

6th March 2024

Carlow County Council,
Senior Executive Officer,
Planning Department,
Athy Road,
Carlow.

Re: Issues Paper for the Muine Bheag Local Area Plan 2024-2030

A chara,

Thank you for your authority's work in preparing the Issues Paper (the Issues Paper) for the proposed Muine Bheag Local Area Plan 2024-2030 (the LAP).

The planning authority is commended for publishing an Issues Paper, engaging proactively with the public, and notifying the Office of the Planning Regulator (the Office) of the intention to prepare the LAP. In particular, the Office considers the Issues Papers to be well set out, appropriately focused and easy to follow.

In accordance with the provisions of section 31AO of the *Planning and Development Act 2000*, as amended (the Act), the Office is obliged to evaluate and assess local area plans to ensure alignment with national and regional planning policy and the objectives of your county development plan.

The Office has set out some broad issues relevant to the preparation of local area plans, in addition to some specific issues of particular relevance to the preparation of the LAP, under the following headings:

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, employment and retail](#)
7. [Transport and mobility](#)
8. [Flood risk management](#)
9. [Climate action](#)
10. [Environment, built and natural heritage](#)
11. [Implementation and monitoring](#)

The comments are offered without prejudice to any observations and recommendations by the Office at future stages of the plan-making process. They also 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

Section 20(5) of the Act requires the LAP to be consistent with the objectives of the Regional Spatial and Economic Strategy (RSES), *National Planning Framework* (NPF), the specific planning policy requirements (SPPRs) of section 28 guidelines and the relevant development plan.

The Office encourages the planning authority to liaise with the Southern Regional Assembly in preparation of the draft LAP, particularly where clarity is required on how the objectives and guiding principles set out in the RSES relate to the LAP.

The Office notes that Muine Bheag is classified as a District Town under the Carlow County Development Plan 2022-2028 (the Development Plan). The Development Plan considers Muine Bheag to be a well-developed serviced settlement with jobs supporting services and community facilities and with capacity for continued commensurate growth to become more self-sustaining.



2. Development plan core strategy

Section 19(2)(b) of the Act requires the LAP to be consistent with the objectives of the development plan and its core strategy. This is also a key message of the section 28 *Local Area Plans, Guidelines for Planning Authorities (2013)* (LAP Guidelines).

In this regard, the Office notes that the core strategy of the Development Plan provides for a population increase of 671 persons between census 2016 and 2028, with a requirement for 295 housing units. Any departure from this target, necessary to take account of the different period of the LAP to the Development Plan, should be clearly explained and justified.

The Office notes that the core strategy did not determine the area of land required to be zoned to accommodate residential development, but indicated that this would be addressed as part of the LAP review process for Muine Bheag.

A key part of the Office's assessment of the draft LAP is to consider whether the objectives and zoning provisions of the LAP are consistent with the level of growth set out in the core strategy for the settlement.

3. Zoning, compact growth and infrastructural services

Where proposed, our assessment will carefully consider whether proposed zoning objectives are consistent with the core strategy and objectives of the development plan and whether they can demonstrate consistency with the objectives for compact growth and densification¹ under the NPF (NPO 3 and NPO 35) and the RSES (RPO 35). The implementation of effective compact growth to avoid urban sprawl also plays a key role in climate change mitigation. The Office welcomes the proposal in the Issues Paper to seek to focus investment on compact growth and the Town Centre First approach in the LAP.

As the core strategy did not determine the land area required to accommodate the housing target for the town, the total area proposed to be zoned to accommodate residential use, or a mix of residential and other uses will be a significant focus of the Office's assessment.

¹ Including through reductions in vacancy, re-use of existing buildings, infill development, area or site-based regeneration and increase building heights.

The Office also notes that 2.42ha of town centre land is identified in the core strategy to accommodate residential development.

Zoning objectives should also be consistent with any strategic development sites for the delivery of residential, employment or other uses identified in the RSES and the development plan, where relevant.

In relation to residential development, any provisions or standards for density or building height in the LAP should have regard to relevant section 28 guidelines and are required to implement any SPPRs therein. The following are of particular relevance in this regard:

- *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024)*;
- *Urban Development and Building Heights, Guidelines for Planning Authorities (2018)*; and
- *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023)*.

Land use zoning should follow a sequential approach so that the development of lands closest to the town centre are prioritised over lands on the outskirts of the town, as set out under section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities (2022)* (the Development Plans Guidelines).

