

11<sup>th</sup> September 2023

Planning Section,  
Tipperary County Council,  
Civic Offices,  
Limerick Road,  
Nenagh,  
Co. Tipperary,  
E45 A099.

**Re: Draft Thurles Local Area Plan 2024-2030**

A chara,

Thank you for your authority's work on preparing the Draft Thurles 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 LAP for Thurles. 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, 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 commitment of your authority to town centre regeneration is clear, as evidenced by the preparation of the town centre regeneration strategy set out in chapter 3. There is a clear Town Centre Strategic Vision set out and a strong town centre first policy approach

is adopted which is commendable. The Office also wishes to acknowledge the considerable work in the preparation of non-statutory plans to inform the draft LAP regeneration strategy including the *Thurles Town Centre Renewal Strategy (2021)* which sets out a suite of regeneration projects for the town, as well as the *Thurles Town Centre Masterplan (2021)*.

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 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 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:

<b>Key theme</b>	<b>Recommendation</b>	<b>Observation</b>
<a href="#">Consistency with development plan, core strategy, residential zoning and compact growth</a>	<a href="#">Recommendation 1</a>	-
<a href="#">Economic development and employment</a>	<a href="#">Recommendation 2</a>	-
<a href="#">Flood risk management</a>	<a href="#">Recommendation 3</a>	-
<a href="#">Transport and mobility</a>	<a href="#">Recommendation 4</a>	<a href="#">Observation 1</a>
<a href="#">Implementation and monitoring</a>	-	<a href="#">Observation 2</a>
<a href="#">General and procedural matters</a>	-	-

## **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 589 housing units over the plan period in Thurles (up to 2028). The extent of zoned land required to accommodate this growth is 23.6 ha. The draft LAP sets out in chapter 2, the development strategy for the town. It identifies a need for 39.4 ha of zoned land in Thurles to accommodate the predicted housing requirement of 784 units to 2030. It is understood that the land use zoning requirement was adjusted to consider the Development Plan and 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 Thurles 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 the 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 sites zoned **New Residential** are located on the periphery of the town and are poorly served by infrastructure, in particular:

- **Site 3: (3.26 ha – T1) and Site 4 (2.24 ha – T1):** these sites are located in a peripheral location to the north 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 consolidating the existing built pattern, nor are they within a 5 to 10 minute or 10 to 15 minute walking distance of the town centre. There are also foul sewer constraints.
- **Site 5 (4.57 ha – T1) and Site 6 (3.33 ha – T1):** these sites are located on the northern periphery of the town and primarily constitute backland sites to the rear of existing ribbon development along the N62. The SLA details that neither site is served by cycle infrastructure or considered as contributing to compact growth or the sequential approach.
- **Site 25 (3.22 ha – T1):** this site is located in a peripheral location to the east of the town. Having regard to the sustainable planning criteria applicable to the site 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. The lands are not served by cycle infrastructure.

It is also noted that there are some anomalies between the zoning map and the SLA which need to be clarified and amended as necessary. 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.

- Site 8 (8.93 ha): it is identified as meeting the compact growth criteria on the SLA table, it however, appears to be located outside the compact growth area.
- Site 17 (1.06 ha): it is identified in the SLA table as a New Residential site. It is however, zoned 'Existing Residential' on the Zoning Map.
- Site 24 (0.71 ha): the boundary identified as a New Residential area on the SLA Map 1 does not reflect the extent of land zoned 'New Residential' on the zoning map.
- Site 28 (0.21 ha): it is identified as a New Residential site on the SLA table and that it is to re-zoned to 'Existing Residential'. It however, is zoned Urban Core on the zoning map.
- Site 30 (0.67 ha): it is identified as a New Residential site on the SLA and that it to be re-zoned Strategic Reserve. It is however, identified as a New Residential zoning on the zoning map.

Furthermore, on review of the SLA and the zoning map the Office has concerns regarding the number of smaller peripheral sites zoned **Existing Residential** in the environs of the town. For example, the isolated dwelling to the north west of the town adjacent to the Thurles Racecourse and the ribbon development located to the south of the town along the R659 and Mill Road.

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 current 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 5.3.2 and Policy 5.2 of the draft LAP.

## 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 20 and RPO 35 for compact growth;
- the policy and objective a sequential approach to development in section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities (2022)*;
- *Local Area Plans, Guidelines for Planning Authorities (2013)*, chapter 6; and
- NPO 72 for tiered approach to zoning;

the planning authority is required to:

- delete the New Residential zoning objective for sites 3, 4, 5, 6 and 25. Consideration should be given to amending the zoning to either or amend the zoning objective to either Strategic Reserve or Town Environs;
- amend the Existing Residential zoning objectives on lands associated with the isolated pockets of rural dwellings predominately located to the peripheries of the LAP boundary to Town Environs to ensure consistency with the approach to one off housing in the town set out in section 5.3.2 and Policy 5.2 of the draft LAP; and
- review the SLA Table 1 and Map in Appendix 1 of the draft LAP, the zoning map and written statement to ensure consistency and accuracy, particularly with regard to sites 8, 17, 24, 28 and 30.

## 2. Economic development and employment

The Office welcomes the strong emphasis on enterprise and employment in the draft LAP. Chapter 4 acknowledges the capacity of Thurles for further enterprise and employment growth and as a driver of the bio-economy including bio-energy and bio-technology, in line with the objectives of the RSES.

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 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 58.21 ha of undeveloped Employment' zoned lands within the LAP area. There is a further 12.56 ha zoned for General Industry and 26.93 ha zoned Mixed Use.

The quantum of zoned employment land is generally considered appropriate having regard to the strategic objectives of the RSES and the population growth anticipated for the town. However, the Office has a concern regarding one of the sites (site 1) zoned for employment purposes as follows:

- **Site 1 (4.78ha):** this site is located to the east of town adjacent to existing playing fields. It is detailed in the SLA that the site has a number of infrastructural deficits including no public lighting or foul sewer. The site is not served by a cycle lane. Having regard to the extent of land zoned for employment use in the town, including the proposed extensions to the existing Cabragh Business Park and the additional area of over 11 ha on the N62, it is considered, having regard to its



peripheral location and poorly serviced nature, that adequate justification has not been provided to support this zoning at this location.

It is also noted that there are some anomalies and discrepancies between the SLA table and the zoning map. These are detailed further below. The planning authority should ensure consistency between the SLA, Zoning Map and chapter 4 of the written statement.

- **Site 2 (2.46 ha):** it is stated on the SLA table that this site is to be zoned for Employment It is however, identified as a Mixed Use zoning on the zoning map.
- **Site 3 (2.56 ha):** it is stated in the SLA table that this site is to be zoned 'Residential'. It is however, indicated as both Residential and Community Services and Infrastructure on the zoning map.
- **Sites 4 (1.2 ha) and Site 5 (0.8 ha):** it is stated that both of these sites are to be zoned Town Environs due to their location within and proximate to the flood zone. Both sites remain zoned Employment on the zoning map, with only part zoned Town Environs.

It is also noted that there is one undeveloped employment site to the R498 (south of Intreo Centre) that has not been included in the SLA. It is unclear whether this site contributes to the 58.24 ha of undeveloped employment lands or whether it is in addition. The planning authority are required to include all undeveloped employments zoned lands are assessed in the SLA. The SLA should be used to inform the revised land use zonings for the town. Where lands are not serviced or serviceable within the plan period they should not be zoned.

## Recommendation 2 – Employment Zoning Objectives

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) delete the Employment zoning objective for site 1. Consideration should be given to amending the zoning objective to Town Environs;
- (ii) review the SLA Table 2 in Appendix 1 of the draft LAP, the zoning map and Chapter 4 of the Written Statement to ensure consistency, particularly with regard to sites 2, 3, 4 and 5; and
- (iii) review the Serviced Land Assessment to include all undeveloped employment zoned lands in the draft LAP area. Where lands are not serviced or serviceable within the plan period they should not be zoned for employment development.

### 3. Flood risk management

The Office welcomes the preparation of a 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% 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 planning authority is required to update the SFRA using the correct mapping. Clarity should also be provided in the SFRA regarding residual risk for lands that are considered to benefit from existing defences. Furthermore, in light of the revised flood zones, the planning authority will be required to review and update the justification tests as required, particularly in relation to Regeneration Site 3 – Kavanagh Place.

Finally, the draft LAP 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.

#### Recommendation 3 - 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) 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 guidelines. Clarity should also be provided in the SFRA 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 the the 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 SFRA 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 of the flood risk is not possible. In particular, the justification test for Regeneration Site 3 – Kavanagh Place should be reviewed to demonstrated that the site complies with all of the criteria set out in the plan making justification test; and
- (iv) 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 Guidelines.

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

#### 4. 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 of the draft LAP, 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 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 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 4 - 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 Local Area Plan with respect to the key actions identified in the Local Transport Plan for Thurles in order to clearly outline the guiding principles for improved permeability and sustainable land use and transportation management for Thurles and to ensure that a cohesive land use strategy for the town is clearly set out.

Policy 6.5 of the draft LAP supports the development of the Thurles Inner Relief Road and Policy 6.6, the development of the Thurles Bypass. It is stated that an indicative route corridor study of both roads will be maintained free from development that might prejudice future route planning. The Office notes that both road schemes are identified as infrastructural requirements under the RSES. It is recommended, therefore, that the planning authority gives consideration to including the indicative alignment of these schemes on the draft LAP zoning map for clarity.

#### 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 21, RPO 157 and RPO 168;
- Policy 12-3 and Objective 12-K of the Tipperary County Development Plan 2022-2028; and
- the Local Transport Plan for Thurles,

the planning authority is requested to include on the land use zoning map the indicative route alignment of the proposed Thurles Inner Relief Road and the Thurles Bypass.

## 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 Policy 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 *Local Area Plans, Guidelines for Planning Authorities (2013)* advise that LAPs 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 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 the LAP objectives 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 LAP to ensure that the implementation of the policy objectives of the local area plan 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 matter 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).



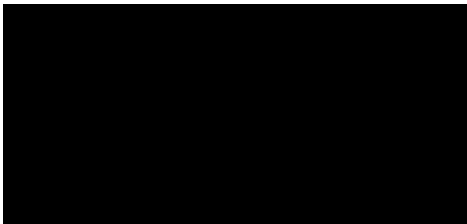
## Summary

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 please outline the reasons for the decision in the Chief Executive's report or the minutes of your Council meeting.

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,

---



**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

---