



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

07 October 2020

Forward Planning Section,
Offaly County Council,
Áras an Chontae,
Charleville Road,
Tullamore,
County Offaly.

Re: Draft Offaly County Development Plan 2021-2027

A chara,

Thank you for your authority's work in preparing the draft Offaly County Development Plan 2021-2027 (the draft plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put in to the preparation of the draft plan against the backdrop of an evolving national and regional planning policy and regulatory context, which includes taking account of the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area, and the establishment of the Office.

In particular, the Office notes and welcomes the overall approach of your authority in the preparation of the draft plan and in addressing the NPF and the RSES in accordance with section 12 of the Planning and Development Act 2000, as amended (the Act).

As your authority will be aware, one of the key functions of the Office includes strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the draft plan, under the provisions of sections 31AM(1) and (2) of the Act.

The submission below has been prepared in line with the aforementioned methodology and is intended to provide a strategic level input to your authority in finalising the plan.

1. Matters within the scope of section 10 and section 10(2)(n) of the Act

1.1 Section 10(2)(n) Climate Action

This section of the Act relates to mandatory objectives for the promotion of sustainable settlement and transport strategies in urban and rural areas, including the promotion of measures to reduce energy demand and greenhouse gas (GHG) emissions and to adapt to climate change, having regard to, in particular, the location, layout and design of new development.

1.1.1 Recognising that the manner of addressing climate change in statutory development plans is the subject of ongoing policy development, including the introduction of a climate assessment toolkit under Action 65 of the Government's Climate Action Plan 2019, and forthcoming updates to statutory guidelines published by the Minister for Housing, Local Government and Heritage on the preparation of development plans, the Office acknowledges and commends the efforts that the planning authority has made in including the content and objectives in Chapter 3 - Climate Action and Energy.

At the same time, given the evolving nature of the policy context above, it would be prudent for the planning authority to include an objective in the draft plan to the effect that an assessment will be undertaken in relation to the implications of the introduction of such future policy mechanisms, with a view to varying the plan as made to ensure consistency with relevant climate assessment and development plan guidelines.

Observation 1:

Given the importance attributed to climate action by Government, as evidenced by, inter alia, the publishing of the Climate Action Plan 2019, the planning authority is advised to include an objective to consider a variation of the development plan within a reasonable period of time, or to include such other mechanism, as may be appropriate, to ensure the development plan will be consistent with the approach to climate action recommended in the revised Development Plan Guidelines as adopted or any other relevant guidelines.

1.1.2 The Office considers that the draft plan has the potential, subject to the following, for positive impacts in terms of energy reduction and greenhouse gas (GHG) emissions reductions as required by section 10(2)(n) of the Act for new development.

Four chapters of the draft plan are particularly relevant to the Office's consideration of section 10(2)(n): Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy; Chapter 3 Climate

Action and Energy; Chapter 7 Retail and Town Centre Strategy and Regeneration; and Chapter 8 Sustainable Mobility and Accessibility.

The Office acknowledges the evident work that the planning authority has undertaken in these sections of the plan and, in particular, in the Core Strategy and the overall approach to developing a sustainable settlement strategy for the county. However, although Chapter 3 Climate Action and Energy addresses elements of climate mitigation and adaptation, it would benefit from further development to provide a more coherent and deliverable climate action strategy.

In this respect, consideration should be given to including clear objectives, commitments and measures to achieve evidence-based targets for GHG emissions and energy use reductions for the county, and to highlight relevant key objectives to be implemented through the development plan (e.g. sustainable settlement strategies and sustainable transport strategies for urban and rural areas), with appropriate cross-referencing between related sections / chapters. The Climate Action Regional Offices may be in a position to provide support in this regard.

In view of the adoption by Government of the Climate Action Plan 2019 (CAP), which supports the emerging European ambition to achieve a net zero carbon target by 2050; the National Strategic Outcomes of the National Planning Framework which support the objectives of the CAP, including Compact Growth, Sustainable Mobility and Transition to a Low-Carbon and Climate Resilient Society; and the requirements of mandatory objectives under section 10(2)(n) for the promotion of sustainable settlement and transport strategies for urban and rural areas, it is considered essential that the development plan include an overarching, coherent climate action strategy to guide the overall development plan.

Observation 2:

The Office welcomes the inclusion of a standalone chapter on climate action and energy. In view of the importance attributed to climate action under national policy, including in the Climate Action Plan 2019 and the National Planning Framework, it is advised that the overall approach to climate action in the development plan would benefit from further development to provide a more coherent climate action or climate change strategy and that would guide the overall development plan.

