



11th September 2023
Planning Department,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary,
E45 A099.

Re: Draft Clonmel Local Area Plan 2024-2030

A chara,

Thank you for your authority's work on preparing the Draft Clonmel Local Area Plan 2024-2030 (the draft LAP).

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 draft LAP against the backdrop of an evolving national and regional planning policy and regulatory context and the need to balance competing pressures within an increasingly complex system.

As your authority is aware, 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 draft LAP under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act), and this submission has been prepared accordingly.

The Office's evaluation and assessment has had regard to the current county development plan, the Regional Spatial and Economic Strategy (RSES) for the Southern Region, and relevant section 28 guidelines.

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(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

Overview

The Office commends the significant work of the planning authority in preparing a comprehensive draft plan for Clonmel. The draft LAP includes several supporting documents, including a Serviced Land Assessment (SLA) (Appendix 1), Local Transport Plan (LTP) (Appendix 2), Consolidation and Regeneration sites (Appendix 3) and the relevant statutory reports including Natura Impact Report, Strategic Environmental Assessment (SEA) Report and Strategic Flood Risk Assessment (SFRA), which are welcomed by the Office.

The Office considers the draft LAP to be generally consistent with the regional policy objectives of the RSES for the Southern Region, particularly in respect of its overall strategy to promote compact growth, target town centre renewal and promote more sustainable travel patterns.

The Office also welcomes the strategic aims and vision of the draft LAP which have been informed by collaboration and consultation with relevant stakeholders and the general public.

The Office notes that the town centre regeneration strategy for Clonmel is set out in chapter 3 of the draft LAP. There is a clear Town Centre Strategic Vision that sets out and a strong town centre first policy approach (e.g. section 3.1 and Objective 3A) which is commendable. The draft LAP is informed by the *Clonmel 2030 – Transformational Regeneration*, which focuses on transforming the town centre into a space that would meet, accommodate and grow with the changing needs of its 21st century population. Indeed, this commitment is demonstrated by the recent regeneration works and funding secured, identified in the draft LAP, further sets out a number of projects and initiatives which have been undertaken.

In general, the actions of the *Climate Action Plan 2023* and the *Tipperary County Development Plan 2022-2028* (the Development Plan) core ambitions have also been well incorporated into the draft LAP as they relate to spatial planning locally within the town including compact growth, sustainable mobility, sustainable transport measures, town-centre first, nature-based solutions, and flood risk and water management.

The Office has however, identified a number of areas where further consideration is required to ensure that zoned land can be serviced and is well located in terms of proximity to facilities and amenities and sustainable transport options, consistent with the policy of the Development Plan and national and regional policy for compact and sustainable growth.

The Office also has concerns regarding the SFRA which has not been carried out in accordance with *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines) and will require a review of affected land use zoning objectives.

It is within this context the submission below sets out four (4) recommendations and two (2) observations under the following six (6) themes:

Key theme	Recommendation	Observation
Consistency with development plan core strategy, residential zoning and compact growth	Recommendation 1	-
Economic development and employment	Recommendation 2	-
Transport and mobility	Recommendation 3	Observation 1
Flood risk management	Recommendation 4	-
Implementation and monitoring	-	Observation 2
General and procedural matters	-	-

1. Consistency with development plan core strategy, residential zoning and compact growth

Section 19(2) of the Act requires a local area plan to be consistent with the objectives of the development plan and its core strategy. This requirement also applies under section 20(5) of the Act.

The Development Plan core strategy identifies a requirement for an additional 1,270 housing units over the plan period in Clonmel (up to 2028). The extent of zoned land required to accommodate this growth is 51.8 ha. The draft LAP sets out in chapter 2, the development strategy for the town. It identifies a need for 85.3 ha of zoned land in Clonmel to accommodate the predicted housing requirement of 1,773 units to 2030. It is understood that the land use zoning requirement was adjusted to consider the Development Plan framework and to apply two additional years to 2030. The Office is satisfied that the population and housing growth for the plan period is consistent with the Development Plan.