The planning authority also needs to ensure that lands that cannot be serviced within the lifetime of the LAP are not zoned for development, consistent with the tiered approach to zoning under NPO 72 a-c of the NPF. In this regard, an infrastructure assessment should be prepared in accordance with Appendix 3 of the NPF and having regard to section 4.5.2 (Settlement Capacity Audit) of the Development Plans Guidelines.

In this regard, the Office notes that according to Úisce Éireann's capacity registers there are no current waste water treatment or water supply capacity issues and that waste water treatment capacity will be further increased by 2025. Nonetheless, the planning authority is advised to liaise closely with Úisce Éireann and with the other relevant prescribed authorities concerning the delivery of essential services and infrastructure necessary to facilitate development.

4. Regeneration

Both the NPF (NPO 4 urban places; NPO 6 urban regeneration; NPO 18a proportionate growth; NPO 18b new homes and NPO 35 increasing residential use) and the policy objectives of the RSES emphasise the importance of opportunities for urban and village regeneration to create attractive, liveable, and high quality urban places. The reuse of brownfield sites and vacant buildings will also contribute to climate change mitigation.

As referred to in the Issues Paper, the Development Plan identifies several regeneration and settlement consolidation sites for the area of the LAP. These should be clearly identified in the LAP and taken into consideration in determining the area of land required to be zoned to meet the housing target.

The LAP also provides an opportunity to identify any further opportunity and regeneration sites, or vacant or underutilised buildings, in accordance with the requirements (RPO 34) or guiding principles of the RSES for urban infill and regeneration, where applicable.

Where such sites are identified, the planning authority should prepare a development framework for future development with appropriate guidance regarding layout, massing, permeability, green infrastructure and *Sustainable urban Drainage Systems* (SuDS) etc., as set out in section 5.7 of the LAP Guidelines.

The Office recommends that the LAP includes a strong policy framework to support the utilisation of existing buildings, brownfield/infill sites, and derelict and underutilised sites. The planning authority should consider proactive land activation measures including the planning authority's powers for land acquisition / compulsory purchase and derelict sites and vacant land. The plan should also align with sources of funding to facilitate key regeneration projects such as the recently announced *Croí Cónaithe (Towns) Fund Scheme*, and TCF-aligned funding streams under the Government's *Town Centre First, A Policy Approach for Irish Towns* (2022).

5. Education, social and community amenities

Access to quality childcare, education and health services is a National Strategic Outcome of the NPF. The LAP should therefore seek to align population 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 Office welcomes the

recognition in the Issues Paper of the importance of sustainable communities and the provision of access to community services, healthcare services and recreational and cultural amenities and the delivery of successful places.

In this regard the Office would advise that the LAP should be informed by a social or civic infrastructure audit to establish the capacity of existing facilities, including community centres, leisure, amenity and cultural facilities to serve existing and future residents, and identify the need for any additional facilities.

It is also important that access to existing and proposed facilities by walking or cycling is prioritised consistent with the sustainable approach to settlement and mobility discussed below.

Specifically, in relation to schools, the planning authority should consult with the Forward Planning Section and Site Acquisition and Property Management Section of the Department of Education.

The planning authority's *Local Economic and Community Plan 2023-2028* (LECP) and *Traveller Accommodation Programme 2019-2024* (TAP) and draft *TAP 2025-2029* should also inform the LAP to provide for the co-ordinated spatial planning of housing and community services for the area.

6. Economic development, employment and retail

The Office acknowledges the very high jobs : resident workers ratio (1.5) for Muine Bheag, which indicates high in-commuting to the settlement, reflecting the range of key industries present in the town. The Office notes the intention of the planning authority to attract targeted investment to improve local employment, services and sustainable transport options while building on existing assets and to strengthen the existing employment base.

While the high level of jobs present in the town is a very positive feature of Muine Bheag, the planning authority should consider what actions it can take to ensure that in future more of those workers are resident workers, resulting in a greater benefit to the town's economy.

The NPF, RSES and section 28 guidelines emphasise the need to take an evidence-based approach to the inclusion of objectives for employment and other commercial uses. In particular, the LAP should be aligned with the detailed economic strategy and all relevant



guiding principles of the RSES. In this regard the Office notes that no strategic enterprise / employment sites have been identified in the RSES or the Development Plan, for Muine Bheag.

In terms of identifying the optimal locations for employment zonings, the key criteria should be: compact growth, the sequential approach to development and the options for active and sustainable transport having regard to the need to mitigate climate change. These should be supported by an infrastructure assessment report and/or settlement capacity audit. As noted under section 3, above, such lands should be either serviced or serviceable within the LAP period. The reuse of appropriate brownfield sites and vacant premises should also be prioritised over greenfield lands.

