

12th July 2024

OPR Ref: IP-016-24

Planning Department,
Kilkenny County Council,
County Hall,
John Street,
Kilkenny.

Re: Issues Paper for the Ferrybank-Belview Local Area Plan 2025-2031

A chara,

Thank you for your authority's work in preparing the Issues Paper (the Issues Paper) for the proposed Ferrybank-Belview Local Area Plan 2025-2031 (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 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 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.

Of particular relevance to the LAP is the Waterford Metropolitan Area Strategic Plan (MASP) Policy Objective 6 (b) (Sustainable Transport) in RSES, and the need to improve connectivity between the city centre and the North Quays and the wider Ferrybank area, including a pedestrian/public transport bridge.

Further, it is a key priority of the Waterford Metropolitan Area Transport Strategy (2022) (WMATS) to improve cross-city connectivity between the city/environs (south of the River Suir) and the North Quays Strategic Development Zone/Ferrybank area. This is particularly important for Ferrybank-Belview, situated to the north shore of Waterford city, having regard to the vision for the Waterford MASP to develop a concentric city north and south.

In addition, the Waterford MASP Policy Objective 9 (Vibrant City Centre) highlights the need to improve bus priority on city streets and through neighbourhoods and development of additional greenway links through the city centre and supporting improvements to the public realm and streetscapes.



The Office advises therefore, that the LAP should include a strategic objective to enhance overall connectivity of Ferrybank-Belview in terms of movement and accessibility.

The Office notes that the MASP identifies a number of large-scale employment development areas at Belview, and it is a key objective of the LAP to be consistent with any strategic development sites for the delivery of employment uses which should be developed in coordination with the sequential delivery of infrastructure and services.

The draft LAP should clearly demonstrate the role of Belview as recognised in the RSES, as a strategic location for the MASP, with the potential to strengthen and promote economic development.

The Office encourages the planning authority to liaise with the Southern Regional Assembly (SRA) 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.

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 Kilkenny City and County Development Plan 2021-2027 (the Development Plan) provides for a population increase of 2,320 persons, with a requirement for 910 housing units and 26 hectares of residential land over the 2025-2031 plan period.

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; 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.

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

In relation to residential development, any provisions or standards for density or building height in the LAP is required to have regard to relevant section 28 guidelines and to comply with any SPPRs therein, including, in particular:

- 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 Uisce Éireann has not raised an issue with infrastructure capacity for Ferrybank-Belview. The planning authority is advised to liaise

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



closely with all of the relevant prescribed authorities concerning the delivery of essential services and infrastructure.

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.

The LAP also provides an opportunity to identify any further opportunity and regeneration sites, or vacant or underutilised buildings, in accordance with the 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.



As such, 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 NPF expects the local authority's *Local Economic and Community Plan 2023-2028* should also inform the LAP to provide for the co-ordinated spatial planning of community services for the area. In addition, the local authority's *Traveller Accommodation Programme 2019-2024* should also inform the LAP.

Having regard to NPO 33 to prioritise new homes that can support sustainable development at an appropriate scale of provision relative to location, it is important that the LAP takes an integrated approach to the planning of education, social and community facilities and amenities. The LAP should consider the capacity of existing facilities, including community centres, leisure, amenity and cultural facilities to serve existing and future residents.

6. Economic development, employment and retail

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 addition to any objectives concerning strategic enterprise / employment sites. It will also need to ensure that it is consistent with the economic strategy of the Development Plan and any associated objectives.

The Office notes that the RSES has identified strategic employment locations in the Waterford MASP including the Port of Waterford (Belview) and the Belview Port industrial



area and associated IDA site. The Office advises that 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 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.

A key objective of the RSES is to drive regional growth for the South-East by strengthening connectivity to the Southern Region Ports (Waterford MASP Policy Objective 2), including the Port of Waterford (Belview), Atlantic Economic Corridor and strengthen connectivity on the Trans-European Transport Network (TEN-T) Corridor. The RSES supports opportunities to strengthen rail freight through the region.

Further, the Port of Waterford (Belview) is of strategic national importance with good road and rail links and is classified as a comprehensive port on the TEN-T network and the Office notes Waterford MASP Policy Objective 15 which supports the role of the port as a major driver for the region in making the Waterford Metropolitan Area a successful enterprising Economic Engine driving Metropolitan and Regional Enterprise Growth and developing the Port of Waterford (Belview) as a major International Gateway.

Moreover, Belview was identified in the RSES as requiring improved rail access and will benefit from the upgrade of the adjacent railway line to improve accessibility for bulk freight and to build the region's international connectivity.

Therefore, the LAP should seek to support the role of the Port of Waterford (Belview) as a driver of economic growth in the region and include policies and objectives supportive of this strategic goal.

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 understands that a joint Retail Strategy is currently under preparation by your authority and Waterford City and County Council, and it will be important that the LAP is aligned to the forthcoming policy framework.

7. Transport and mobility

The Climate Action Plan 2024 identifies the need to significantly reduce car kilometres and 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 preparation of a Local Transport Plan (LTP) to inform land use and the preparation of the LAP, in particular the zoning provisions, in collaboration and with the support of the relevant transport agencies, is considered best practice for a settlement the size of Ferrybank-Belview.

The planning authority is therefore aware that the National Transport Authority's (NTA) Area Based Transport Assessment Advice Note (2018) (ABTA) and ABTA How to Guide Guidance, Document Pilot Methodology (2021) as well as Transport Infrastructure Ireland's (TII) Area Based Transport Assessment (ABTA) Guidance Notes (2018) should be considered by the planning authority in preparing the LTP. Further, it will be critical that the LTP aligns with the objectives of the WMATS.

The planning authority is strongly advised to liaise with the NTA and TII in the preparation of the LTP and to incorporate the main objectives, targets and measures of the LTP, along with relevant associated maps, into the LAP in support of the NPOs referred to, above.

In addition, the LAP should set out an ambitious (but realistic) modal shift target for Ferrybank-Belview as part of the LAP.

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 that the RSES supports the development of a comprehensive Metropolitan Area Public Transport system (bus network) including routes from the city centre to the Port of Waterford at Belview. Moreover, MASP Policy Objective 6 (b) (Sustainable Transport) includes an objective for sustainable travel options, supporting and facilitating improved access to the city centre, from north of the river by walking, cycling and public transport including provision for Park and Ride facilities in tandem with a Green Route and additional cycle lanes. Furthermore, the Office notes that Belview was identified in the RSES as requiring improved rail access and will benefit from the upgrade of the adjacent railway line to improve accessibility for bulk freight and to build the region's international connectivity. The Office advises that the draft LAP includes further details in respect of strategic transportation objectives including a strategy to implement the respective travel initiatives.

The Office welcomed Development Plan policy objectives 8J and 8K which support the development of the proposed Kilkenny Green Route and the Waterford to Rosslare Greenway to enhance greater cycle and pedestrian movement. The Office advises that the draft LAP includes relevant policy objectives for their respective implementation.

8. Flood risk management

Having regard to the location of Ferrybank-Belview along the River Suir, 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 planning authority should ensure that the LAP is consistent with NPO 57 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.

In accordance with NPO 57, the LAP is required to integrate sustainable water management solutions, using SuDS nature-based solutions. The use of nature-based solutions for rainwater management is supported and required to have regard to section 28 guidelines and Government guidance including, in particular:

- Nature Based Management of Urban Rainwater and Urban Surface Water Discharges, A National Strategy (2024);
- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024);
- Development Plans, Guidelines for Planning Authorities (2022);
- 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); and
- DMURS Advice Note 5, Road and Street Drainage using Nature Based Solutions (2023).

The guidance promotes a more systemic and plan-led approach to water sensitive urban design that combines nature-based solutions with spatial planning, and advises on the cross-sectoral benefits of nature-based solutions in terms of protecting against pluvial

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



flood risk, climate adaptation, water quality, biodiversity and road safety in active travel schemes.

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 Action and Low Carbon Development Act 2015*, as amended (the Climate Act).

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 the 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 Ferrybank-Belview 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 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

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



under section 28 of the Act and the *Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities* (2010), as revised.

The planning authority should also 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).

Regarding 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).

The Office notes that throughout the LAP there is a significant amount of interconnected open space, including Passive Open Space, Active Open Space and Water Compatible Development zones. The planning authority should consider how policies and/or objectives can be included in the draft LAP to establish linkages and connections between areas of open space and to develop a comprehensive walking and cycling network.

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.

This is particularly important for Ferrybank-Belview given its role in the Waterford MASP and the MASP vision to create a concentric city and will require a joint approach with Waterford City and County Council, in conjunction with the SRA.

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:

- the inclusion of appropriate policies and strategies to provide a clear vision for the
 identity and character of Ferrybank-Belview, and to support the growth of a compact
 and sustainable community and settlement, including social, recreation and cultural
 amenities, that is socially and physically integrated with the existing Waterford city
 area and connected by sustainable modes;
- the delivery of housing in serviced or serviceable areas should be informed by an
 infrastructure assessment / settlement capacity audit, and consistent with compact
 growth, the sequential approach and the Development Plan core strategy;
- the inclusion of appropriate policies, objectives and strategies to promote and
 prioritise regeneration and the development of infill brownfield sites, and utilisation
 of active land management strategies to tackle vacancy and dereliction elsewhere
 in the LAP area including the Ferrybank District Centre;
- an LTP or active travel plan should be prepared to inform:
 - a. land use zoning objectives based on accessibility by walking, cycling and public transport;
 - transport initiatives and measures to provide sustainable mobility options for residents and visitors, and in particular providing connectivity from residential areas to services and amenities and reduce dependence on the private car;
 - c. public realm enhancements to improve the quality of the public environment within the town by prioritising pedestrians, the heritage of the town and social and commercial activities, and
 - d. future movement, active travel and connectivity proposals by capitalising from the new sustainable transport bridge, the greenways (Waterford and Kilkenny) and the proposed relocation of the train station.

The planning authority is advised to consult with the NTA and TII in this regard.



- the identification of optimal employment lands should be informed by the
 infrastructure assessment as well as considering matters such as compact growth,
 the sequential approach to development and options for sustainable transport. The
 Office encourages the planning authority to address Development Plan objectives
 relating to employment and job creation as part of the preparation of the draft LAP;
 and
- preparation of an updated SFRA and include policies and objectives in relation to the implementation of SuDS and nature-based solutions as a means for managing surface water run-off at key development.

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

C, ONNA

Deputy Regulator and Director of Plans Evaluations

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