The Office notes that the current land use zoning proposals for residential development exceed the core strategy housing target for Clonmel due to historical legacy zonings for residential development. In this context, the Office considers that in general terms, the draft LAP provides a reasonable approach to ensure a sufficient supply of zoned land.

With the exception of the instances identified below, the majority of the lands proposed to be zoned New Residential are well located, contiguous to the existing built up footprint and within the CSO settlement boundary. It is also noted that an LTP was undertaken to inform the zoning provisions of the draft LAP and that a suite of active travel measures and other sustainable transport objectives are proposed to enhance connectivity between the proposed residential areas and the town centre.

The draft LAP also includes a detailed SLA in accordance with NPO 72 which is commendable. The draft LAP states that the zoning framework has been informed by the SLA and also wider objectives including the need to promote compact growth and a town centre first approach as well as the SFRA.

The Office has, however identified a number of instances where poorly located sites are identified for Strategic Reserve in circumstances where more than sufficient New Residential land is zoned to meet future housing needs, the lands were not previously zoned, and that no adequate justification has been provided to designate further strategic reserve lands.

In particular, Site 1: (Area 4.6 ha – Strategic Reserve), Site 3: (Area 7.3 ha – Strategic Reserve) and Site 27: (Area 18.40ha – Strategic Reserve) are located in a peripheral location to the north and north east of the town. Having regard to the sustainable planning criteria applicable to the sites set out under the SLA, it is detailed that the lands are not located within the compact growth area, do not accord with the principle of sequential development and consolidate the existing built pattern, nor are they within a 5 to 10 minute or 10 to 15 minute walking distance of the town centre. It is noted that site 3 is not serviced by any of the infrastructure criteria considered as part of the SLA.

Furthermore, on review of the SLA and the zoning map, the Office has concerns regarding the number of smaller peripheral sites zoned **Existing Residential** on the outskirts of the town. For example, the small cluster of 3 no. rural dwellings zoned Existing Residential to the far eastern periphery of the town at Rathloose adjacent to the

rail line, as well as the site to the north of Site 1 in the SLA adjacent to Ard Gaoithe Business Park, which is an isolated dwelling surrounded by land zoned Town Environs and Strategic Reserve.

It is considered that these small pockets of isolated one-off dwellings undermine the principles of compact growth and sequential development criteria, result in dispersed patterns of residential development which are not contiguous to the urban envelope, and exacerbate ribbon development and urban sprawl.

Furthermore, the approach to zone individual dwelling houses has the potential to undermine the overall policy intent of the Town Environs land use zoning objective as it raises unreasonable expectations about further one-off housing and subdivision in isolated areas which are divorced from the built up area. It is also considered that this approach undermines the policy approach to one-off housing in the town environs set out in section 5.2.4 and Policy 5.3 of the draft LAP.

Anomalies

It is also noted that there are some anomalies between the zoning map and the SLA which should be clarified and amended as necessary. These can be summarised as follows:

- There appears to be an inconsistent approach adopted in the SLA regarding the identification of sites as complying with the sequential criteria. The planning authority are requested to review this, in particular in relation to sites 11 and 24.
- A number of sites, including sites 7, 8, 17, 19, 21, 22, 23 and 25, are identified on the SLA Table 1 as being able to deliver new residential development but are zoned Existing Residential on the zoning map. It is considered that any sites identified on the SLA table as having capacity for new residential delivery over the plan period should be identified as New Residential on the zoning map.

The planning authority should ensure consistency between the SLA, Zoning Map and land use zoning areas set out in chapter 2 of the written statement.