In view of the very high jobs : resident workers ratio and the extent of lands zoned for employment and enterprise related uses, the planning authority should consider the consolidation of lands for such uses around existing established employment.

The facilitation of retail facilities also need to be considered to provide for the anticipated population growth. Particular regard should be given 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 town in the retail hierarchy of the Development Plan. The Office welcomes the proposed key focus of the LAP to seek to address vacancy and dereliction together with the use of underutilised lands within the town centre. The Office also acknowledges the provisions for Muine Bheag in the Carlow Retail Strategy, including the identification of 6no. retail opportunity sites, which are indicated in the Issues Paper.

7. Transport and mobility

The *Climate Action Plan 2024* (Climate Action Plan) identifies the need to significantly reduce car kilometres (by 20% over business as usual) and significantly increase sustainable journeys, guided by the *National Sustainable Mobility Policy (2022)* and the proposed *National Demand Management Strategy*.

The integration of land use and transportation is centrally important to this objective and to the objectives and provisions of the NPF (NPO 27 alternatives to the car; NPO 33 location of new homes, NPO 54 to reduce our carbon footprint and NPO 64 air quality, among others) and the RSES.



The Development Plan (MS.O2) commits to the preparation of a local transport plan (LTP) for Muine Bheag to inform the LAP in consultation with the National Transport Authority (NTA), Transport Infrastructure Ireland (TII) and other relevant stakeholders, based on the Area Based Transport Assessment Approach (ABTA). In this regard, the planning authority will be aware of the NTA's *Area Based Transport Assessment Advice Note (2018) (ABTA)* and *ABTA How to Guide Guidance, Document Pilot Methodology (2021)* as well as TII's *Area Based Transport Assessment (ABTA) Guidance Notes (2018)*.

The Office notes that it is the objective of the Development Plan (MS.O1) to support specific targets modal shift at a county level. It is also an objective MS.O2 to include baseline figures and ambitions /targets for modal share in the LAPs, in order to encourage a modal shift away from the private car to more sustainable forms of transport, such as public transport, cycling and walking. The Office would advise that such targets should be ambitious, but realistic over the period of the LAP, having regard to the need to contribute to Ireland's targets for greenhouse gas reduction under the *Climate Action and Low Carbon Development Act 2015*, as amended, (the Climate Act) and the Climate Action Plan.

The LAP should incorporate the main objectives, targets and measures of the LTP, along with relevant associated maps, in support of the National NPOs referred to, above. The LTP and the associated modal shift targets should inform zoning and other relevant objectives of the future LAP to ensure integrated approach to land use and transport planning.

In order to increase the potential for trips to be made on foot, bicycle or public transport, the LAP should demonstrate consistency with 'Avoid-Shift-Improve' principle and the '10-minute town concept', as well as providing for the proactive implementation of the *Design Manual for Urban Roads and Streets (revised 2019)* and the NTA's *Permeability Best Practice Guide*.

The Office notes the details of existing modal share for the town and welcomes the intention of the planning authority to improve active travel networks within Muine Bheag. The Office also acknowledges that the Issues Paper considers sustainable transport provision as a cross-cutting issue across the themes addressed. This is a best practice approach. The Office would suggest that, in view of the very high jobs : resident workers



ratio, in-commuting to the settlement for journeys to work should be a particular focus of the LTP and the future LAP.

8. Flood risk management

Having regard to the location of Muine Bheag along the River Barrow, flood risk management will be the most critical climate change adaptation measure to be addressed in the LAP, informed by a Strategic Flood Risk Assessment (SFRA). The Office acknowledges that an SFRA was prepared to inform the Development Plan, however the planning authority will have to satisfy itself that, in preparing the LAP, it has regard to the requirements of the relevant sections 28 guidelines and is consistent with the relevant NPOs and RPOs, as referred to, below.

The planning authority should ensure that the LAP is consistent with NPO 57 and with RPO 114 and RPO 115 by avoiding inappropriate development in areas at risk of flooding, in accordance with the detailed requirements and provisions of section 28 *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009). These guidelines require a 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 where appropriate.

Flood risk zones² should also be clearly overlaid 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 Office of Public Works (OPW) to facilitate assessment.

The planning authority is strongly advised to liaise with the OPW in the early stages of preparing the SFRA to avoid issues arising at draft LAP stage. In particular, you should be aware that the Preliminary Flood Risk Area maps are preliminary assessments and should not be relied upon to inform zoning decisions.