1.1.3 A key policy lever available to planning authorities in relation to the above is influencing development patterns and transportation choices to actively deliver significant modal shift from private car transport to active modes (walking and cycling) and sustainable modes (bus and rail) in relation to both new development and existing built-up areas, in accordance with the Government's

transport policy, Smarter Travel: A Sustainable Transport Future, A New Transport Policy for Ireland 2009 – 2020.

Chapter 8 Sustainable Mobility and Accessibility acknowledges the need to ensure that alternatives to the car are integrated into the design of streets and public spaces and that cycling and walking are prioritized, in addition to integrated land use transportation.

The Office welcomes the acknowledgement of the planning authority of the need to promote integrated Land use transportation and to promote active transport modes and sustainable transport modes ahead of private car transport, in line with the road user hierarchy defined in the Design Manual for Urban Roads and Streets (revised 2019).

The Office, however is not satisfied that the chapter can be considered a sustainable transport strategy in line with section 10(2)(n) since there is an overall lack of clear direction as to what the planning authority intends to achieve in terms of sustainable transport for urban and rural areas over the plan period, through the setting of targeted objectives and associated policies and measures that are consistent with section 10(2)(n) of the Act.

In order to ensure the effectiveness of the plan's sustainable transport strategy, it is important that it is informed by existing baseline figures for modal share. This would enable the planning authority to set achievable targets for modal change for individual settlements (e.g. for Tullamore, as part of Local Transport Plans, and the other large towns) and/or by settlement type (self-sustaining growth towns, etc.).

Inclusion of baseline figures and targets for modal share would also form a basis for effective monitoring in the implementation of the planning authority's sustainable transport strategy and its climate change strategy, highlighting where implementation needs to be stepped up or addressed in subsequent reviews of the development plan.

The planning authority will be aware that baseline data exists for modal share for small areas through the POWSCAR data, which can be applied to the various settlements. Realistic targets for modal share for each settlement can then be set based on the objectives for sustainable settlement and transport strategies under the development plan.

The National Transport Authority (NTA), Transport Infrastructure Ireland (TII) and the Department of Transport, Tourism and Sport (DTTas) would be well positioned to advise the planning authority on these matters.

Recommendation 1:

It is recommended that the planning authority reviews its approach to sustainable movement and accessibility under Chapter 8 of the draft development plan to provide for sustainable transport strategies for the county's urban and rural areas, consistent with section 10(2)(n) of the Act.

This should include clear objectives of what the plan intends to achieve in terms of sustainable transport over the plan period, in respect of the various transport modes and the priorities for same under Government transport policy, through the setting of targeted objectives, including setting modal share targets, and associated policies (e.g. in respect of demand management) and measures, including appropriate development management measures (e.g. setting appropriate, maximum car parking standards), that satisfy the requirements of section 10(2)(n) of the Act.

Recommendation 2:

In order to ensure the effective planning, implementation and monitoring of the development plan requirements under section 10(2)(n), the planning authority is required, in consultation with the NTA (and TII and DTTaS), as appropriate, to include:

- (i) Appropriate existing baseline figures for modal share. It is recommended that this could best be provided at individual settlement level for the higher order settlements, and at aggregate level for rural villages and the open countryside, as identified in the Core Strategy.*
- (ii) Realistic targets for modal change against the baseline figures provided under (i), above, to form a basis for an effective monitoring regime for the implementation of the planning authority's sustainable transport strategy and its climate change strategy.*

1.1.4 The application of the appropriate road design standards in urban areas of all sizes will be critical to ensuring that the towns and villages within the county are best able to accommodate and encourage active and sustainable transport modes and, therefore, to the implementation of effective climate action.

The Office welcomes the inclusion of, inter alia, DMS-04 Design of Streets which requires applications for residential development to ensure adherence to the design criteria set out in the *Design Manual for Urban Roads and Streets (2019)* (DMURS) and to the *Permeability Best Practice Guide (2015)*.

However, the Office notes that Chapter 13 includes conflicting standards (e.g. DMS-03 Layout) which *suggest that 'regard' only has to be had to DMURS*. In addition, Chapter 13 applies DMURS to residential development only, whereas it applies to all development which impact on urban roads and streets within the 60kph and 50kph speed limits.

Observation 3:

The planning authority is requested to amend the development management standards and any other such references in the plan to ensure the plan is consistent with the requirements of the Design Manual for Urban Roads and Streets (2019), and to provide clarity that the said standards apply to all development within urban areas within the 60kph and 50kph zones, regardless of use type.

1.2 Section 10(2A) Core strategy

The Office is generally satisfied that the core strategy, and the settlement strategy broadly responds to the requirements of the legislation under section 10(2A). The following matters should, however, be more fully addressed or justified in the draft plan, as required by the legislation.