Recommendation 1 – Residential Zoning Objectives

Having regard to the provision of new homes at locations that can support compact and sustainable development and the co-ordination of land use zoning, infrastructure and services, and in particular to:

- the core strategy of the Tipperary County Development Plan 2022-2028 and the otherwise sufficient supply of land zoned for residential use;
- NPO 3c, NPO 6, RPO 3, RPO 17 and RPO 35 for compact growth;
- the policy and objective for a sequential approach to development in section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities (2022)*;
- *Local Area Plan Guidelines for Planning Authorities (2013) (LAP Guidelines)* chapter 6; and
- NPO 72 for a tiered approach to zoning,

the planning authority is required to:

- (i) delete the Strategic Reserve zoning objective for Sites 1, 3 and 27. Consideration should be given to amending the zoning to Town Environs;
- (ii) amend the Existing Residential zoning objectives on lands associated with the isolated pockets of rural dwellings predominately located to the peripheries of the draft LAP boundary to Town Environs to ensure consistency with the approach to one-off housing in the town set out in section 5.2.4 and Policy 5.3 of the draft LAP; and
- (iii) review the SLA Table 1 in Appendix 1 of the draft LAP, Table 8 and Table 9 in the written statement and the zoning map to ensure consistency and accuracy, including the identification of sites as sequentially appropriate, with a particular review of sites which have the capacity to deliver new residential development but appear to be incorrectly identified as Existing Residential on the zoning map.

2. Economic Development and Employment

The RSES for the Southern Region designates Clonmel as a Key Town and Self-Sustaining Regional Driver with strong capacity for enterprise and employment growth. In this regard, the Office welcomes the emphasis on enterprise and employment in the draft LAP. It is noted that Clonmel has a strong employment base, accommodating a range of blue chip indigenous and international companies collectively employing over 4,000 people in manufacturing.

In relation to the future zoning of employment lands, ensuring that the economic strategy of the LAP is translated into appropriate land-use zoning proposals is an important consideration in the plan making process. The evidence base and rationale underpinning the zoning of employment uses should be clear and strategic in nature and should seek to cater for the sustainable delivery and provision of employment led uses as well as supporting a live-work community. In this regard, the LAP should be grounded upon an up-to-date evidence base that relies on sound datasets in order to provide an accurate and reliable spatial analysis of employment typologies, their location, concentration and future growth areas.

The *Development Plans, Guidelines for Planning Authorities (2022)* (the Development Plans Guidelines) note in section 6.21 that where land use zoning is being undertaken as part of the preparation of a local area plan, the specified approach to zoning, as detailed in the Development Plans Guidelines, should be followed by the planning authority. Section 6.2.5 of the Development Plans Guidelines sets out specific guidance regarding zoning for employment uses and it is detailed that the evidence and rationale underpinning the zoning of land for employment purposes must be clear and strategic in nature. It is stated that the development plan should provide an overview of the existing quantum and rate of take up of zoned employment land, both developed and undeveloped, and should include relevant servicing information.

The land use zoning strategy for employment and enterprise is underpinned by the associated SLA contained in Appendix 1 of the draft LAP which provides details on the infrastructural and servicing capacity of zoned lands for employment related uses. The SLA states that there is an availability of 361.13 ha of zoned Employment lands with a further availability of 131.96 ha of land zoned for General Industry.

The main tracts of available Employment land are located on the west side of the town comprising c. 105ha of land within the Ballingarrane masterplan area and a further 132ha of land adjoining the Abbott Vascular and Boston Scientific campuses and the Ard Gaoithe Business Park. The Office notes that the Ballingarrane Masterplan site is identified as a Strategic Employment Site accessed via the N24 which seeks to cater for high-tech, employment intensive industry and to support the town as the regional driver.

The Office considers that the quantum of land zoned for employment uses is generally acceptable having regard to the strategic objectives of the RSES (RPO 17) and the population growth anticipated for the town.

