regeneration strategy of the development plan and the guiding principles of the RSES for urban infill and regeneration.



While the Office notes that no specific opportunity sites to support town centre regeneration in Dungarvan were identified under the RSES or Development Plan, it will be important for the LAP to identify opportunity/regeneration sites, vacant and underutilised buildings.

The LAP should also identify specific investment and/or infrastructure to support regeneration development, such as site assembly, land acquisition, and/or sustainable transport initiatives. The best use of the planning authority's own powers in terms of land activation, such as compulsory purchase, derelict sites etc. will be important in this context.

In addition to focussing private investment, a 'Plan-led' approach to regeneration through the LAP will be critical in terms of accessing funding through public funding streams such as the Urban Regeneration & Development Fund (URDF), Rural Regeneration & Development Fund (RRDF), and will form the basis for any future 'Town Centre First Plan'.

The identification of intended sources of funding to facilitate, support or complement key regeneration projects, such as the recently announced *Croi Cónaithe (Towns) Fund Scheme*, is a further land activation measure to be considered in the LAP.

The Office commends the planning authority for its successful use of funding under Dungarvan Smarter Travel which included the urban renewal works in The Square, highlighting how future initiatives to improve the public realm and attractiveness of the town centre would support the sustainable development of the town as a place to live and work.

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 for Planning Authorities (2022) (Development Plans Guidelines) (or civic infrastructure audits under the LAP Guidelines)¹.

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 that the local authority's *Local Economic and Community Plan 2015-2020* (LECP) will 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*, and Specific Development Objective DG016 which includes a policy objective to provide for Traveller Accommodation on lands at Shandon, should also be reflected in 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 also ensure that education, childcare, and social and community facilities can be easily accessed by walking or cycling from existing and proposed new residential areas.

The LAP should give focus to the implementation of Key SDOs to deliver on the provision of social and community facilities including DGD07 (community facilities within Ballinroad village), DG08 (provide neighbourhood play areas), DGD09 (facilitate future expansion of the soccer pitch), DGD011 (support the development of community hall facility) and

¹ The Athy Social Infrastructure Audit, which supported the Athy LAP, 2021 – 2027 is a good example of such an audit.



DGD013 (support the development of a public playground and sports facilities/playing pitches in Ballinroad).

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.

This will be particularly important for Dungarvan given its role as a Key Town and as an economic driver in west Waterford. Under the RSES, RPO 24 supports the sustainable expansion of Dungarvan to strengthen the strategic location of the urban centre and in its sub-regional role as a Gaeltacht Service Town, and to build on its inherent strengths including historical, cultural and architectural heritage, digital connectivity, skills, innovation and enterprise, tourism (in particular the Waterford Greenway and its potential sustainable expansion), culture and retail services.

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 Local Economic and Community Plan (LECP)will inform the LAP to provide for the co-ordinated spatial planning for the area.

The proposed preliminary core strategy map should consider how it can prioritise employment and commercial sites that will contribute to the delivery of compact growth consistent with the National Strategic Objective of the NPF and will help implement the Government's Town Centre First policy.

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) and the position of the settlement in the retail hierarchy of the Development Plan.

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 2023*, 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 government's *National Sustainable Mobility Policy* (2022).

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. The Office acknowledges and welcomes the development plan policy objective (Trans 04) to prepare a Local Transport Plan (LTP) for Dungarvan, within one year of adoption. The LTP can include priorities for the town in terms of public transport infrastructure and services, cycle investment and improvements to the pedestrian environment. In turn, the RSES advocate that policies, objectives and measures that emerge from the LTP should be incorporated into the LAP.

The LTP will be key to informing the objectives, policies and measures in the LAP so that the modal share targets for Dungarvan set out in the Development Plan can be achieved. The NTA and TII ABTA Advice Note and *ABTA How to Guide Guidance Document Pilot Methodology* (2021) should be considered by the planning authority in preparing any LTP. The planning authority is advised to consult with the transport authorities in advance of preparing the LTP.

The draft LAP should include provisions for alignment in relation to RPO 24 to support the continued development of cycling and walking infrastructure as part of Go Dungarvan Smarter Travel Programme.



The transport strategy of the LAP should also demonstrates 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. Climate change and flood risk management

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 an updated 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). The planning authority is advised to liaise with the OPW regarding the requirements in respect of the LAP.

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.

As noted, below, the implementation of objectives for green and blue infrastructure consistent with national and regional policy objectives should also form an important part of the LAP's 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.

9. 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 principle 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.

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.



11. Other matters

The Office invites the planning authority to submit a digital copy of all mapped data in respect of the proposed draft LAP in order to better facilitate its evaluation and assessment of the plan. In this regard, all spatial data should be in the format of either Web Map Service (WMS) or shapefile format, with the relevant attribute information attached.

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 housing supply targets for Dungarvan and Ballinroad should be consistent with the Waterford City and County Development Plan, 2022 – 2028;
- the proposed preliminary core strategy map should consider how to prioritise
 housing delivery in areas close to the facilities and services of the town centre, such
 as Shandon and Kilrush, where land is already served by appropriate infrastructure
 or is capable of being serviced within the plan period, and is accessible by walking,
 cycling and public transport;
- identify opportunity/regeneration sites, vacant and underutilised buildings, together
 with specific investment and/or infrastructure to support regeneration development,
 such as site assembly, land acquisition, and/or sustainable transport initiatives;
- provide for the sustainable expansion of Dungarvan to strengthen the strategic location of the urban centre and in its sub-regional role as a Gaeltacht Service Town, and acting as a key economic driver for West Waterford and the town;
- the LAP should be informed by the preparation of a Local Transport Plan 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. The planning authority is advised to consult with the NTA and TII in this regard;
- include objectives for the delivery of Traveller Accommodation on lands at Shandon, consistent with a Specific Development Objective DG016; and



prepare an updated Strategic Flood Risk Assessment (SFRA) and 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. The
planning authority is advised to consult with the OPW in this respect.

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