OPR Ref: DP-053-22



11th April 2023

Planning Department, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary, E45 A099.

Re: Draft Roscrea Local Area Plan 2023-2029

A chara,

Thank you for your authority's work on preparing the Draft Roscrea Local Area Plan 2023-2029 (the draft LAP).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the draft LAP against the backdrop of an evolving national and regional planning policy and regulatory context and the need to balance competing pressures within an increasingly complex system.

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft LAP under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act) and this submission has been prepared accordingly.

The Office's evaluation and assessment has had regard to the current county development Plan, the Regional Spatial and Economic Strategy (RSES) for the Southern Region, and relevant section 28 guidelines.

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 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 commends the significant work of the planning authority in preparing a comprehensive draft plan for Roscrea. The plan includes several supporting documents, including a Serviced Land Assessment (SLA) (Appendix 1), Sustainable Travel Plan (Appendix 2), Regeneration strategy (Appendix 3) and the relevant statutory reports including AA Screening, SEA Report and Strategic Flood Risk Assessment (SFRA), which are welcomed by the Office.

The Office welcomes the preparation of a town centre strategy for the LAP-area. The policies and objectives seek to build upon the several funding initiatives already received for the town, from sources including the Rural Regeneration and Development Fund, LEADER *Local Development Strategy,* and Town and Village Renewal Programmes, to ensure that the spatial planning framework for the town is supported. The Office also acknowledges the forthcoming Town Centre First Plan, which will be included as Appendix 4 of the LAP. Once prepared, this will further enhance the town centre development strategy for the town. The Office welcomes this approach to regeneration and rejuvenation of the town centre in accordance with NPO 6, RPO 34 and *the Town Centre First: A Policy Approach for Irish Towns* (2022) (Town Centre First Policy).

The Office also welcomes the significant efforts made in the preparation of the Sustainable Travel Plan (STP) to inform the LAP (Appendix 2). The travel plan carried out an Accessibility to Opportunities and Services (ATOS) analysis to track the travel

movements of the town in order to inform the land use zoning in accordance with NPO 27 and RPO 35 to support compact growth.

The Office has identified a relatively small number of matters that require further consideration prior to the adoption of the Plan, in particular in relation to the SFRA where further work will be required to ensure that land at risk of flooding is not zoned for vulnerable development and that flood risk is appropriately managed.

It is within this context the submission below sets out three (3) recommendations and two (2) observations under the following nine (9) themes:

Key theme	Recommendation	Observation
Consistency with Regional, Spatial and Economic Strategy	-	-
Consistency with Development Plan and Core Strategy	-	-
Compact Growth, Zoning and Infrastructural Services	Recommendation 1	-
Town Centre Regeneration	-	Observation 1
Economic Development and Employment	-	-
Transport and Accessibility	-	Observation 2
Flood Risk Management	Recommendation 2	-
Environment, Natural and Built Heritage	-	-
Implementation and Monitoring	Recommendation 3	-

1. Consistency with the Regional, Spatial and Economic Strategy

The Office considers the draft LAP to be generally consistent with the regional policy objectives of the RSES for the Southern Region.

2. Consistency with Development Plan and Core Strategy

Section 19(2) of the Act requires a local area plan to be consistent with the objectives of the development plan and its core strategy. This requirement also applies under section 20(5) of the Act.

The Tipperary County Development Plan 2022-2028 (the Development Plan) core strategy sets out a population projection of 6,172 over the plan period of 2022-2028. The LAP extends beyond the development plan period by 1 year, resulting in a population projection of 6,293 for the town. Similarly, the core strategy identifies a requirement for 269 no. residential units over the Development Plan period 2022-2028. The LAP notes a requirement of 315 units over the plan period.

The core strategy sets out a requirement for 17.9ha for Roscrea over the plan period of 2022-2028. Having regard to the extended plan period of the LAP, the total zoned land requirement amounts to 21ha. The LAP sets out a requirement of 26ha residential zoned lands which takes account of 25% additional provision. This is considered acceptable to the Office and in compliance with the core strategy allocation.

The Office notes, however, the application of a very low density when estimating the zoned land requirement, and the further availability of undeveloped land zoned for Existing Residential, regeneration, and within the urban core. As such, the Office advises that a sufficient supply of zoned land has been provided for in the draft LAP consistent with the core strategy of the Development Plan.

3. Compact Growth, Zoning and Infrastructural Services

The Office is satisfied that the land use zonings are generally consistent with NPO 3c and RPO 35 in relation to compact growth. The location of all Existing Residential and New Residential zoned lands are within the existing built up footprint of the town.

In accordance with NPO 72, and the *Development Plans, Guidelines for Planning Authorities* (2022) (section 4.5.2), an SLA has been prepared to inform the land use zonings and ensure a tiered approach to zoning is applied.

The Office welcomes the identification of Tier 1 and Tier 2 lands in the SLA in accordance with Appendix 3 of the *Project Ireland 2040 National Planning Framework* (NPF). It is noted, however, that some Existing Residential and New Residential lands have not been included from the SLA. As such it is considered that a review of the SLA is

required to ensure that all undeveloped residential zoned lands (new, existing and strategic reserve) are included.