Notwithstanding this, the Office has some concerns regarding site 2 located at the Cashel Road as identified in the SLA which is a significant land bank adjacent to the Ballingarrane Masterplan area. Considering the significant scale of the land bank (132ha) and its proximity to the national road network, the Office recommends that the planning authority give further consideration to the intended phasing and servicing approach for these lands as well as the proposed delivery of sustainable transport measures in accordance with the LTP to ensure that development occurs in an appropriate and sequential manner in accordance with the principles of sustainable development.

Recommendation 2 – Economic Development and Employment

Having regard to:

- section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities (2022)* that the evidence and rationale underpinning the zoning of land for employment purposes must be clear and strategic in nature;
- RPO 151, RPO 154 and National Strategic Outcome 1 for Compact Growth and NPO 74 to secure alignment with delivery of National Strategic Outcomes;
- the location of employment in areas that can support more sustainable transport options in accordance with NPO 54 for climate action and the sequential approach and accessibility set out in section 1.4 of Appendix A of the *Development Plans, Guidelines for Planning Authorities (2022)*, the *Climate Action and Low Carbon Development (Amendment) Act 2021*, the *Climate Action Plan 2023*, and the goals of the *National Sustainable Mobility Policy (2022)*; and
- NPO 72 a-c and Appendix 3 of the NPF and the co-ordination of land use zoning, infrastructure and services,

the planning authority is required to:

- (i) review the proposed phasing approach to the delivery of the employment land bank located to the northern fringes of Clonmel identified as Site 2 in the Serviced Land Assessment to ensure that development is delivered in an appropriate and sequential manner. The planning authority should also consider the intended movement patterns to / from and within the site in accordance with the LTP, as well as activation measures to ensure that the site is comprehensively developed as a major employment location in tandem with appropriate active travel measures.

3. Transport and Mobility

The Office welcomes the preparation of the LTP consistent with RPO 11 of the RSES.

It is noted however, that while policies and objectives supporting the LTP have been included in chapter 6, including Policy 6.2, further consideration should be given to the integration and synergy between the LAP and the LTP, together with a clearer policy approach to provide more explicit support to the proposed interventions.

This could, for example be provided by the introduction of clear policies and cross-referencing to ensure compliance with the active travel and other interventions detailed in tables 6-2, 6-3, 6-4, 6-5, 6-6, 6-7 and 6-8 of the LTP. This would give greater weight and statutory effect to the proposals of the LTP. The LAP should also provide clearer mapping of the interventions required to support the delivery of the LTP.

The Office notes that many of the proposed initiatives and priorities outlined in the LTP have not been clearly translated into the draft LAP. In this regard, it is imperative that the draft LAP reflects the guiding principles of the LTP to ensure that a cohesive overall land use strategy for the town is set out.

Recommendation 3 - Local Transport Plan

Having regard to:

- NPO 27 and RPO 152 which seek to prioritise walking and cycling; and
- RPO 157 for local transport plans, and the policies, objectives and measures emerging from local transport plans,

the planning authority is required to include specific actions in the written statement of the LAP with respect to the key actions identified in the Clonmel Local Transport Plan (LTP) in order to clearly outline the guiding principles for improved permeability and sustainable land use and transportation management for Clonmel and to ensure that a cohesive land use strategy for the town is clearly set out.

The Office notes that a key infrastructural requirement, as set out in the RSES, is the need to upgrade the N24 linking Limerick and Waterford to enhance east / west connectivity which will be of benefit to Clonmel as a regional town. A number of link roads

have been proposed as part of the N24 which are detailed further in the LTP. These include:

- Road Link 1: Connects the R688 Cashel Road via Longfield Avenue east to an existing roundabout (south of the Paddocks housing estate) on the R689 Fethard Road.
- Road Link 2: Continues Road Link 1 in an easterly to south-easterly direction to connect to the Carrigeen Roundabout on the N24 via the existing internal road serving the Carrigeen Business Park.
- Road Link 3: Connects the R688 Cashel Road at the existing roundabout at Ard Gaoithe Business Park east to the R689 Fethard Road.
- Road Link 4: Connects the R689 Fethard Road east through Powerstown to the L2506 at Redmondstown, directly between the Medite and Bulmers production sites.

