

9th October 2024

Senior Planner,
Forward Planning,
Kilkenny County Council,
John Street,
Kilkenny,
Co. Kilkenny

Re: Variation No. 2 to the Kilkenny City and County Development Plan 2021-2027

A chara,

Thank you for your authority's work on proposed Variation No. 2 (the proposed Variation) for the purpose of amending the settlement hierarchy in relation to small settlements in the Kilkenny City and County Development Plan 2021-2027 (City and County Development Plan).

The Office of the Planning Regulator (the Office) has evaluated and assessed the proposed Variation to the City and County Development plan, above, under the provisions of Section 31AM(1) and (2) of the Planning and Development Act 2000, as amended (the Act).

As your authority is aware, one of the key functions of the Office includes assessment of statutory plans and strategies to ensure consistency with legislative and policy requirements relating to planning. The submission below has been prepared to provide a high-level input to your authority in finalising the proposed Variation.

The Office's evaluation and assessment has had regard to the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly, and relevant section 28 guidelines. This submission makes one (1) recommendation.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is

required to implement or address recommendation made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

1. Overview

The proposed Variation makes changes to the settlement strategy under the core strategy of the City and County Development Plan. The proposed Variation proposes the promotion of 24 settlements which were previously designated as Tier 5 rural nodes as Tier 4 small towns and villages. During the making of the City and County Development Plan these settlements were identified as being un-serviced and suitable for incremental local growth.

The Office is concerned, therefore, that the proposed Variation will undermine the integrity of the settlement hierarchy of the City and County Development Plan by promoting settlements for growth, development and new homes in areas where there is inadequate or no public water and wastewater infrastructure, as well as making it more difficult for infrastructure providers to prioritise investment in wastewater treatment programmes in line with the settlement hierarchy of the City and County Development Plan.

2. Consistency with planning policy hierarchy

The proposed Variation is proposing to clarify the settlement hierarchy in relation to small settlements in the City and County Development Plan. Specifically, the changes are as follows:

- to change the terms 'rural towns and villages', and 'smaller towns and villages', to 'small towns and villages';
- to remove the term 'rural node'; and
- to include 24 villages previously designated as 'rural nodes' as 'small towns and villages without settlement boundaries' in the settlement hierarchy.

The proposed Variation proposes the following changes to the settlement hierarchy:

- the existing 22 rural towns and villages will now be called ‘small towns and villages with a settlement boundary’ under Tier 4. These settlements already have a defined settlement boundary¹ in the City and County Development Plan;
- of the existing 33 rural nodes, 24 are moving up from Tier 5 to Tier 4 and are being called ‘small towns and villages with no settlement boundary’; and
- the term ‘rural nodes’ is to be deleted and this tier will be called ‘wider rural area’. The rural nodes currently mentioned in this category will be deleted and a new line inserted stating: ‘all other areas of the county not listed above’.

The Office notes that the existing settlements tiers (Tiers 1-3) in the hierarchy are not affected by this proposed Variation.

The settlement hierarchy set out in the City and County Development Plan was given detailed consideration by the Office as part of the plan making process and was considered to provide a clear and well informed settlement hierarchy with population growth targeted across five settlement tiers, consistent with National Policy Objectives (NPOs) of the NPF and Regional Policy Objectives (RPOs) of the RSES, and in particular the settlement typology set out in RPO 3 of the RSES.

Section 4.6 of the City and County Development Plan sets out in greater detail the aspirations and development objectives for the 22 settlements currently identified in Tier 4 rural towns and villages. To promote the vitality and viability of these smaller settlements as rural service centres, it is an objective of the NPF (NPO 18b) to:

develop a programme of new homes in small towns and small villages with local authorities and agencies such as Irish Water and local communities to provide serviced sites with the appropriate infrastructure to attract people to build their own homes and live in small towns and villages.

Policy Objective 4J of the City and County Development Plan, along with section 4.6.1.1 provides further support for the development of this initiative.

¹ Denotes Small Towns and Villages that meet the NPF/CSO definition of a settlement, and accordingly have been given a settlement boundary

Tier 4 settlements are identified in the City and County Development Plan as an effective alternative to the provision of single houses in surrounding un-serviced rural areas and densities of up to 10 dwellings per hectare are considered.

The proposed Variation is suggesting to promote 24 new settlements from Tier 5 (rural nodes) to Tier 4. During the preparation of the City and County Development Plan these 24 settlements were classified as Tier 5 and identified as:

small generally un-serviced settlements characterised by an existing clustering of houses around a limited level of support infrastructure such as a school, church or shop. Development is thus limited to incremental local growth appropriate to their size and character.

By virtue of this proposed Variation the elevated 24 settlements are being re-classified as Tier 4 settlements and as suitable locations for more intensive forms of development and growth than the Tier 5 settlements. This change has taken place in the absence of any evidence based assessment as per Section 4.5.2 of the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines) which require a Settlement Capacity Audit when formulating a sustainable settlement strategy. The Office is concerned, therefore, that this proposed Variation will undermine the integrity of the settlement hierarchy of the City and County Development Plan and its alignment with the settlement typology consistent with RPO 3 of the RSES.

Section 6.4.1 of the Development Plans Guidelines sets out the policies for planning for compact growth and notes that in:

formulating a framework for development, the development plan process must therefore ensure that there is a close correlation between the identification of lands and sites for development with required infrastructural capacity and spatially-focused investment.

Uisce Éireann (UÉ) have undertaken a review of the 24 settlements and found that many of these settlements do not have an UÉ wastewater treatment plant and/or public water supply, and generally there are constraints on existing services in the settlements that are serviced. Their submission notes that there is either generally either no, or limited, capacity for growth in the settlements from a public water services perspective.

The Office is also concerned that this proposed Variation will lead to unintended consequences such as unplanned development or poor servicing prioritisation. For example, the City and County Development Plan recognises the need to locate nursing homes within the existing network of smaller towns and villages to serve rural demand, i.e. the Tier 4 settlements. By promoting the 24 settlements from Tier 5 into Tier 4, this proposed Variation is encouraging this form of development in settlements which were not previously identified or capable of supporting intensive land uses which will disadvantage more suitable and sustainable settlements in the hierarchy. This will undermine the achievement RPO 26 which seeks to strengthen the viability of our towns and rural settlements and RPO 213 which supports investment in wastewater treatment programmes in line with the settlement hierarchies set out in development plans.

Further to the above, the Office notes that the submission from Transport Infrastructure Ireland (TII) raises concerns in relation to a number of the promoted settlements and their respective proximity to national primary roads. Notwithstanding the recommendation from TII to cross-reference Section 12.11.10.1 in the proposed Variation, their submission highlights that the proposed Variation may result in demand for inappropriate development in settlements, supporting the concerns raised above.

Recommendation 1 – Settlement hierarchy and investment in infrastructure

Having regard to the sustainable and proportionate growth of the county, and the co-ordination of development and infrastructure, and in particular to:

- the settlement typology set out in RPO 3 of the Regional Spatial and Economic Strategy (RSES);
- NPO 18b of the National Planning Framework and RPO 26 of the RSES, viability of our towns and rural settlements;
- RPO 213 of the RSES, rural wastewater treatment programmes; and
- Development Plans, Guidelines for Planning Authorities (2022) in respect of Section 4.5.2 in using an evidence based assessment in formulating a sustainable settlement strategy, and Section 6.4.1 for planning for compact growth and ensuring close correlation between sites for development and infrastructural capacity;

the Planning Authority is required to reconsider the proposed Variation and ensure that the settlement hierarchy of the Kilkenny City and County Development Plan 2021-2027 is consistent with the settlement typology as set out in the RSES and to promote growth and investment in infrastructure towards the serviced settlements.

3. Summary

The Office requests that your authority addresses the recommendations outlined above. As you are aware, the report of the Chief Executive of your authority prepared for the elected members under section 13 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the Planning Authority in relation to the proposed Variation. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the Chief Executive shall inform the Office and give reasons for this decision.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