Recommendation 1 – Serviced Land Assessment

Having regard to:

- NPO 72 and Appendix 3 of the NPF; and
- the Development Plans, Guidelines for Planning Authorities (2022)

the planning authority is required to review the Serviced Land Assessment to include all undeveloped residential zoned lands in the LAP area (Existing Residential and New Residential).

Where lands are not serviced or serviceable within the plan period they should not be zoned for residential development.

4. Town Centre Regeneration

Roscrea has been identified under Town Centre First as one of the first towns to prepare a Town Centre First Masterplan. The Office welcomes the inclusion of the resulting Masterplan, as Appendix 4 of the draft LAP, once prepared.

The Office also welcomes the strong policies and objectives included in the draft LAP to support the Town Centre First Masterplan and regeneration generally within the town. In this regard it is noted that three regeneration sites have been identified in accordance with NPO 6 and RPO 34.

The Office strongly supports the land activation strategy for vacancy and regeneration as set out in the draft LAP. The strategy aims to use collaboration with land owners and statutory provision for vacancy and dereliction to activate the development of underutilised sites and is supported by a number of objectives, all of which support RPO 34 in relation to regeneration, brownfield and infill development and RPO 37 in relation to active land management.

The Office wishes to acknowledge the considerable work in the preparation of nonstatutory plans to inform the draft LAP regeneration strategy including, Roscrea Town Centre Enhancement Plan (2013), Roscrea Signage and Way-finding Strategy (2017) and a Walkability Audit prepared by Age Friendly. This approach is consistent with NPO 18a in relation to supporting interventions in the public realm and the provision of amenities.

The Office notes and welcomes that the draft LAP identifies specific Regeneration Sites and Regeneration Areas illustrated in Appendix 3 of the draft LAP, and further welcomes the zoning of three significant regeneration sites for Regeneration use. The inclusion of all identified Regeneration Sites and Regeneration Areas on the land use map (Zoning Map 1) is advisable to provide clarity and an overall integrated strategy to addressing vacancy and realising urban regeneration.

Observation 1 – Regeneration Sites

The planning authority is advised to clearly identify the boundaries of all Regeneration Sites identified in Appendix 3 of the draft LAP on the land use zoning map (Zoning Map 1).

5. Economic Development and Employment

The Office welcomes the strong emphasis on enterprise and employment in the draft LAP which is supported by a Local Economic and Community Plan and guidance as set out in the *LEADER Local Development Strategy* prepared under the *CAP Strategic Plan 2023-2027*. This is consistent with the RSES, which recognises the significant employment potential in Roscrea due to the Roscrea Business and Innovation Park.

The Office also welcomes the inclusion of enterprise and employment lands in the SLA. The SLA identified that active travel measures such as cycle lanes are not available to serve the key employment areas, contrary to RPO 151.

In this regard, the Office strongly supports the inclusion of Policy 4.1 which states that new office development with a high number and density of employees shall be located in areas that are supported by public transport and active travel. The Office welcomes the restrictions to development without the benefit of Active Travel measures, this will encourage investment in active travel in these areas in accordance with RPO 151.

The Office also welcomes Objective 4c in relation to the development of the Roscrea Enterprise and Community Hub in the town.

With regard to retail, the draft LAP identifies a Primary Retail Area (PRA) and inclusive supportive policies and objectives to increase vibrancy and vitality of these areas (Policy 3.3). The Office welcomes this approach in accordance with RPO 55 which seeks to improve the physical appearance, vitality and vibrancy of the town centre and apply a sequential approach to development. To further support the PRA, section 3.5 - Retail and Town Centre, notes that new retail warehousing will only be acceptable where there is a demonstrated need and where it will support the town centre. This approach is consistent with Policy 7-4(c) of the Development Plan and the planning authority may wish to cross reference to that policy objective in the interests of clarity.

6. Transport and Accessibility

Objective 12-F of the Development Plan requires an Active Travel Plan to be prepared for towns within the county in order to support the preparation of LAPs. An STP has been prepared and is included as Appendix 2 of the draft LAP. The STP has been prepared in accordance with the ABTA guidance and provides a detailed analysis of the travel movements in the town. The Office welcomes this approach in accordance with RPO 157.

The STP also includes an ATOS analysis. ATOS is a transport planning tool designed by the NTA to measure the accessibility of key services and employment by walking and cycling in the town. The Office welcomes the inclusion of this analysis to inform the draft LAP.

The Office welcomes the interventions to the transport network in the town to improve active travel services and reduce the reliance on private cars. These are supported through Policy 6.6 and Objective 6A of the draft LAP. Figure 18 of the STP maps these proposed interventions as Urban Primary Active Travel Routes and Urban Secondary Active Travel Routes, however it is not clear what active travel interventions these routes intend to include. The planning authority is requested to clarify what active travel interventions are proposed under the Urban Primary Active Travel Routes and the Urban Secondary Active Travel Routes having regard to RPO 174.