1.2.1 Total population growth

The Office is satisfied the total population growth provided for in the core strategy, at 9,239 persons to 2027 over the 2016 census baseline, is consistent with the NPF Implementation Roadmap. However, the core strategy has not provided information on the population growth in the county, within its settlements and its settlement tiers since 2016. This information is necessary to inform the balance of population growth that is to take place and provide for greater transparency within the period of the forthcoming development plan.

Recommendation 3:

The Core Strategy is required to provide information on the population growth that has taken place in the county and within its settlements and its settlement tiers, as appropriate, since 2016 to determine the actual population growth remaining to be allocated over the period of the forthcoming development plan.

1.2.2 Section 10(2A)(d)

The draft plan is required to measure the extent of lands proposed to be zoned for residential use or for a mixture of residential and other uses under the development plan and to provide details of how

the zoning proposals accord with national policy that development of land will take place on a phased basis, within the life of the proposed plan¹.

Whilst the draft plan does identify lands as a strategic residential reserve for future development beyond the period of the plan, this is outside the scope of section 10(2A)(d) of the Act.

Additional information relating to the area of land zoned for residential use or for a mixture of residential and other uses will be important in demonstrating consistency between the extent of lands zoned to accommodate the population growth proposed under the core strategy in view of relevant national and regional policy objectives, in particular for higher order settlements (self-sustaining towns and above).

Moreover, any phasing objectives should promote the development of residential and mixed residential lands on a sequential basis with a clear priority given to lands closest to the centre of a settlement and/or closest to key transport infrastructure.

Recommendation 4:

In accordance with section 10(2A)(d), and having regard to the quantity of lands zoned for residential development, lands zoned for a mixture of residential and other development, and the proposed number of housing units to be accommodated in the individual settlements, the planning authority is required to demonstrate that objectives relating to the order or priority of development (or phasing) of lands accord with the principle of the sequential approach contained in the section 28 Development Plan Guidelines (2007).

1.2.3 Section 10(2)(a) – Zonings for Settlements

The draft development plan includes land use zoning objectives and maps for all its main settlements except Edenderry and Portarlington, which are subject of recently made LAPs (2017 and 2018, respectively).

It is an objective of the draft plan (CSO-02) to zone an appropriate amount of land within the settlement areas to accommodate the projected population set out in the core strategy, including undertaking variations of LAPs, if required to ensure consistency with the core strategy. The plan also acknowledges (CSO-03) that the core strategy shall take precedence where any ambiguity arises during the transitional period before the variation.

¹ Note that the DHLGH Guidance Notes on Core Strategies (November 2010) clarify that the phasing refers to the particular plan period.

The Core Strategy (table 2.2) would suggest that these two settlements will require significant amendments to the land use zoning objectives and associated maps in order to be consistent with the objectives of the development plan.

It is the position of the Office, having regard to 10(2)(a) of the Act, that where the zoning of land is deemed necessary for a settlement (as is evidently the case for Edenderry and Portarlinton), that zoning is required to be included in the development plan in the interests of the proper planning and sustainable development of the area.

Recommendation 5:

It is recommended that the development plan include comprehensive objectives for the zoning of land for the settlements of Portarlinton and Edenderry, consistent with the core strategy of the development plan.

1.2.4 Section 10(2)(a) – Enterprise and Employment Zonings

The draft development plan includes relatively extensive land use zoning objectives for ‘Enterprise and Employment’ uses, in two parcels of c.5ha and c.0.5ha for the village settlement of Moneygall. The Office would concur with the conclusion of the Council’s SEA report that these objectives would militate against compact growth and regeneration of the settlement and encourage sprawl.

It is noted that the smaller parcel (west of the R490) would comprise an extension to the boundary of the settlement and would be contrary to the requirement for compact growth under the NPF and RSES.

The larger parcel is located in proximity to the junction with the M7 and is contiguous with a c.1.6ha greenfield area of land zoned Village Centre / Mixed Use. It is an objective of the draft plan (SO5) to actively promote Moneygall as a destination for new business, for example in the distribution and warehousing sector, given its strategic location on the M7 motorway.

The *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* (SPNR Guidelines) state that development plans must include policies which seek to maintain and protect the strategic function, safety, capacity and efficiency of national roads and associated junctions. Section 2.7 requires that planning authorities must exercise particular care in their assessment of development plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road.

The draft development does not include an appropriate evidence-based approach to justify the comparatively extensive Enterprise and Employment land use zone at the village of Moneygall.

Recommendation 6:

- (i) *It is recommended that the planning authority omit the proposed extension of the settlement boundary to Moneygall and related zoning of lands for 'Enterprise and Employment' to the west of the R490 on the basis that it would militate against the implementation of compact growth for this village settlement.*

- (ii) *It is recommended that the planning authority omit the proposed zoning of lands for 'Enterprise and Employment' located in proximity to the junction of the M7 motorway unless it can provide an evidence-based justification for its inclusion (or for the inclusion of a very significantly reduced area) with reference to the overall Economic Development Strategy in chapter 5 of the draft development plan including section 5.6 Rural Economic Strategy, the designation of the settlement as a village under the Core Strategy, and the potential conflict with section 2.7 of the SNPR Guidelines concerning potential adverse impacts on the capacity of national roads and associated junctions, with regard to the proximity to Junction 23 of the M7.*

2. Consistency of proposed plan with the hierarchy of statutory plans

2.1 Compact growth: Settlement Hierarchy

2.1.1 As noted above, the proposed core strategy is generally consistent with the NPF, the NPF Implementation Roadmap and the RSES concerning overall population growth to be accommodated over the plan period, having regard to National Policy Objectives (NPOs) 1a and 1b.

The RSES defines a settlement strategy for the region consistent with the objectives and settlement designations (top two tier settlements - cities and regional growth centres) of the NPF, and designates the key towns (tier 3 settlements). It also defines the criteria for the lower tiers (self-sustaining growth towns, self-sustaining towns, towns & villages, and rural) to be determined by the planning authority.

The RSES requires the hierarchy of settlements to be determined by the planning authority (below Key Towns) in accordance with the hierarchy structure and the guiding principles and typology of settlements set out in the RSES (RPO 4.1). It also advises on the policy response to be applied per settlement type (Table 4.3 of the RSES, refers).

The overall settlement hierarchy proposed in the draft plan is considered consistent with the RSES, however the Office has some concern about the proposed allocation of population growth across the settlement hierarchy.

2.1.2 Key Town

The Core Strategy provides for the allocation of growth strongly in favour of the Key Town of Tullamore, which would account for 52.5% of total population growth in the county over the plan period, and would increase its population by 33% (4,753 persons) over the 2016 baseline. The Office would question whether this level of growth is sustainable over the plan period, having regard to the overall growth rate anticipated for the Eastern and Midland Regional Assembly (EMRA) area to 2040 (c.23.4%) and the limit to the growth of certain settlements imposed under NPO 9 of the NPF.

Having regard to NPO 9, Tullamore has not been identified in the RSES for growth in excess of 30% to 2040 (over 2016 population).

2.1.3 Self-Sustaining Growth Towns and Self-Sustaining towns

Having regard to the recommended policy response for Self-Sustaining Towns (SSTs) set out in the RSES (table 4.3 Settlement Typologies and Policy Responses), the Office would query the appropriateness of the low growth rate (5%) for the SSTs of Edenderry and Portarlington compared to the rate of 25% for Birr, a Self-Sustaining Growth Town and compared to the rates of 16-18% applying to lower tier towns.

In view of the SST designation for the two settlements of Edenderry and Portarlington, and in conjunction with proactive objectives to increase employment and services etc. in the towns, the Office would suggest that a higher level of population growth for those two settlements may be appropriate, which also takes account of the Office's request under Recommendation 5, above.

2.1.4 Towns

Similarly, having regard to the recommended policy response for Towns under table 4.3 of RSES, the growth allocation provided to these settlements is considered excessive in providing for a balanced overall hierarchy where higher rates of growth are provided to settlements at the upper tiers. In view of the provisions of section 10(2A)(f)(vi) of the Act, the inclusion of settlements of <1500 persons (Daingean, Ferbane and Kilcormac) as towns should be reconsidered.

2.1.5 Rural

The information provided in the draft development plan indicates that County Offaly has a strong rural character (56.5% live in the open countryside or in villages and small towns of >1500 population), including a strong network of villages and smaller towns.

The proposed Core Strategy promotes the regeneration of rural villages and small towns in accordance with the objectives of the NPF and RSES (NPO 16; NPO18a/RPO 4.77; NPO 18b/RPO 4.78). The population allocated to this settlement tier is reasonable and would further increase (to 15.1% of total allocation) with the addition of other small towns >1500, as advised above.

The proposed Core Strategy allocates a growth rate of 0.9% to the rural area outside of towns and villages, but inclusive of Sráids. The proposed allocation has not been informed by an evidence-based approach in determining the demand for rural housing, as required under NPO 20 and under the *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*.

The Housing Need Demand Assessment (HNDA) included in the Housing Strategy attaching to the draft plan does not indicate the need or demand for one-off rural housing over the plan period, but informs that such housing accounted for 55% of all residential units permitted in 2015 and for in excess of 90% in other years.

Recommendation 7:

The planning authority is required to review and reconsider, in an evidence-based approach, the overall allocation of population growth across the settlement hierarchy, appropriately addressing, in particular:

- (i) The growth (33%) provided to the Key Town of Tullamore over the plan period to 2027, which exceeds the 30% growth limit to 2040 (over 2016 population) under NPO 9;*
- (ii) The low level of growth (5%) for the Self-Sustaining Towns of Edenderry and Portarlinton, in view of the policy response recommended under table 4.3 of the RSES and taking account of the growth envisaged and provided for under the LAPs for both settlements;*
- (iii) The high level of growth (16-18%) for Towns compared to the Self-Sustaining Towns, in view of the policy response recommended under table 4.3 of the RSES and the small size (<1500) of Daingean, Ferbane and Kilcormac; and*
- (iv) The very low rate (0.9%) of population allocated to the open countryside outside of towns and villages, in the absence of a clear evidence-based approach to determining the demand for rural housing over the plan period as required under NPO 20 and under the Sustainable Rural Housing Guidelines for Planning Authorities (2005).*

2.2 Compact Growth: Housing Demand

There would appear to be scope for a greater level of consistency in the draft plan between its core strategy and the objectives to implement compact growth.

Whilst the quanta of population growth proposed under the Core Strategy is generally consistent with the population targets under the NPF and RSES (the requirements of section 10(2A)(b), refer), the evidential basis for overall housing demand calculations under the plan (derived from assumptions such as occupancy ratios) could be made clearer. This may have implications for the subsequent approach to land use zoning for residential and a mixture of residential and other uses.

For example, the draft plan indicates (in a footnote to table 2.2) that the occupancy rate will drop from 2.84 to 2.62 for the county to 2027 (from 2016) as informed by the Housing Strategy. The RSES indicates that the region has an average occupancy rate of 2.8, ranging from 2.5 in Dublin and 3 in the surrounding counties. The NPF notes the average household size for the state is 2.75 and is expected to drop to 2.5 by 2040.

However, from table 2.2, a range of occupancy rates appear to have been applied, with the highest rates applied to the two largest settlements (3.24 for Tullamore) and the lowest rate (0.4) to the open countryside tier, without any clear rationale or justification.

The application of higher or lower occupancy rates will affect the anticipated total housing requirement for the areas concerned and will affect the quantity of zoned land required to accommodate such growth, which may militate against the achievement of compact and sequential growth.

Recommendation 8:

- (i) The planning authority is required to provide justification for the occupancy rates applied in the devising of the Core Strategy, as detailed in table 2.2, since the rates appear to be inconsistent with what is forecast in the NPF and RSES, and are excessive for higher tier settlements and inappropriate for the lowest tier.*
- (ii) In view of the national and regional objectives for compact growth, it is essential that the core strategy, population growth rate and housing demand calculations are supported by a justified housing occupancy rate for the county as a whole, or by settlement type where appropriate. The planning authority should justify the approach applied in the devising of the core strategy, and/or amend the core strategy and housing demand figures accordingly, as appropriate.*

- (iii) *Should any revisions to the core strategy arise under point (ii) of this recommendation, the planning authority is required to revisit the approach to zoning for residential use and for a mixture of residential and other uses, as necessary to accommodate the overall altered housing unit demand consistent with the requirements of compact growth. Without prejudice to the approach to be proposed by the planning authority, the application of phasing in accordance with the sequential approach may be appropriate.*

2.3 Compact Growth: Land-use Zoning

The Core Strategy, as set out under table 2.2 of the draft plan, includes the figure for quantum of zoned land for each settlement. However, the quantum of zoned land relates only to new residential land and not, it would appear, to lands zoned for a mixture of residential and other uses (including mixed use Opportunity Sites).

Recommendation 9:

The planning authority is required to submit the size of the area in hectares inclusive of lands proposed to be zoned for residential and for a mixture of residential and other uses, as required under section 10(2A)(d), in addition to the area of any land already so zoned as required under section 10(2A)(c).

2.4 Compact Growth: Tiered Approach to Zoning

Having regard to the foregoing, it is possible that there may be implications for the total area of lands zoned for residential and mixed residential lands. The planning authority should address any issues arising from the foregoing to ensure consistency with the objectives of the NPF and the RSES for compact growth.

In this regard, the draft plan (section 2.1.5) suggests rather than states categorically that the tiered approach to zoning (TAZ) has been applied, as required by the NPF (NPO72a, NPO72b and NPO72c refer). Although it is the understanding of the Office that the TAZ has been applied, no infrastructural assessment report is attached to the draft plan and it is not evident which lands are already serviced or can connect to services, and what lands are to be provided with full services within the life of the plan. The methodology for the TAZ is appended to the NPF (Appendix 3) and comprises a written infrastructural assessment.

The core strategy includes numerous references to the application of the sequential approach, including several objectives and policies relating to the different settlements. However, the draft plan does not clearly demonstrate provision for development phasing (as required under section

10(2A)(f)) within the period of the plan, or for implementation of the sequential approach as recommended in the *Development Plan Guidelines (2007)*.

Observation 4:

The planning authority is requested to demonstrate that the tiered approach to zoning required under the NPF has been applied in the determining of objectives for the zoning of land in the development plan, providing details of an infrastructural assessment applying the tiered approach to zoning (NPO72a, NPO72b and NPO72c refer), in accordance with the methodology set out in Appendix 3 of the NPF.

2.5 Compact Growth: Infill and Brownfield Development

The Office acknowledges and welcomes the inclusion in the draft plan of a housing target for 30% compact growth within the built up footprint of each settlement in line with NPO3c/RPO 3.2.

This is supported by the identification of opportunity sites for Tullamore, Birr, Edenderry and Portarlinton in Chapter 7 Retail and Town Centre Strategy, and Regeneration. The draft plan does not define those lands that will contribute to the achieving of the 30% target and it will therefore be difficult for the planning authority to determine, through monitoring, whether it has met the target at the end of the plan period.

Recommendation 10:

In order to ensure that the delivery of 30% of all new homes targeted within settlements is provided within their existing built-up footprints, it is recommended that the development plan defines, in plan, those areas of settlements which will contribute to this target.

In this context, the planning authority should have regard to the definition of brownfield and the range of infill development provided for under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).

2.6 Compact Growth: Implementation

The Office welcomes the recognition in the draft plan (Section 7.2.3 Compact Growth) of the need for Active Land Management to create more compact development. The Office notes it is an objective of the plan (RO-07) to use site activation measures such as the Vacant Site Levy in specific areas to bring forward regeneration lands including Opportunity Sites, and (RO-04) to establish a database of strategic brownfield and infill sites so that brownfield land can be re-used,

managed and coordinated across multiple stakeholders as part of the active land management process. These measures are welcomed.

RPO 3.3 requires that planning authorities set out specific objectives relating to the delivery of urban infill and brownfield regeneration sites identified in their core strategies in line with the guiding principle for dealing with the complexities of brownfield and infill sites in the preparation of their core strategies.

These include the establishment of a database for strategic brownfield and infill sites addressing development capacity and constraints (infrastructure and site contamination); the provision of a site brief/masterplan setting out the phased programme for regeneration of each regeneration site, demonstrating how it will be consistent with national objectives for compact growth and good place-making; and the inclusion of measures to reduce vacancy and under-use of building stock.

The Office suggests that it would be appropriate for the planning authority to include a clear objective to implement the active land management approach under the development plan. It would also be appropriate, in order to ensure effective implementation, to set out a clear timeline and strategic approach in carrying out the active land management approach and to set measurable targets (perhaps by settlement at the upper levels) and timelines against which the implementation can be monitored and measured.

It will be critical for the regeneration of opportunity sites that the development plan is clear in terms of its active land management approach, as such sites will, generally, be far more challenging to implement than undeveloped greenfield sites and will likely require a more proactive approach on behalf of the planning authority, including through the compulsory purchase order and vacant site register processes.

Observation 5:

Having regard to RPO 3.3 and the Guiding Principles under the RSES, the planning authority is advised to:

- (i) include a clear objective to implement the Active Land Management Strategy approach under the development plan; and*
- (ii) set out a clear timeline and strategic approach to carrying out the Active Land Management approach and to set measurable targets (perhaps by settlement at the upper levels) and timelines against which the implementation can be monitored and measured.*

2.7 Compact Growth: Rural Regeneration

The Office acknowledges the policies for rural development including (A) rural village and (B) Sráids and welcomes, in particular: policy SSP-12 to support housing and repopulation of villages and to promote the provision of serviced sites supported by Irish Water in order to attract people to build their own homes and live within villages; and policy SSP-15 to support housing within Sráids for small scale development as a viable alternative to one-off housing.

The CSO reports that 63.85% of all homes constructed in Offaly since 2011 consist of one-off housing². In order for villages and small towns to become an attractive alternative to one-off housing in the open countryside, it is evident that a more proactive approach needs to be taken by the planning authority in view of the significantly high rate of one-off housing taking place in the county.

Having regard to the objectives of the RSES, including RPO 4.77 (rural regeneration projects), RPO 4.78 (support for 'New Homes in Small Towns and Villages' initiative) and RPO 4.79 (inclusion of policies recognising their contribution to social and economic well-being), the provision of a more strategic approach to promote, facilitate and accommodate one-off housing demand within the small towns and rural villages in the county, including active land management measures, would be appropriate.

The *Sustainable Rural Housing Guidelines for Planning Authorities (2005)* also emphasise the need for planning authorities to ensure that settlements offer attractive and affordable housing options to meet the housing needs of urban communities and to mitigate excessive pressure from urban generated housing through strengthening rural villages and towns. The guidelines acknowledge that difficulties in securing affordable and high quality housing in cities, towns and villages are frequently cited as the reason why many people seek to build houses in the open countryside.