The N24 upgrade is a key piece of infrastructure which will enhance and sustain traffic movements and connectivity for Clonmel. However, the Office notes that no indicative route alignments for the above road links have been indicated on the zoning map for Clonmel. In this regard, it is recommended that the planning authority give consideration to including the indicative alignment of these schemes on the draft LAP zoning map for clarity. This will provide better cohesion between the land use zoning map and the proposed policy objectives, particularly policies 6.6 and 6.7 as set out in the draft LAP.

Observation 1 – Transport and Mobility

Having regard to the provision of sustainable transport options, and in particular to:

- NPO 27, NPO 54 and NPO 64;
- RPO 17, RPO 157 and RPO 168; and
- the Clonmel Local Transport Plan (LTP);

the planning authority is requested to include on the land use zoning map the indicative route alignment of the proposed four link roads as set out in the draft LAP and LTP.

4. Flood Risk Management

The Office welcomes the preparation of an SFRA to inform the draft LAP. However, the SFRA has been informed by incorrect mapping which underestimates the extent of the flood zones affecting the town due to the following errors:

- the flood zones indicated on the flood zone maps have excluded areas benefitting from flood defences from the flood zone contrary to section 2.25 of the Flood Guidelines that the presence of flood protection structures should be ignored in determining flood zones. This is because areas protected by flood defences still carry a residual risk of flooding from overtopping or breach of defences and the fact that there may be no guarantee that the defences will be maintained in perpetuity. The likelihood and extent of this residual risk therefore needs to be considered; and
- the 1% Annual Exceedance Probability (AEP) extents for the National Indicative Fluvial Mapping programme have not been used to inform the flood zone mapping. i.e. Flood Zone A. This means that lands in the town at most risk for flooding are not included in the flood maps.

The Office notes that the New Residential zoning to the south-west of the town (site 28 in the SLA) falls within the Flood Zone B. Given that residential development is considered a highly vulnerable development type, it is not appropriate to zone this site unless it can be demonstrated that the site complies with the plan making Justification Test. This is a matter that will require further review.

The draft LAP also states that ‘*Overlays Land Use Zoning and National CFRAM potential future scenario mapping have been included in the SFRA*’. While future scenario mapping for the National CFRAM study has been provided in the SFRA, it has not been overlaid with the land use map, and this should be addressed in the SFRA to provide clarity.

The planning authority is also advised to review the flood zone designations for sites detailed in Appendix 3: Schedule of Regeneration Sites. While some of the sites are identified as requiring a site specific flood risk assessment, there are others that are located in areas that benefit from the existing flood relief scheme or that are located in 0.1% AEP National CFRAM extents and would, therefore, also require site specific flood risk assessments. In particular, a review should be undertaken of Regeneration Site 11 - Suir Island Gardens to confirm if the lands are within the defended area and how the residual risks will be managed, or if outside the defended area, what appropriate mitigation measures should be implemented.

As part of the review of the SFRA, the planning authority should also consider past flood events and whether all relevant events are reflected and considered.

Recommendation 4 - Flood Risk Management

Having regard to flood risk management, and in particular to:

- RPO 114 and RPO 116; and
- NPO 57 and *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines) as amended by *Circular PL 2/2014*;

the planning authority is required to:

- (i) review and update the Strategic Flood Risk Assessment to ensure that the flood zone mapping estimates the full extent of potential flood risk and excludes the presence of flood defences in accordance with the guidance set out in section 2.25 of the Flood Guidelines. Clarity should also be provided in the Strategic Flood Risk Assessment regarding residual risk for lands that are considered to benefit from existing defences;

- (ii) review and update the Strategic Flood Risk Assessment to ensure that 1% AEP extents are used to inform the flood zone mapping, i.e. Flood Zone A;
- (iii) review the methodology and approach included in the Strategic Flood Risk Assessment to ensure that justification tests are completed for all land zonings that overlap with flood zones and to ensure that such tests are only carried out when avoidance and substitution of the flood risk is not possible. The planning authority's attention is specifically drawn to New Residential site 28 to the south-west of the town centre which should be reviewed and rezoned, unless it can be demonstrated that the site complies with all of the criteria set out in the plan making Justification Test;
- (iv) having regard to the corrected flood zone mapping, review the flood zone designations for **all** sites contained in Appendix 3: Schedule of Regeneration Sites to determine whether any of the sites detailed require a site specific flood risk assessment. Clarification should be provided on the defended areas and any residual risks or mitigation measures that may be required for particular sites; and
- (v) ensure that overlays of land use zoning and National CFRAM potential future scenario mapping are included in the SFRA.

Consequent to the above, the planning authority is required to omit or amend zonings that do not meet the Justification Test in accordance with the provisions of the aforementioned Flood Guidelines.

The planning authority should consult with the Office of Public Works regarding this recommendation.

5. Implementation and Monitoring

The draft LAP includes proposals for monitoring and evaluation in chapter 10. It is detailed that monitoring procedures will be developed in line with section 16.3 and objective 16-1 of the Development Plan. A general objective is included to undertake a programme of monitoring and evaluation of the LAP over its lifetime in accordance with the monitoring framework and methodology prepared for the Development Plan. The Development Plan includes a generalised strategy to monitor objectives and that

strategic policy objectives will be assessed through the consideration of progress under key performance indicators with data compiled from records in house and from national datasets.

The LAP Guidelines advise that local area plans should include an implementation and infrastructural delivery schedule which would require planning authorities to work closely with all relevant departments, agencies and stakeholders involved in securing the delivery of the formulation, adaptation, implementation and monitoring of the policies and objectives of the local area plan.

The draft LAP does not provide any tangible indicators for monitoring the objectives of the LAP, just a broad statement of intent aligned with a generalised approach in the Development Plan. It is considered that a more bespoke approach, specific to the draft LAP, should be adopted. In particular, the Office draws attention to the requirement to include indicators that are aligned with reporting for other related national policies (e.g. climate change, water quality) or for the purposes of monitoring the SEA. Notably, additional / supplementary indicators can be identified and utilised by the planning authority for specific objectives. In this regard, the planning authority should consider how it will analyse the annual plan monitoring data and also the progress of local area plan objectives, when adopted, in order to establish the status of the effectiveness of the LAP in achieving the proposed objectives.

Observation 2 – Implementation and Monitoring

Having regard to section 6.5 of the *Local Area Plans, Guidelines for Planning Authorities* (2013), the planning authority is advised to include a clear implementation and infrastructural delivery schedule in the draft LAP to ensure that the implementation of the policy objectives of the draft LAP will take place and to ensure that development progress is consistent with the core strategy of the Development Plan.



6. General and Procedural Matters

In respect of more minor matters, the Office draws your attention to the following matters for your consideration:

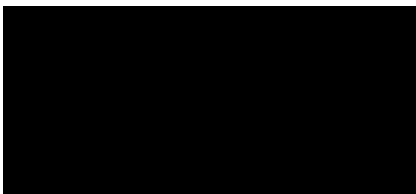
- greater clarity could be provided on the land use zoning map regarding the colour tones used to distinguish between sites zoned for Mixed Use, Amenity, Open Space and Recreation and Town Environs. The colour tones used to identify these zonings may give rise to confusion in identifying the specific land use objective(s); and
- for clarity, consideration should be given to the inclusion of the land use zoning objectives for Clonmel Environs that are located within the administrative area of Waterford City & County Council on the land use zoning map.

Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 20 of the Act must summarise these recommendations and the manner in which they will be addressed. Where your authority decides not to comply with the recommendations of the Office, made in the draft plan and report, please outline the reasons for the decision in the chief executive's report.

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