Further, while national Catchment Flood Risk Assessment and Management (CFRAM) mapping is available in the vicinity between Leighlinbridge and Graiguenamanagh areas for further assessment, these should be used as a guide to where further assessment of

² With flood zone A and B separately identifiable on the zoning maps

flood risk may be necessary and should not be used as the sole basis for defining the Flood Zones. Other information, such as sites specific survey and flood risk assessments may be necessary.

In accordance with NPO 57, RPO 114 and RPO 218, the LAP is required to integrate sustainable water management solutions, such as SuDS. In this regard, the Office draws 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 (2022)*'.

9. Climate action

It is a National Strategic Outcome of the NPF to transition to a low carbon climate resilient society. The effective implementation of climate mitigation objectives through the LAP are critical to the achievement of the Government's greenhouse gas emissions reduction target to mitigate climate change under the Climate Act. The Office welcomes the Issues Paper's acknowledgment of the increasingly important role of climate action to the future development of towns. The Office also notes that the recently prepared *Carlow County Climate Action Plan 2024-2029* for the county will deliver and promote best practice in the transition to a low carbon and climate resilient county.

The efficient use of land, including through infill development and brownfield development consistent with compact growth, will ensure consistency with NPO 53 (land use). An integrated approach to land use and transport planning will help ensure that climate action is integral to the LAP in support of national mitigation targets (NPO 54) under the Climate Act. The LAP should also consider how development in the area might best contribute to the delivery of renewable energy consistent with NPO 55. These NPOs, together with the relevant objectives of the RSES and Development Plan, will be of particular importance in this respect.

The effective implementation of climate adaption objectives through the LAP will be essential to ensure Muine Bheag is climate resilient into the future. As noted, above, flood risk management will be the most critical climate change adaptation measure to be addressed in the LAP. The National Adaptation Framework (2018)³ (NAF) specifies the

³ A new NAF is under development and will be submitted to Government for approval in early 2024.

national strategy for the application of adaptation measures in different sectors and by local authorities in their administrative areas in order to reduce the vulnerability of the State to the negative effects of climate change and to avail of any positive effects that may occur.

10. Environment, built and natural heritage

The planning authority is the competent authority for Strategic Environmental Assessment and Appropriate Assessment, and will be aware of the *Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities (2022)* issued under section 28 of the Act and the *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2009)*, as revised.

Muine Bheag is situated on the banks of the River Barrow, which represents a significant environmental, amenity and landscape asset for the town. It also is an important ecosystem and a designated European site. The planning authority should ensure the LAP is consistent with objectives of the NPF and RSES concerning environmental protection. In this regard the Office highlights the importance of integrating green and blue infrastructure into the LAP consistent with NPO 58 and planning for greenbelts (NPO 62). Planning for green and blue infrastructure can contribute to climate change adaptation, in particular flood risk management through nature-based solutions (NPO 57 and NPO 63). It can also make a positive contribution to climate mitigation and have positive impacts on biodiversity and clean air (NPO 64). The Office welcomes the intention of the planning authority to seek to increase awareness, support and enhance the important role of green infrastructure for the community of Muine Bheag.

The Issues Paper indicates that Muine Bheag has extensive built heritage. 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. Accordingly, the planning authority should have regard to the *Architectural Heritage Protection Guidelines for Planning Authorities (2011)*.

11. Implementation and monitoring

The NPF and the RSES place increased emphasis on the importance of monitoring the implementation of statutory strategies and plans to measure plan effectiveness and to

continually update a relevant evidence base to inform future planning strategies. The Issues Paper does not address these matters.

The planning authority is therefore encouraged to set out specific provisions for monitoring the 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 the planning authority for the preparation of this Issues Paper. The Office advises the planning authority to pay particular attention to the following issues in the preparation of the LAP:

- ensure the zoning of land for residential use or for a mixture of residential and other uses are consistent with the core strategy targets, taking account of compact and sequential growth, the availability of town centre sites, infrastructure availability and capacity and relevant section 28 guidelines including the approach to residential density and the requirement to prepare a Settlement Capacity Audit;
- determine the zoning requirements for employment and enterprise type uses through an evidence-based approach to demand and to the suitability of such lands in terms of sustainable development and the availability / feasibility of providing site services;
- consider what actions can be taken in the LAP to increase the number of resident workers in the town in order to increase the economic benefit to Muine Bheag;
- incorporate the main objectives, targets and measures of the LTP, along with relevant associated maps, into the LAP and ensure that it informs the zoning and other relevant objectives;
- ensure that flood risk and environmental protection issues are appropriately addressed with respect to the River Barrow, in particular; and
- set out specific provisions for monitoring the implementation of the objectives of the LAP.



The Office looks forward to reviewing the future draft LAP and to continued positive engagement with your authority in the 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