The guidelines suggest that planning authorities consider including objectives for the implementation of a pilot project or projects as examples of what can be achieved going forward (Appendix 3; Box.2). Without prejudice, this may include land activation measures such as site acquisition, provision of serviced sites, and design advice.

The planning authority will note that sustainable settlement and transport strategies are required for rural areas, as well as for urban areas, in order to reduce GHG emissions and energy use through the implementation of effective policies and objectives in relation to the location, layout and design of new development. The provision of a more coherent strategy to develop or facilitate the

² <https://www.cso.ie/en/releasesandpublications/ep/p-cp1hii/cp1hii/od/>

development of housing in small towns and villages, will help the planning authority to meet its obligations in this regard.

Observation 6:

It is advised that the development plan include a more proactive strategy for the regeneration of rural towns, villages and Sráids in order to provide for, facilitate and support those who wish to build their own house within the settlement boundaries of a small town, village or rural node, and to ensure that such locations are an attractive alternative to one-off housing in the countryside.

The planning authority should consider what objectives can be included in this regard and what measures are feasible as commitments in the plan, including a range of appropriate active land management measures. The inclusion of clear targets and provisions for monitoring and reviews of the strategy should also be considered.

3. Consistency with relevant section 28 guidelines

3.1 Sustainable Rural Housing Guidelines for Planning Authorities (2005)

Generally, the Office is satisfied that the approach taken in relation to rural housing in the draft development plan is consistent with the provisions of the *Sustainable Rural Housing Guidelines for Planning Authorities* (SRHGs), balanced with the requirements of NPO 19 of the NPF, in terms of the distinction required between different rural area types.

However, as noted above, the provisions for rural housing under the proposed Core Strategy have not been informed by an evidence-based approach to determine the housing need demand, as is required under the SRHGs and also by NPO 20 of the NPF. Recommendation 7, above, addresses this issue.

It is considered that the draft development plan does not make sufficient provision to ensure that settlements offer attractive and affordable housing options as an alternative to one-off housing in the open countryside, in accordance with the above guidelines. The planning authority will recognise the increased importance of this requirement in view of the recently adopted objectives for compact growth (as referred to, above) within the NPF and the RSES, and the requirements of section 10(2)(n) of the Act concerning climate change. Observation 6, above, refers.

In general, the rural housing policies SSP-21 and SSP22 are considered reasonable and consistent with the guidelines. However, the Office is concerned the inclusion of the villages within the definition of 'local rural area' under SSP-21 will serve to undermine the national and regional

objectives to regenerate and target the decline of small towns and villages (NPO 6, NPO16, NPO18a and NPO 18b).

Recommendation 11:

The planning authority is required to omit villages from the definition of 'local rural area' under SSP-21, as doing so may undermine the national and regional objectives to regenerate and target the decline of small towns and villages (NPO 6, NPO16, NPO18a and NPO 18b).

3.2 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009)

The core strategy calculations for New Residential land use zoning, set out in table 2.2 of the draft development plan, are based on an average residential density for each settlement, in a graded manner across the settlement hierarchy. The Office notes that the planning authority has applied the lowest density levels allowed per settlement type under the guidelines³, except that they have been applied at a gross rather than net density level⁴.

Given the strongly rural nature of the county, it is reasonable that the average densities applied are at the lower scale of the density range, however the Office is not satisfied that the application of the lowest density rate across the four 'large towns' is appropriate or that it has been appropriately justified. A more nuanced, evidence-based approach is required in order to ensure consistency with the guidelines and with the objectives for compact growth under the NPF and the RSES.

In addition, these calculations fail to take account of the potential for brownfield regeneration, including the significant opportunity sites identified for the four large towns, which can be expected to achieve higher densities.

Recommendation 12:

(i) In order to ensure consistency with the Sustainable Residential Development in Urban Areas Guidelines (2009), in view of the objectives for compact growth under the NPF and RSES, the planning authority is required to review the residential density rates it has applied to large towns in its core strategy calculations and, where necessary to comply with the said guidelines, the core strategy shall be revised through the application of appropriately justified rates residential density rates.

³ The guidelines provide a range of appropriate net densities to be applied in specific site contexts (e.g. town centre, suburban, institutional) within settlements of different sizes, including cities and large towns, small towns and villages.

⁴ E.g., total housing demand (1,497) divided by density (35uph) equals 42.7ha or c.43ha for Tullamore.

