



4<sup>th</sup> February 2025

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

**Proposed Variation No. 1 to the Carlow County Development Plan 2022-2028**

A chara,

Thank you for your authority's work in preparing the proposed Variation No. 1 to the Carlow County Development Plan 2022-2028 to change the zoning of certain lands in the settlements of Borris Small Town Plan and Kildavin Village Plan (the proposed Variation). The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the proposed Variation.

A key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the proposed Variation under the provisions of sections 31AM(1) and (2) of the Planning and Development Act 2000, as amended and this submission has been prepared accordingly.

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.

The Office does not wish to make a recommendation or observation to the Planning Authority in this instance.

**Overview**

The proposed Variation proposes changes to the land use zoning objectives of certain lands in the settlements of Borris and Kildavin, in response to the introduction of the

Residential Zoned Land Tax (RZLT) and submissions received on the draft map in 2023 and the draft annual map for 2025 seeking rezonings.

The Office broadly welcomes the proposed Variation and the changes proposed to land zoning in the Carlow County Development Plan 2022-2028 (the County Development Plan) which support the delivery of the County Development Plan's strategic aims (i – vi) including guiding future development in line with national and regional objectives and promoting and facilitating development in accordance with the provisions of the core strategy.

The Office notes that the proposed zoning changes represent a minor net increase 0.7ha in residential zoning for the county (c. 0.6%). The proposed changes include addressing rezoning two sites from residential use to agricultural use as a result of the RZLT, by rezoning a site from Strategic Reserve to New Residential in Borris, and increasing the number of units (from 15 units to 18 units) to be delivered on existing New Residential zoned land in Kildavin to enable the delivery of the core strategy in accordance with NPF and RSES objectives.

The Office considers that the proposed zoning changes are acceptable having regard to their location and context, infrastructure capacity to service the lands, and the core strategy of the County Development Plan.

## **1. Compliance with the Residential Zoned Land Tax, Guidelines for Planning Authorities**

The Residential Zoned Land Tax, Guidelines for Planning Authorities (2022) (RZLT Guidelines), are the statutory section 28 guidelines in relation to the RZLT. Section 6 of the RZLT Guidelines sets out guidance on rezonings sought on foot of the RZLT process under the provisions of section 653I (1) (a) and (b) of the Taxes Consolidation Act 1997 (as amended) as introduced in the Finance Act 2021.

The Office notes that the Planning Authority identified all lands within its functional area that are to be in scope as required by the provisions of the RZLT. The Office considers that the proposed Variation does not raise any issues in respect of compliance with the section 28 guidelines.

## **2. Core strategy**

The Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines) advise that the impact of any proposed rezoning on the overall strategy for the proper planning and sustainable development of the area including the core strategy and the housing targets for the county must be considered.

The Office is satisfied that the proposed rezonings in both Borris and Kildavin will not have any detrimental implications for the implementation of the core strategy of the County Development Plan, nor will it prejudice the achievement of the housing supply targets and housing delivery across the county.

## **3. Compact growth, sequential approach, and infrastructure capacity**

Section 6.2.3 of the Development Plans Guidelines sets out specific guidance regarding the sequential approach to land use zoning. The Development Plans Guidelines recommend that planning authorities adopt a sequential approach which reflects, amongst others the compact growth and utilisation of existing infrastructure National Policy Objectives (NPOs) of the NPF which are National Strategic Outcome 1, NPO 3 and NPO 72a-c.

In this regard, the Office broadly welcomes the proposed Variation which in Borris will result in a peripherally located site being rezoned from New Residential to Agriculture, and a more centrally located site rezoned from Strategic Reserve to New Residential.

The approach in Kildavin to address the rezoning of Existing Residential / Infill lands (0.67ha greenfield site) in the vicinity of the protected structure Kildavin House to Agriculture is welcome and the density increase from 15 units to 18 units on an existing New Residential zoned site of 1.5 ha is an appropriate counter balance to support compact growth.

Section 4.4.2 of the Development Plans Guidelines requires zoned housing land to be serviced and / or serviceable during the lifetime of the County Development Plan. The proposed Variation includes amendments to appendix X Infrastructure Assessment of the County Development Plan and supports the utilisation of existing infrastructure in accordance with NPO 72a-c.

## Summary

The Office looks forward to continued positive engagement with your authority regarding the implementation of the County Development Plan.

Please note that 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.

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](mailto:plans@opr.ie).

Is mise le meas,

A handwritten signature in blue ink that reads "AM O'Connor". The signature is written in a cursive style with a diagonal slash at the end.

**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

Designated Public Official under the Regulation of Lobbying Act 2015