

5th February 2024

Carlow County Council,  
Senior Executive Officer,  
County Buildings,  
Athy Road,  
Carlow, Co Carlow

Laois County Council,  
Senior Planner,  
Aras an Chontae,  
JFL Avenue,  
Portlaoise, Co Laois

**Re: Draft Carlow-Graiguecullen Joint Urban Local Area Plan 2024-2030**

A chara,

Thank you for your authority's work on preparing the Draft Carlow-Graiguecullen Joint Urban Local Area Plan 2024-2030 (the draft JULAP).

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 JULAP 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 JULAP 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 Eastern and Midland Regional Assembly (EMRA), 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 welcomes the preparation of the draft JULAP, consistent with RPO14 of the SRA RSES and RPO 4.75 of the EMRA RSES, and with Policy CS.P3 of the Carlow County Development Plan 2022-2028 (the Carlow Development Plan) CDP and Policy Objective CS O9 of the Laois County Development Plan 2021- 2027 (the Laois Development Plan) to prepare a joint plan for the two, joined settlements. The Office commends the authorities for the quality of the JULAP, which is well laid out, easy to follow, and contains an appropriate level of detail underpinned by 7 strategic objectives relating to key areas.

The Office also welcomes the preparation of a Local Transport Plan (LTP), which informs the policy framework of the draft JULAP and provides for an integrated approach to land use and transport planning for Carlow-Graiguecullen. The Office is satisfied that this approach will help ensure that future development in the settlement will be more sustainable, with increased focus on accessibility by way of active and sustainable transport modes.

The draft JULAP is heavily focused on urban regeneration, including through the implementation of *Project Carlow 2040*. This is complemented by the positive policy

approach to natural and built heritage and by the recognition of the role of placemaking, connectivity and permeability.

In terms of residential zoning, the draft JULAP is, to a large extent, consistent with regional and county objectives for compact growth and has regard to the sequential approach. However, the Office has some concerns regarding the balance of growth between Carlow town centre (TC area) and the environs in County Carlow, which has the potential to undermine the town centre regeneration and delivery of *Project Carlow 2040*. In relation to Graiguecullen, the extent of zoning for residential development exceeds the requirement for zoned land and, while the Office is satisfied that the subject lands are located such as to be consistent with compact and sequential growth, there is no requirement for additional New Residential zoning objectives at material alterations stage.

The Office recognises that the planning authorities have generally taken a strategic approach to planning for employment uses, including through the identification of key economic assets and an employment profile of the town, and through the identification of key employment sites for intensification or regeneration. However, the draft JULAP does not appear to have been informed by a sufficient evidence-based approach, having regard to section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities* (2022) (the Development Plan Guidelines), and the Office has raised concern, below, with proposed zoning objectives for Employment and Enterprise lands.

In addition, the Office has highlighted some issues arising with the Strategic Flood Risk Assessment (SFRA) accompanying the draft JULAP, which should be addressed in consultation with the Office of Public Works (OPW) in order to ensure that flood risk is adequately mitigated over the plan period.

The Office welcomes the inclusion of a section on implementation and monitoring in the draft JULAP, but suggests changes that may facilitate more targeted implementation of the JULAP and provide for a more focused and effective monitoring system to the benefit of the LAP.

Finally, the Office commends the planning authorities for their approach to climate action in the draft JULAP. It is evident from the inclusions of Table 11.2 that that climate action, a strategic objective SO. 6 of the draft JULAP, is reflected throughout the JULAP as cross-cutting issue. The Office is therefore satisfied that, subject to the amendments

recommended and suggested below, the JULAP provides for the sustainable development of Carlow-Graiguecullen and takes due account of the necessity to mitigate for, and adapt to, climate change.

It is within this context the submission below sets out three (3) recommendations and one (1) observations under the following [number] themes:

Key theme	Recommendation	Observation
<a href="#">Consistency with Development Plan and Core Strategy</a>	-	-
<a href="#">Zoning, compact growth and infrastructural services</a>	<u>1</u>	-
<a href="#">Regeneration</a>	-	-
<a href="#">Economy and Employment</a>	<u>2</u>	-
<a href="#">Sustainable Transport and Accessibility</a>	-	-
<a href="#">Flood Risk Management</a>	<u>3</u>	-
<a href="#">Implementation and Monitoring</a>	-	<u>1</u>

### **1. Consistency with Development Plan and Core Strategy**

The Office welcomes the inclusion of a chapter (3) on core strategy and housing in the draft JULAP. This clearly sets out the rationale for determining the housing target for the plan area, up to 2030, that is projecting additional growth beyond the period of the core strategies of the relevant development plans. The Office is satisfied that the rationale applied, which projects additional growth on a pro-rata basis, is reasonable and that the housing target is consistent with the core strategies of the development plans for the two planning authorities.

### **2. Zoning, compact growth and infrastructural services**

The Office acknowledges that the former town council area of Carlow was zoned for development under the Carlow Development Plan, and that the zoning objectives for that area are not subject of the JULAP. The core strategy of the Carlow Development Plan allocated 900 units to the former town council area, with the balance to be

accommodated within the environs for the period of the Carlow Development Plan (to 2028).

However, in projecting growth beyond the period of the core strategy of the Carlow Development Plan, the planning authority has provided that all additional growth will take place outside Carlow town centre, that is, growth will only take place within the environs of the town in County Carlow. This issue does not arise in respect of Graiguecullen. In order to ensure consistency with the core strategy of the Carlow Development Plan, pro-rata growth needs to be applied separately to the TC and environs areas. This results in 300 additional units being accommodated in the TC area and a commensurate reduction from 763 to 463 units for the environs in County Carlow. In this regard, the Office notes that, consistent with policy CS P4 of the Carlow Development Plan to support the town centre regeneration and delivery of *Project Carlow 2040*, the JULAP contains extensive positive policies supporting and prioritising town centre regeneration, and the reuse of vacant and derelict buildings of which 200 have been identified in the town.

This will also better ensure that future residential growth is consistent with objectives for compact growth – CS O9 of the Carlow Development Plan; CS 05 of the Laois Development Plan; SRA RPOs 34 and 35; and EMRA RPO 3.2.

Further, the draft JULAP proposes to zone extensive lands as Existing / Infill Residential, much of which consists of extensive greenfield lands which may have significant potential for residential development, alone or taken together. This relates, in particular, to Carlow Town environ lands within the County Carlow, including at Pollerton Big, a c.40 ha site, but also to other such zoned lands to the east and south of the town. The potential residential yield of such lands needs to be taken into account before determining the area of land to be zoned for New Residential to ensure the JULAP is consistent with the core strategy and with development plan objectives and RPOs for compact growth.

This may result in a requirement to reduce the quantity of land proposed to be zoned for New Residential, and / or in the application of alternative zoning objectives to certain lands zoned Existing / Infill Residential. In this regard the Office considers the Existing / Infill Residential c.40ha peripheral zoning in Pollerton Big to be inconsistent with the aforementioned objectives for compact growth and with the core strategy of the Carlow Development Plan. The planning authority should therefore review the proposed zoning

to ensure these lands do not come forward for residential development over the plan period.

In respect of Graiguecullen, the JULAP proposes to zone enough New Residential land to accommodate 441 units, notwithstanding the JULAP projects a housing target of 276 units. Notwithstanding the proposed excess New Residential zoning, the Office is satisfied that the subject lands are located such as to be consistent with objectives for compact growth and with the policy and objective for sequential zoning under the Development Plans Guidelines. However, in view of the level of excess zoning, there is no requirement for additional New Residential zoning objectives at material alterations stage.

### Recommendation 1 – New Residential zoning

Having regard to:

- the growth targets for Carlow town and environs under the core strategy of the Carlow County Development Plan 2022-2028;
- the growth targets for Graiguecullen under the core strategy of the Laois County Development Plan 2021-2027;
- the *Development Plans, Guidelines for Planning Authorities (2022)*, in particular section 4.4.3 Ensuring Sufficient Provision of Housing Lands/Sites;
- The following objectives for compact growth:
  - CS O9 of the Carlow CDP;
  - CS 05 of the Laois CDP;
  - RPOs 34 and 35 of the SRA RSES; and
  - RPO 3.2 of the EMRA RSES; and
- Policy CS P4 of the Carlow CDP to support town centre regeneration and the delivery of *Project Carlow 2040*;

the planning authorities are required:

(a) to review and amend, as appropriate, the area of land proposed to be zoned New Residential based on the following:

- i) a revised distribution of post 2028 housing growth target between Carlow Town (TC area) and Carlow Town Environs to apply pro-rata growth separately to both areas, resulting in 300 additional units for Carlow Town and a commensurate reduction from 763 to 463 units for Carlow Town Environs; and
- ii) a review of the potential housing yield for lands proposed as Existing / Infill Residential;

In selecting lands to be retained as New Residential, the planning authority is required to ensure consistency with objectives for compact growth and to have regard to the policy and objective for sequential development under the *Development Plans Guidelines for Planning Authorities (2022)*,

and

(b) to omit or appropriately amend the proposed Existing / Infill Residential zoning objective for Pollerton Big to ensure that it will not be considered for residential development during the period of the JULAP.

### **3. Regeneration**

The Office welcomes the policies, objectives and provisions focusing on the regeneration of Carlow town, including those that support and promote the strategic approach to urban regeneration as set out in *Project Carlow 2040, A Vision for Regeneration*. This approach, which includes consideration of available funding supports to achieve the delivery of key regeneration sites and settlement consolidation sites, is well-considered, holistic and practical and is consistent with national and regional objective for regeneration of our urban areas.

However, the Office would caution that the viability of such regeneration sites will be undermined by the provision of excessive, greenfield sites for development over the

JULAP period, as such sites generally have fewer and less significant constraints to their development. Therefore, in addressing Recommendation 1, above, the planning authorities should ensure that the extent of New Residential zonings do not conflict with objectives for urban regeneration.

#### **4. Economic development and employment**

The Office acknowledges the strategic approach proposed for economic development under Chapter 4 of the draft JULAP. The detailed strategy links positively with the regenerations strategy and LTP, including through the proposed economic quarter and transport interchanges on underutilised lands around Carlow Railway Station, the delivery of transport measures and interventions in the Area Based Transport Assessment, and support of intensification, renewal and modernisation of existing industrial and enterprise floorspace. The planning authorities are commended for this integrated, planned approach.

In addition, the application of three principle employment zonings – Business and Innovation, Employment and Enterprise, and Industry – provides reasonable clarity on the future intensity of employment uses. The planning authorities may consider refining the zoning objectives further having regard to the standardised zoning objectives recommended in Appendix B of the Development Plans Guidelines.

The Office welcomes the review of economic assets undertaken as part of the JULAP preparation, which provides useful baseline data to inform the strategy. However, the draft JULAP does not have regard to the Development Plans Guidelines, section 6.2.5 Zoning for Employment Uses, which requires planning authorities to provide a clear, credible and strategic evidence and rationale to support that the zoning of land in particular locations for employment of certain types. Objective ED O1 of the Carlow Development Plan also requires an evidence-based approach. In addition, Carlow Development Plan policies, such as ED P8, which seek to encourage re-use of disused buildings and brownfield lands for employment generating enterprises, and objective ED O5 to secure implementation of *Project Carlow 2040* through the development of strategic sites, would necessitate the evidence-based approach to employment zonings recommended by the Guidelines.

While this should be undertaken for all zoning objectives for employment uses, the Office has concern, in particular, about the Enterprise and Employment land to the northeast,



the eastern section (c.30ha) of Strategic Employment site 6 to the east of the partly constructed Eastern Relief Road (single carriageway without walkways or cycle lanes).

No infrastructural assessment has been included for this peripheral site (or other proposed employment zonings), which is inconsistent with SRA RPO 62(a) that employment locations are fit for purpose, including provision of access to utilities, connectivity and other enterprise factors. The proposed zoning is not sequential, but leapfrogs extensive greenfield lands to the west at Pollerton Big. Apart from the objective to complete the Eastern Relief Road to connect to the N80 to the south, the LTP and JULAP include no proposals to service this site by sustainable or active modes.

It is therefore inconsistent with SRA RPO 62(b) which requires that locations for strategic employment have regard to accessibility and sustainable transport modes. It is inconsistent with RPO 151(d) that new employment development will be consolidated and intensified in a manner that renders it serviceable by public transport and highly accessible by walking, cycling and public transport. It is also inconsistent with the National Climate Objective to reduce greenhouse gas emissions by 51% by 2030 and to achieve a climate neutral economy by 2050, supported by the *Climate Action Plan 2024*. It does not have regard to the goals of the *National Sustainable Mobility Policy (2022)* (NSMP).

The Office notes that there are no extant permissions for employment related uses and no existing employment uses in place on the subject lands.

Under the proposed JULAP additional lands are proposed to be zoned Enterprise and Employment, to the north, along the 448. These lands, although somewhat peripheral, are sequentially more favourable and would infill between existing development industrial and employment and enterprise lands to the east. Further, these lands are proposed to be served by active travel infrastructure and are now served by the CW1 bus route introduced in 2023. The Office accepts this proposal as reasonable.

## Recommendation 2 – Enterprise and employment

Having regard to:

- the National Climate Objective in the *Climate Action and Low Carbon Development Act 2015*, as amended;

- the policies and objectives of the Carlow County Development Plan 2022-2028 - Objective ED O1, ED P8 and ED O5;
- RPO 62 and RPO 151 of the RSES for the Southern Regional Assembly; and
- the *Development Plans Guidelines for Planning Authorities (2022)* under section 6.2.5 Zoning for Employment Uses,

the planning authorities are required to omit that section (c.30ha) of Strategic Employment site 6 located to the east of the partly constructed Eastern Relief Road in its entirety.

## **5. Sustainable transport and accessibility**

The Office welcomes the preparation of a detailed LTP, in consultation with National Transport Authority and Transport Infrastructure Ireland (TII), which identifies a wide range of site specific measures to improve connectivity and permeability for active and sustainable transport modes. It is evident that the LTP has informed and been integrated into the JULAP, including through key transport objective maps, LTP guiding principles and appropriate policies and objectives supporting the development of active and sustainable modes. This is considered best practice. In particular, the Office acknowledges policy PT.O2, which seeks to deliver a transport node in the vicinity of Carlow Railway Station to facilitate integration with bus services and other modes.

The Office commends the planning authorities for the approach to setting out the policy framework for sustainable travel and transport in Chapter 6 of the draft JULAP, which reflects the transport hierarchy recommended in the government's NSMP and the *Design Manual for Urban Roads and Streets* (revised 2019). The JULAP therefore forms a strong basis for the implementation of active and sustainable transport modes, integrated with land use, which will assist in achieving the National Climate Objective for carbon reduction under the *Climate Action and Low Carbon Development Act 2015*, as amended.

The draft JULAP includes objectives to pursue the continued development of an extensive peripheral road network, including the Carlow Southern Relief Road (CSRR) and incorporating the Carlow Eastern Relief Road, which has been partly completed to the north, from the junction with R448. While the CSRR is referred to in the National

Development Plan 2021-2030 (but not as a priority project) and is supported by SRA RPO 14(v) and by Carlow CDP NR. O2 and Laois CDP Policy Objective TRANS 25, national transport policy continues to evolve, reflecting climate with the publishing of the National Investment Framework for Transport in Ireland (2021) (NIFTI) and the NSMP, which may affect the availability of funding for the route. The planning authorities should therefore consider the implications for implementing the JULAP should the CSSR not be developed.

The planning authorities should also ensure that all relevant national transport policy is referenced and taken into account in the JULAP. The JULAP and associated LTP should have regard to the policy recommendations of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), as Ministerial guidelines, in particular in relation to the potential junction of the CSRR with the N80 and in respect of Overarching Policy LTP. P1 of the JULAP.

It is also appropriate that relevant TII publications are also referenced alongside DMURS, in policy LT. P2, to reflect appropriate 'principles, approaches and standards' depending on road classification, having regard to the technical and standards functions TII Publications perform for the national road network and all public roads outside the 60 km/h speed limit. Such publications should also be taken into consideration in the LTP.

## **6. Flood risk management**

The Office welcomes the preparation of the SFRA and accompanying plan making justification tests to inform the policies, objectives and zoning objectives of the draft JULAP. The Office also welcomes the indication of Flood Risk Zones A and B on the land use zoning maps for that part of the JULAP within County Carlow, but notes that these are not provided for Graiguecullen. As this omission has the potential to impact on the effective implementation of the *Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines), inconsistent with EMRA RPO 7.12 and Laois CDP Policy Objectives FRM 1 and FRM 7, the land use zoning map should be amended accordingly.

In addition, the SFRA does not fully reflect the requirements of the Flood Guidelines, in a number of respects, in particular:

- The defined flood risk zones take account of the presence of flood risk defences. The Guidelines require that such defences should not be taken into account when defining flood risk zones as they are not guaranteed to hold under all flood events.
- The flood risk zones do not take account of the available NIFM dataset, nor do they take account of climate change impact on the 0.1% AEP flood extents impacting on flood risk Zone B.
- The Plan Making Justification Test (PMJT) has not been carried out for town centre flood risk Zone B locations, outside of defended areas, and there is some confusion about the PMJT carried out for A.2.2 *Neighbourhood Facilities / Centre*, which references a school and playing pitches, which may refer to another site.
- The SFRA uses Preliminary Flood Risk Assessment (PFRA) indicative pluvial maps. The use of the PRFAs, alone, is insufficient if there is risk of pluvial flooding and a pluvial assessment and mapping for Carlow-Graiguecullen would be necessary.
- The SFRA does not take account of the drainage districts.

These issues will need to be addressed in order to ensure the flood risk is managed for the JULAP in accordance with the Flood Guidelines, and consistent with national, regional and county policy and objectives.

### Recommendation 3 – Flood Risk Management

Having regard to flood risk management, and in particular to:

- Policy Objectives FRM 1 and FRM 7 of the Laois County Development Plan 2021-2027;
- RPO 7.12 of the RSES for the Eastern and Midlands Regional Assembly; and
- the provisions of the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*, as amended;

the planning authority is required to:

- (a) review and revise the SFRA to:

- (i) exclude consideration of flood defences in determining the flood risk zones;
  - (ii) take account of the NIFM dataset;
  - (iii) incorporate a pluvial assessment and pluvial mapping for Carlow-Graiguecullen, in lieu of the PFRA indicative pluvial maps if pluvial flood risk is considered a flood risk;
  - (iv) consider climate change impact on the 0.1% AEP flood extents, which will impact FRZ B; and
  - (v) consider drainage districts,
- (b) amend the draft JULAP, including zoning objectives as necessary, having regard to the revisions to the SFRA required under part (a), including zoning lands within Flood Zone A for water compatible uses, only, and zoning lands within Flood Zone B for less vulnerable uses, only, unless the subject zoning and/or infrastructure have each first passed the plan-making Justification Test, including taking full account of future climate change scenarios as identified in the OPW Flood Mapping ([floodinfo.ie](http://floodinfo.ie)); and.
- (c) amend Land Use Zoning Map 12.1 to indicate Flood Risk Zones A and B for Graiguecullen, in addition to that shown for Carlow town and its environs.

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

## 7. Implementation and monitoring

The Office welcomes the inclusion of a section on implementation and monitoring as part of the draft JULAP in Chapter 12 Land Use Zoning and Implementation, which sets out the commitment of the two planning authorities to implement and monitor the policies and objectives of the plan, to be led by the two authorities.

Notwithstanding the level of detail provided, the implementation strategy does not identify key elements of the plan for implementation, which would act as indicators of the success or otherwise of the implementation of the JULAP. Neither does the strategy identify ownership / leadership of key elements of the JULAP, that is who will drive forward

implementation; nor does it include timelines within which to complete implementation of key projects. The implementation strategy therefore does not include the key elements that provide for an effective implementation and monitoring strategy.

While the draft JULAP identifies the sources of funding available to it, the planning authorities should indicate which sources will be targeted to implement specific elements of the JULAP.

No provision has been made for a coherent, targeted monitoring strategy that would enable the planning authorities to determine whether it has successfully implemented key elements of the JULAP, within a specific timeframe and by the expiry of the JULAP. This approach does not have due regard to the provisions of the Development Plans Guidelines (s.10.2) and the *Local Area Plans, Guidelines for Planning Authorities* (2013) (LAP Guidelines) (s.6.2). A targeted implementation and monitoring strategy would ensure a more efficient and effective plan implementation and would also assist in meeting the requirements of section 15 of the Act.

In this regard, the planning authorities should consider the approach implemented by Limerick County Council in its local areas plans as best practice.

#### Observation 1– Implementation and monitoring

The Office advises the planning authority to review its implementation and monitoring strategy for the draft JULAP, having regard to section 10.3 of the Development Plans, Guidelines for Planning Authorities (2022) and section 6.2 of the Local Area Plans Guidelines.

#### 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.

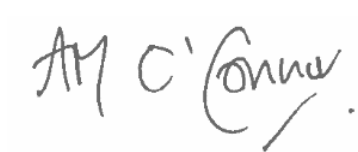
The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 20 of the Act must summarise

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

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](mailto:plans@opr.ie).

Is mise le meas,

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A handwritten signature in black ink, reading "AM O'Connor". The signature is written in a cursive style with a diagonal slash at the end.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations

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