- (ii) *Should any revisions to the core strategy arise under point (i) of this recommendation, the planning authority is required to revisit the approach to zoning for residential use and for a mixture of residential and other uses, as necessary to accommodate the overall reduced housing unit demand consistent with the requirements of compact growth. Without prejudice to the approach to be proposed by the planning authority, the application of phasing in accordance with the sequential approach may be appropriate.*

3.3 Wind Energy Development Guidelines (2006), and Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)

The Office notes the provisions and range of policies and objectives supporting renewable energy development under Chapter 3 Climate Action and Energy of the draft development plan, and the related development management standards in Chapter 13.

The draft plan would not appear to take account of the Specific Planning Policy Requirement (SPPR) in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017) that must be implemented by your planning authority in the carrying out of its functions, which may be summarised as follows:

- (1) Ensure national policy on renewable energy is acknowledged and documented in the development plan;
- (2) Indicate how the implementation of the development plan will contribute to realising national targets on renewable energy and climate change mitigation and, in particular, wind energy production and the potential wind energy resource (in megawatts); and
- (3) Demonstrate detailed compliance with item number (2) in any proposals to introduce mandatory setback distance or distances from wind turbines in the development plan. These setbacks shall be a material consideration in the Strategic Environmental Assessment (SEA) of the development plan when taking account of likely significant effects on climatic factors, where the proposed setback would create a significant constraint on renewable energy projects.

The draft development plan is inconsistent with the above SPPR because:

- it does not acknowledge the full extent of national policy on renewable energy;
- it does not indicate how the implementation of the development plan will contribute to realising national targets on renewable energy and climate change mitigation and in particular wind energy production and the potential wind energy resource in megawatts; and

- it proposes to introduce mandatory setback distance of 2km between wind turbines and the settlement boundary of towns and villages in the county. The SEA does not appear to have considered the likely significant effects on climatic factors, in terms of the constraints on renewable energy projects arising from the proposed 2km setback.

In addition, the draft plan does not include a positive and supportive statement of the importance of wind energy in achieving national targets relating to climate change, together with an objective to ensure security of energy supply; or objectives to secure maximum potential from the wind energy resources commensurate with supporting development consistent with proper planning and sustainable development as required under Chapter 3 of the *Wind Energy Development Guidelines (2006)*.

Recommendation 13:

In accordance with the provisions of section 28(1C) of the Act, the planning authority is required to amend the draft development plan in order to fully implement the Specific Planning Policy Requirement contained in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change.

In this regard, the planning authority is also required to revisit the SEA carried out for the draft plan to include as a material consideration the likely significant effects on climatic factors of any proposal to include a mandatory setback for wind energy development which is inconsistent with the guidelines and would create a significant constraint on renewable energy projects.

Recommendation 14:

The planning authority is required to remove reference to the mandatory setback distance of 2km between wind turbines and the settlement boundary of towns and villages from the draft development plan as the inclusion of such mandatory separation distances would restrict the potential for wind farm development in the county, would undermine other policy objectives supporting wind farm development and be contrary to national policy and Ministerial guidance on wind farm development.

Observation 7:

*The planning authority is requested to include a positive and supportive statement of the importance of wind energy in achieving national targets relating to climate change, together with an objective to ensure security of energy supply; or objectives to secure maximum potential from the wind energy resources commensurate with supporting development consistent with proper planning and sustainable development as required under Chapter 3 of the *Wind Energy Guidelines*.*

The Office notes that the Wind Energy Strategy prepared as part of the development plan review is a standalone strategy which does not take account of the strategies of neighbouring planning authorities.

Section 9(4) of the Act requires that a planning authority shall, in making a development plan, have regard to the development plans of adjoining authorities and shall co-ordinate the objectives in the development plan with those of neighbouring authorities except where the planning authorities considers it inappropriate or not feasible to do so.

In this regard, the Office would highlight the potential role of the Regional Assembly to co-ordinate wind energy and other renewable energy sources across the region, having regard to RPO 7.35 to identify Strategic Energy Zones as areas suitable for larger energy generating projects.

Observation 8:

The planning authority is advised to consider the coordination of objectives for wind energy development, including assessments of wind energy capacity, in the development plan, including the Wind Energy Strategy, with those for the neighbouring counties to ensure a coordinated approach across the region, having regard to the requirements of section 9(4) of the Act.

4. Policy directives issued under section 29

No issues arise in this regard.

5. Other legislative and policy matters as the Minister may communicate

No issues arise in this regard.

Summary

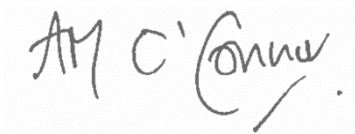
The Office requests that your authority addresses the recommendations outlined above. The report of the Chief Executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed.

Your authority is required to notify this Office within five working days of the decision in relation to the draft plan. 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 the undersigned or at plans@opr.ie.

Yours sincerely,

A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive style with a horizontal line under the name.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations