OPR Ref: IP-017-24



23rd August 2024

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

Re: Issues Paper for the Variation to Kilkenny City and County Development Plan 2021-2027: Review of the Castlecomer Local Area Plan

A chara,

Thank you for your authority's work in preparing the Issues Paper (the Issues Paper) for the proposed review of the Castlecomer Local Area Plan 2018. While the provisions for preparing and making a local area plan are set out under section 20 of the Planning and Development Act 2000 (the Act), the Office of the Planning Regulator (the Office) notes that the Planning Authority intends to carry out this review and publish the draft Local Area Plan for Castlecomer (the LAP) as a proposed Variation to the Kilkenny City and County Development Plan 2021-2027 (the County Development Plan) in accordance with section 13 of the Act.

The Planning Authority is commended for publishing the Issues Paper, engaging proactively with the public, and notifying the Office of the intention to prepare this LAP.

In accordance with the provisions of section 31AO of 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 the County Development Plan. However, should this LAP be made as a variation to the County Development Plan, the Office will assess and evaluate the matters under section 31AM to ensure consistency with national and regional planning policy.

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 National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES), the specific planning policy requirements (SPPRs) of section 28 guidelines and the relevant development plan. However, where an LAP is made by way of a variation, section 13(14) of the Act will require the local authority to ensure that any variation of a development plan is consistent with the objectives of the (NPF), the (RSES) and the specific planning policy requirements (SPPRs) of section 28 guidelines.

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.



2. Development plan and core strategy

Section 19(2) of the Act requires an LAP to be consistent with the core strategy and objectives of the development plan. However, as the Planning Authority intends to make the LAP as a proposed variation, the Planning Authority should have regard to the statutory obligations under section 13(14) of the Act. It should also ensure that, in making the proposed Variation to the County Development Plan, the proposed Variation and other parts of the plan must continue to be internally consistent, as per section 3.9 of the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines).

In this regard, the Office notes that the core strategy of the County Development Plan provides for a population increase of 264 persons with a requirement for 93 housing units and 4.65 hectares of residential land for Castlecomer over the 2016-2027 plan period (see Table 4.6 of the County Development Plan). As it is intended to make the LAP as part of the County Development Plan, it is expected that the timeframe of the draft LAP will be fully aligned with the County Development Plan.

A key part of the Office's assessment of the proposed Variation is to consider whether the objectives and zoning provisions of the variation (where applicable) 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 County Development Plan and whether they can demonstrate consistency with the objectives for compact growth and densification¹ under NPO 3; NPO 35 of the NPF and RPO 35 of the RSES. The implementation of effective compact growth to avoid urban sprawl also plays a key role in climate change mitigation. In this regard, attention is also drawn to RPO 26d and 26e of the RSES regarding appropriate forms of development for the area and clustering housing together within the existing footprint.

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



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.

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 section 10.1.4 of the County Development Plan identified deficiencies in the water supply schemes serving Castlecomer. Uisce Éireann notes that capacity is not available for the residential population targets identified in the County Development Plan and capital investment is required to increase capacity. A project to develop new groundwater sources for Castlecomer is currently underway by Uisce Éireann. These proposals will be developed and prioritised through the National Water Resources Plan and investment planning process. The Planning Authority should consider the implications of the delivery of this project on the implementation of the future LAP.

In terms of wastewater, there is spare capacity available. Therefore, the Planning Authority is advised to liaise closely with the relevant prescribed authorities concerning the delivery



of essential services and infrastructure, particularly Uisce Éireann as per RPO 26f of the RSES.

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. RPO 26a of the RSES for rural towns and villages is also noted.

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 its powers for land acquisition / compulsory purchase and in relation to 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 builtup 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 Planning Authority's Local Economic and Community Plan 2023-2028 and Traveller Accommodation Programme 2019-2024 should also inform the LAP to provide for the coordinated spatial planning of housing and community services for the area.

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 it is consistent with the economic strategy of the County Development Plan and any associated objectives. The RSES and the County Development Plan identifies Castlecomer Discovery Park as a tourist attraction. Objective 8F of the County Development Plan seeks to continue the development of new trails and walkways in Castlecomer and Objective 8Ka will investigate the potential of developing a greenway from Kilkenny to Castlecomer and Ballyragget and onwards to County Laois as part of the County Development Plan notes that work is ongoing for these objectives. This LAP should further progress these objectives.

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 plan period. The reuse of appropriate brownfield sites and vacant premises should also be prioritised.



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), the position of the town in the retail hierarchy of the County Development Plan and RPO 26a of the RSES.

7. Transport and mobility

The Climate Action Plan 2024 (Climate Action Plan) 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.

Objective 12Ga of the County Development Plan sought the preparation of a mobility management plan (MMP) for the Castlecomer LAP. The Mobility Management Plan for Castlecomer 2021-2026 was funded by the NTA's Active Travel Section in 2022 and formally adopted in July 2023. It is noted that the MMP utilises Census data from 2016.

While there is no objective in the RSES to carry out a local transport plan (LTP) for a town of this size and scale, or in the County Development Plan, there is a need to integrate transport and land use planning, address modal shifts and tackle climate change. The Planning Authority should therefore consider the preparation of an LTP, albeit at a reduced scale commensurate with the size and functions of Castlecomer, in consultation with the National Transport Authority (NTA) and Transport Infrastructure Ireland (TII).

In preparing an LTP, 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) should be considered by the Planning Authority. Where prepared, the LTP should inform the review of the LAP and, in particular, the zoning provisions and the main objectives, targets and measures of the LTP, along with relevant associated maps, should be incorporated into the LAP.



In addition, the Office would encourage that the draft LAP sets out ambitious (but realistic) modal shift targets for the area of Castlecomer to reduce transport emissions as per the Climate Action Plan.

In order to increase the potential for trips to be made on foot, bicycle or public transport, the LAP should demonstrate consistency with the '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.

8. Flood risk management

Having regard to the location of the River Dinin which runs through the town, 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 of the NPF 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 when the proposed variation is published. 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.

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



In accordance with NPO 57 of the NPF, the LAP is required to integrate sustainable water management solutions, using Sustainable urban Drainage Systems (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:

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024);
- Development Plan 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 NBS (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 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) of the NPF. 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 of the NPF) 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 of the NPF. These NPOs, together with the relevant objectives of the RSES and County 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 Castlecomer 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 (2024) 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 under section 28 of the Act and the Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (2009), 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 an LAP consistent with NPO 58, and planning for greenbelts (NPO 62), of the NPF. 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 of the NPF). It can also make a positive contribution to climate mitigation and have positive impacts on biodiversity and clean air (NPO 64 of the NPF).

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 plan period. 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 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 Local Area Plans, Guidelines for Planning Authorities (2013).

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 as a proposed Variation to the County Development Plan:

- consider the restricted period that would apply to the LAP where made by way of a Variation to the County Development Plan, having regard to the provisions under section 11 of the Act, and the potential implications for zoning and other objectives;
- 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 County Development Plan core strategy;
- the prioritisation of regeneration and the development of infill brownfield sites, in particular those in the core retail area, and the utilisation of active land management strategies to tackle vacancy and dereliction in the LAP area;
- the preparation, subject to consultation with the NTA and TII, of a Local Transport Plan commensurate with the size, scale and functions of Castlecomer, to inform and integrate with the LAP;
- support of County Development Plan objectives for employment and job creation as part of the preparation of the draft LAP; and
- the preparation of an updated SFRA and inclusion of policies and objectives for the implementation of SuDS and nature-based solutions to manage surface water runoff.

The Office looks forward to reviewing the proposed variation 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,

C'Onna. AM

Anne Marie O'Connor Deputy Regulator and Director of Plans Evaluations

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