



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

**OPR Ref: MA-045-22**

12<sup>th</sup> June 2024

Carlow County Council  
County Buildings,  
Athy Road,  
Carlow,  
Co. Carlow.

Laois County Council  
Áras an Chontae,  
JFL Avenue,  
Portlaoise,  
Co. Laois.

**Re: Material Alterations to Draft Carlow-Graigecullen Joint Urban Local Area  
Plan 2024-2030**

A chara,

Thank you for your authorities' work in preparing the proposed Material Alterations (the proposed material alterations) to the draft Carlow-Graigecullen Joint Urban Local Area Plan 2024-2030 (the draft JULAP).

As your authorities are aware, a core function of the Office of the Planning Regulator (the Office) is the strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. This includes a requirement to make submissions on statutory plans, including any observations or recommendations the Office considers necessary to ensure the effective co-ordination of national, regional and local planning requirements.

The Office has evaluated and assessed the proposed material alterations under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act), and within the context of the Office's earlier recommendations and observations.

The Office's evaluation and assessment of the proposed material alterations has regard to the Carlow County Development Plan 2022-2028 (the Carlow Development Plan) and Laois County Development Plan 2021-2027 (the Laois Development Plan), the relevant Regional Spatial and Economic Strategies (RSES) and relevant section 28 guidelines.

## **Overview**

The Office acknowledges the extensive work undertaken by the planning authorities in responding to the issues raised by the Office in its recommendations and observations and in preparing the proposed material alterations.

As outlined in the Office's submission to the draft JULAP, the Office concluded that the draft JULAP sets out a positive, evidence-based, planning strategy to guide the development of Carlow-Graigucullen over the six-year plan period. It was noted, however, that there were a number of matters required for the JULAP to be consistent with the National Planning Framework (NPF), the RSES for the Southern Regional Assembly (SRA) and Eastern Midland Regional Assembly (EMRA) as well as the Development Plans.

The Office considered it necessary to make three recommendations on the draft JULAP, and made one observation where further consideration was advised.

The Office welcomes proposed Amendments No. 2 and No. 3, which respond to Recommendation 1 of the Office's submission to the draft JULAP, and addresses requirements in relation to the core strategy.

Generally, the Office was satisfied with the approach in relation to residential development in the draft JULAP, in particular the overall consistency with the core strategy of the applicable Development Plans. While the Office has no objection to most of the material alterations that propose to zone land for residential development, there are a number of residential zonings, particularly zonings outside the settlement boundary, which are located on the periphery of the town and are not consistent with the core strategy.

The Office recommends, therefore, that your authorities makes the JULAP without the proposed material alterations identified in MA Recommendation 1, which undermine the very positive policies, objectives and strategies in the draft JULAP, promoting compact and proportionate growth, sustainable mobility and the transition to a low carbon and climate resilient society.

In relation to lands zoned for Employment Uses in the draft JULAP, the Office notes that the planning authorities did not comply with Recommendation 2 of the Office's submission to the draft JULAP. These matters will have to be considered by the Office in the context of its final assessment of the adopted JULAP.

Further, the proposed material alterations to zone additional land for employment generating uses, in peripheral locations and in a piecemeal manner would not be consistent with a compact pattern of development in accordance with the National Strategic Outcome (NSO) for compact growth of the NPF. The Office notes that these locations, in some cases, are: not adequately serviced; poorly connected to the town centre; inconsistent with *Town Centre First, A Policy Approach for Irish Towns (2022)* (Town Centre First); and are provided without an evidence-base for such zonings.

In relation to flood risk management, the Office welcomes the general approach by the planning authorities in response to Recommendation 3 of the Office's submission to the draft JULAP. In particular, the Office welcomes the inclusion of Flood Risk Zones A and B on the land use zoning maps for the Graiguecullen part of the JULAP. Notwithstanding their inclusion, the Office notes the overlapping of Flood Zone B on land zoned New Residential in the draft JULAP, and additional land zoned New Residential, which was the subject of proposed Amendment No. 63. This matter is addressed in this submission under MA Recommendation 3 below.

An observation was included in the Office's submission to the draft JULAP in relation to implementation and monitoring. It is noted that this observation has been addressed as part of the proposed material alterations and therefore the proposed material alteration strengthens the basis for implementation and delivery over the plan period.

It is within this context, the submission below sets out two (3) recommendations and under the following themes:

<b>Key theme</b>	<b>Recommendation</b>	<b>Observation</b>
<a href="#"><u>Core strategy and land use zoning for residential use</u></a>	<a href="#"><u>MA Recommendation 1</u></a>	-
<a href="#"><u>Land use zoning for Employment</u></a>	<a href="#"><u>MA Recommendation 2</u></a>	-
<a href="#"><u>Flood risk management</u></a>	<a href="#"><u>MA Recommendation 3</u></a>	-

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 authorities are 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 authorities are 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 authorities are requested by the Office to give full consideration to the advice contained in a submission.

### **1. Core strategy and land use zoning for residential use**

The Office was generally satisfied that the housing target in the draft JULAP was consistent with the core strategies of the relevant Development Plans for the two planning authorities.

Notwithstanding the above, Recommendation 1 of the Office's submission to the draft JULAP sought a reallocation of the core strategy numbers based on a revised

distribution of post-2028 housing growth target between Carlow Town and Carlow Town Environs to apply pro-rata growth separately to both areas. The Office acknowledges and welcomes the approach by the planning authorities in revising the core strategy allocation providing for the additional two years (444 housing units) and the 25% residual provision (444 housing units).

Furthermore, the Office commends the planning authorities for their approach in revising the residential density yield in the draft JULAP to ensure consistency with the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*. In this regard the Office respectively notes the proposed Amendment No. 3 and welcomes the approach to use maximum densities.

The Office notes the need for an additional 8 ha of New Residential zoned land in the draft JULAP arising from the additional allocation and the introduction of maximum residential densities. Accordingly, the proposed material alterations provide for three separate plots of New Residential zoning, including the following:

- Amendment No. 52 - Castleoaks (2.5 ha);
- Amendment No. 53 - Brownshill (2.5 ha); and
- Amendment No. 54 - Pollerton Manor (3ha).

The Office broadly welcomes these proposed material alterations.

The Office also sought (Recommendation 1 of the Office's submission to the draft JULAP) a review of the potential housing yield for lands proposed as Existing / Infill Residential and recommended omitting the zoning Existing / Infill Residential objective for Pollerton Big to ensure that it will not be considered for residential development during the period of the JULAP. The Office welcomes the proposed Amendment No. 55 which will reduce the quantum of land zoned Existing Residential / Infill by 40 ha by amending the zoning objective from Existing Residential / Infill to Strategic Reserve.

Notwithstanding the positive approach in relation to the proposed material alterations in respect of the core strategy and land use zoning for residential use, the Office also

has concerns in relation to two of the proposed material alterations that are poorly located, lack necessary infrastructure provision, and are not necessary to ensure a sufficient supply of zoned land consistent with the core strategy in the adopted Development Plans.

The proposed material alterations that raise concerns are:

- Amendment No. 61 – Amend Landuse Zoning Map 12.1 to zone 0.15 ha to the north of N80 as Strategic Reserve and extend the development boundary; and
- Amendment No. 62 – Amend Landuse Zoning Map 12.1 to zone 1.32 ha to the north of N80 as Strategic Reserve and extend the development boundary.

The land-use zonings proposed under Amendments No. 61 and No. 62 are located outside of the settlement boundary for the town, are less sequentially preferable to other lands zoned Strategic Reserve. Further, the proposed material alterations would introduce elements of the Less Compact Development alternative which would be inconsistent with the objectives and strategies in the draft JULAP to promote compact growth and urban regeneration in support of NPO3c, RPO 3.1 (EMRA RSES), RPOs 35 and 11a (SRA RSES), policy objectives CSP 2 and CS O9 of the Carlow Development Plan and CS 05 and CM BE 1 of the Laois Development Plan.

The lands, the subject of proposed Amendments No. 61 and No. 62, are removed from the town, are located beyond the N80, lack the required infrastructure and are less sequentially preferable, compared to other lands in the town of Carlow – Graiguecullen, it is noted that the lands were not previously zoned.

These sites are accessed from a local rural road with no footpath or cycle path infrastructure, and the Office notes from the *Carlow Graiguecullen Local Transport Plan - Proposed Material Amendments (May 2024)* that there are no proposals to extend the proposed walking and cycling network to these sites the subject of the proposed Amendment No. 61 and No. 62. Further, the servicing for water and



wastewater infrastructure of these respective sites would require extensions from public services.

Moreover, the rezoning of the land would not represent a sequential approach to zoning for residential development, and as such would be inconsistent with the policy and objective (section 6.2.3) of the *Development Plans, Guidelines for Planning Authorities* (2022) (the Development Plans Guidelines).

Further, the Office notes that the draft JULAP provided sufficient land to meet anticipated development requirements set out in the core strategy which are preferably located and are serviced to meet demand. There is, therefore, no evidence-based rationale to support the requirement for the proposed Amendments No. 61 and No. 62 to ensure that adequate housing is available.

In addition, the Office notes the Chief Executive's Report (CE's Report) on the draft JULAP (March 2024) in recommending not to accept the proposed Amendments No. 61 and No. 62, stated the following:

*The Draft Local Area Plan will recognise the need to concentrate growth in settlement cores, on brownfield sites, and at appropriate infill locations proximate to public transport services where feasible and with appropriate densities of development. There are ample lands already zoned to accommodate projected population growth and housing demand.*

In general, the proposed material alterations, referred to above, risk undermining the positive policies, objectives and strategies in the draft JULAP which promote compact growth and urban regeneration in support of policy objectives CSP 2 and CS O9 of the Carlow Development Plan, CS 05 and CM BE 1 of the Laois Development Plan and RPO 35 and RPO 11a (SRA RSES) and RPO 3.1 (EMRA RSES).

As outlined in this submission, the proposed zonings do not represent sequential development, particularly within the context of compact growth. The result is the zoning of land in excess of that which can reasonably be considered to be required to provide for the housing supply target consistent

with the core strategies of the relevant Development Plans. The sites have infrastructure deficits and it is not clear when these will be resolved.

### MA Recommendation 1 – Land Use Zoning for Residential Use

Having regard to the provision of new homes at locations that can support compact and sustainable development, and in particular to the following:

- the core strategies of the Carlow County Development Plan 2022-2028 (the Carlow Development Plan) and Laois County Development Plan 2022-2028 (the Laois Development Plan);
- policy objectives CSP 2 and CS O9 of the Carlow Development Plan and CS 05 and CM BE 1 of the Laois Development Plan;
- RPO 35, Southern Regional Assembly Regional Spatial Economic Strategy (SRA RSES), for compact growth ;
- RPO 11a, SRA RSES, for regeneration;
- the peripheral location of the lands and the policy and objective for the sequential approach to zoning in the *Development Plans, Guidelines for Planning Authorities (2022)*; and
- NPO 72a-c and Appendix 3 of the *National Planning Framework* for the co-ordination of land use zoning, infrastructure and services,

the planning authorities are required to make the JULAP without the following proposed material alterations:

- (i) Amendment No. 61 – Amend Landuse Zoning Map 12.1 to zone 0.15 ha to the north of N80 as Strategic Reserve and extend the development boundary; and
- (ii) Amendment No. 62 – Amend Landuse Zoning Map 12.1 to zone 1.32 ha to the north of N80 as Strategic Reserve and extend the development boundary.





## 2. Land use zoning for Employment

The Office, in its submission to the draft JULAP, broadly welcomed the policies and objectives with regard to economic development and employment. Furthermore, the Office notes policy objective RPO 14 (RSES) which aims to strengthen and support the role of Carlow Town (and Graiguecullen) as a self-sustaining regional and inter-regional economic driver supporting investment in the strategic employment development potential of the town while supporting town centre led economic regeneration and achieving compact growth.

However, the Office has concerns with the extensive scale of land zoned for employment uses without an evidence-based rationale to demonstrate the need for such extensive lands in accordance with section 6.2.5 of the Development Plans Guidelines. In its submission to the draft JULAP the Office noted in particular the Enterprise and Employment zoned land to the northeast (c.30ha) of Strategic Employment site 6 to the east of the partly constructed Eastern Relief Road.

In this regard the Office outlined concerns in respect of: no infrastructural assessment provided for the employment lands; that the proposed zoning is not sequential; and that the JULAP and Local Transport Plan include no proposals for active travel to the site; is inconsistent with SRA RSES' objectives (RPO 62(b) and RPO 151(d)) and with the National Climate Objective to reduce greenhouse gas emissions by 51% by 2030; and, lastly, there are no extant permissions on the subject site.

The Office sought the omission of these employment lands from the draft JULAP. However, the CE's Report provides evidence-based rationale for the overall quantity and the spatial location of all employment generating land use zonings including these employment zoned lands the subject of Recommendation 2 of the Office's submission to the draft JULAP.

The Office notes the decision of the local authorities not to address Recommendation 2 of its submission to the draft JULAP and this will have to be considered by the Office in the context of its final assessment of the adopted JULAP.



Further to the above, the Office notes that there are a number of proposed material alterations which seek changes to the lands zoned for employment use within the draft JULAP, which would further add to the quantum of employment zoned land and are further removed from the town centre and moreover the piecemeal nature of the lands zoned for employment and enterprise in peripheral locations would not be consistent with a compact pattern of development in accordance with compact growth.

In particular, the Office has concerns in relation to lands situated to the north-east of the town and outside of the CSO 2016 Settlement Boundary, which are the subject of proposed Amendments No. 57 (c. 2.5 ha) and No. 58 (c. 4.5 ha).

These sites are less sequentially preferable compared to other employment zoned sites in the town. The Development Plans Guidelines advise that the *'...proposed employment zonings must have a credible rationale, particularly with regard to location and type of employment'*. Further no infrastructure assessment has supported the rationale in relation to the proposed rezonings and the site in respect of proposed Amendment No. 58 is accessible both from the R448 and from a local rural road with no footpath or cycle path infrastructure. Moreover, the Office notes from the *Carlow Graiguecullen Local Transport Plan - Proposed Material Amendments* (May 2024) that there are no proposals to extend the proposed walking and cycling network to the site the subject of the proposed Amendment No. 58.

These proposed employment land-use zonings, which would facilitate new and more intensive employment development removed from the town centre, work against the objectives of consolidation of the existing built urban footprint; conflicts with objectives in the draft JULAP to build a much stronger urban core and vibrant town centre; and is contrary to RPO 35 (SRA RSES) and Town Centre First. In this regard, it is not clear that the JULAP, with the proposed material alterations, contains an overall evidence-based strategy for employment uses which is consistent with the proper planning and sustainable development of the area.



## MA Recommendation 2 – Lands Zoned for Employment Uses

Having regard to the provision of an evidence-based strategy for employment uses which is consistent with the proper planning and sustainable development of the area, and in particular to the following:

- an evidence-based rationale for both the requirement to zone lands and the location and type of employment in accordance with section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities (2022)* and the sequential approach to zoning for high intensity employment in accordance with Appendix A section 1.4;
- the National Strategic Objective for compact growth;
- RPO 62(b) and RPO 151(d) (SRA RSES) for integrating transport and employment locations;
- policy objective LT. P1 of the Carlow County Development Plan 2022 – 2028, for the integration of land use and transportation;
- the regeneration of towns under RPO 35 and *Town Centre First: A Policy Approach for Irish Towns (2022)*; and
- NPO 72a-c and Appendix 3 of the NPF for the co-ordination of land use zoning, infrastructure and services,

the planning authorities are required to review the following proposed material alterations and appropriately reduce the quantity of land required to accommodate employment growth in Carlow-Graiguecullen Joint Urban Local Area Plan 2024-2030 (the JULAP):

- (i) Amendment No. 57 – from Community Education to Enterprise and Employment; and
- (ii) Amendment No. 58 – Community Education to Enterprise and Employment.

As part of this review, the planning authorities are required to:



- a) provide an evidence-based rationale for the overall quantity and the spatial location of all employment generating land use zonings;
- b) consider all relevant infrastructural capacity in applying the tiered approach to zoning as well as taking realistic account of the impediments to the delivery of infrastructure within the plan period;
- c) omit any lands which cannot be justified under (a) and (b) above; and
- d) include clear objectives in the JULAP to facilitate and require pedestrian/cycling permeability between the employment lands and the town centre before or in tandem with the development of the said land.

### 3. Flood risk management

In general, the Office welcomed the approach by the planning authorities in response to Recommendation 3 of the Office's submission to the draft JULAP.

However, and as noted in the introduction to this submission, there are concerns with regard to the extents of the flood risk in the Graiguecullen part of the JULAP. The Office of the Public Works (OPW) submission to the proposed Amendment No. 63 expresses concern that the proposed amendment would include land zoned New Residential on land designated Flood Risk B which is inconsistent with national policy to avoid placing people and property at unnecessary risk from future flood events. NPO 57 and *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines) also require that the same approach be followed in terms of all land use zonings. The planning authorities are therefore required to review this and take appropriate action.

Further to the above, the Office notes that the inclusion of the flood extents on the Graiguecullen side of the JULAP, adjacent to the site of the proposed Amendment No. 63, has indicated Flood Zone B overlapping with undeveloped land zoned New Residential in the draft JULAP. The Office notes from the Strategic Flood Risk Assessment, that since the subject lands are not within or adjacent to the core town centre the Justification Test cannot pass.

In relation to these lands zoned New Residential in Graiguecullen, the Office is concerned the zoning objective does not account for the full extent of the flood risk in the area, and the lands have been zoned contrary to the Flood Guidelines and NPO 57. Moreover, Recommendation 3 of the Office's submission to the draft JULAP required that inappropriate zoning of lands at risk of flooding and should be reviewed by the planning authorities. The planning authorities are therefore required to review this and take appropriate action.

The planning authorities should engage with the OPW in this regard.

### MA Recommendation 3 – Flood Risk Management

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

- RPO 144(a), RPO 115 and RPO 116 for Flood Risk Management; and
- *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines),*

the planning authorities are required to:

- (i) make the Carlow-Craiguecullen Joint Urban Local Area Plan 2024-2030 (the JULAP) without proposed Amendment No. 63 to amend Landuse Zoning Map 12.1 at Leighlin Road providing an amended configuration of New Residential zoned land and Public Open Space and Amenity; and
- (ii) amend or omit the zoning objective New Residential in the draft JULAP, located adjacent to the site of proposed Amendment No. 63, which overlaps with Flood Zone B, that do not meet the Justification Test in accordance with the provisions of the aforementioned Flood Guidelines.

The planning authorities should consult with the Office of Public Works regarding this MA Recommendation.



#### 4. Implementation and Monitoring

Section 6.5 of the *Local Area Plans, Guidelines for Planning Authorities (2013)* (LAP Guidelines) 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. Furthermore, the review of the relevant development plans as required by section 15 of the Act, will provide an opportunity to review the policy objectives of the JULAP, particularly where policy objectives overlap between the relevant Development Plans and the adopted JULAP.

In this regard the Office welcomes the respective introduction of proposed Amendments No. 9 (Vacant Homes Officers), No. 50 (Environmental Monitoring) and No. 51 (Implementation and Monitoring Table).

In particular, proposed Amendment No. 51 sets out a framework providing 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 consistent with the provisions of the Development Plans Guidelines (section 10.2) and the LAP Guidelines (section 6.2).

#### Summary

The Office requests that the planning authorities address the recommendations outlined above. As you are aware, the report of the chief executives of your authorities prepared for the elected members under section 20 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authorities are required to notify this Office within **five working days** of the making of the JULAP under section 31AO(5) of the Act. Where your authorities decide not to comply with the recommendations of the Office, or otherwise makes the JULAP in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must also, in the notice letter, inform the Office accordingly and state the reasons for the decision of the planning authorities.



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Please feel free to contact the staff of the Office in the context of your authorities' 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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**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

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