Observation 2 – Active Travel Routes

Having regard to RPO 174, the planning authority is requested to confirm and clarify active travel interventions included under Urban Primary Active Travel Routes and the Urban Secondary Active Travel Routes as identified in Figure 18 of the Sustainable Travel Plan.

7. Flood Risk Management

An SFRA has been prepared to inform the draft LAP (Appendix 7). The SFRA has been prepared in accordance with *The Planning System and Flood Risk Management* – *Guidelines for Planning Authorities* (2009) (Flood Guidelines) and *Circular PL 2/2014* and NPO 57.

Flood Zones A and B have been identified and have been overlaid on the land use zoning map in accordance with RPO 114, RPO 115 and RPO 116. This is welcomed by the Office.

It appears that the majority of undeveloped lands located within Flood Zones A and/or B have been rezoned to either Amenity or Town Environ, which is welcomed by the Office. However, there are permissible uses within these zoning objectives, including residential, that are highly vulnerable to flooding, and no commentary has been included as to whether a plan making Justification Test has been carried out and passed.

Furthermore, it is noted that there are undeveloped residential zoned lands and lands zoned for a relief road corridor located within Flood Zone A and/or B that have not been subject to a plan making Justification Test.

It will therefore be necessary to review the SFRA having regard to the above, and to amend the draft LAP to rezone these lands at risk of flooding to less vulnerable uses only, unless the subject lands pass the plan-making Justification Test. For sites where only a small proportion is at risk of flooding, a policy objective should be included to limit development within the flood risk area to water compatible uses only.

Table 7 of the SFRA sets out Justification Tests for three areas of existing development within Flood Zone A and/or B. However it is unclear from Table 7 which areas the Justification Test relate to. A map of these areas, and any other areas for which a

Justification Test has been carried out in accordance with the above, should be provided for clarity.

In relation to Sustainable Urban Drainage Solutions (SuDS) the Office welcomes the inclusion of Policy 8.2 to require all new development to integrate SuDS and nature based solutions in accordance with NPO 57, RPO 122 and RPO 218.

Recommendation 2 – Flood Risk Management

Having regard to:

- NPO 57 and RPO 116; and
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009),

the planning authority is required to amend the draft LAP to:

- i) zone lands within Flood Zone A for water compatible uses only, and to zone lands within Flood Zone B for less vulnerable uses only, unless the subject zonings have each first passed the plan making Justification Test;
- ii) prepare separate plan making Justification Tests for all lands zoned for vulnerable or highly vulnerable uses within Flood Zones A and B respectively in accordance with the Flood Guidelines; and
- iii) identify the areas for which a Justification Test has been carried out on separate maps, and include specific references to the details for each Justification Test in Section 4 of the SFRA.

The planning authority should consult with the OPW in addressing this recommendation.

8. Environment, Natural and Built Heritage

The Office welcomes the inclusion of a District Heating Policy in accordance with RPO 105. Objective 5A seeks to support the local community and relevant sectors in engaging in programmes such as the SEAI Sustainable Energy Communities through the provisions of the *Tipperary County Climate Action Plan* and *Delivering Effective Climate Action 2030* in preparing an Energy Masterplan and the identification and use of local

renewable energy sources. The Office supports the inclusion of this objective in achieving the Government Targets as set out in the Climate Action Plan 2023 and NPO 52 and NPO 54.

The Office also welcomes the inclusion of Objective 8C in relation to the management of waste in line with the principles of the Waste Action Plan for a Circular Economy as supported by NPO 56, RPO 56 and RPO 107.

In relation to built heritage, the Office supports Policy 7.3 which sets out a strategy for the protection of built and cultural heritage of the town. The draft LAP identifies a number of protected structures, ACAs, and protected views /streetscapes within the town in accordance with RPO 206. Policy 7.4 also seeks to safeguard sites, features and objectives of archaeological interest.

9. Implementation and Monitoring

The LAP does not include any reference to implementation and monitoring of the policies and objectives of the plan. Section 6.5 of the *Local Area Plan Guidelines for Planning Authorities* (2013) states that planning authorities are encouraged to periodically review the success or otherwise of the implementation of the policies and objectives of a local area plan by effective monitoring systems such as reviewing the progress in securing the objectives of the development plan in accordance with section 15 of the Act.

Recommendation 3 – Monitoring and Implementation

Having regard to the duty and function of the planning authority under section 15(1) and 15(2) of the *Planning and Development Act 2000*, as amended, (the Act), the planning authority is required to provide for Plan implementation monitoring as part of the draft LAP.

Note: Chapter 10 of the *Development Plans, Guidelines for Planning Authorities* (2022) provides useful guidance in this regard.

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 20 of the Act must summarise

these recommendations and the manner in which they will be addressed. Where your authority decides not to comply with the recommendations of the Office please outline the reasons for the decision in the chief executive's report or the minutes of your Council meeting.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,

AM C'GNNU.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations