



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: MA-056-22

18th December 2023

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

Re: Material Alterations to Draft Nenagh Local Area Plan 2024 - 2030

A chara,

Thank you for your authority's work in preparing the proposed Material Alterations (the proposed Material Alterations) to the Draft Nenagh Local Area Plan 2024 - 2030 (the LAP).

As your authority is aware, a core function of the Office of the Planning Regulator (the Office) is the strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. This includes a requirement to make submissions on statutory plans, including any observations or recommendations the Office considers necessary to ensure the effective co-ordination of national, regional and local planning requirements.

The Office has evaluated and assessed the proposed material alterations under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act), and within the context of the Office's earlier recommendations and observations.

The Office's evaluation and assessment of the proposed Material Alterations has had regard to the current Tipperary County Development Plan 2022-2028 (the Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Southern Region and the relevant section 28 guidelines.



Overview

As outlined in the Office's submission to the draft LAP, the Office considered the draft LAP to be generally consistent with national and regional policy, and with the Development Plan. However, the Office found it necessary to recommend changes regarding the extent of residential zoned land and its alignment with the core strategy; the peripheral location of some sites zoned for residential development and the provision of the necessary infrastructure to ensure the sustainable delivery of housing growth over the plan period; the economic and employment strategy for the town; the integration of the Local Transport Plan (LTP); and flood risk management.

The Office acknowledges the work undertaken by the planning authority in responding to the issues raised by the Office in its recommendations and observations made to the draft LAP, and in preparing the proposed Material Alterations. In particular, the Office welcomes the addition of climate symbols (MA 08) to denote climate positive objectives, which provides greater clarity.

The Office also welcomes the changes to the zoning map so that the isolated pockets of rural dwellings zoned Existing Residential are now zoned Town Environs. These alterations will ensure greater alignment with the core strategy and the principles of compact growth.

The Office generally welcomes the clarity regarding wastewater treatment capacity in Neagh, however your attention is drawn to the matter raised below in relation to interim measures pending the upgrade works to the wastewater treatment plant.

In relation to employment lands, the Office welcomes the Material Alteration to provide a masterplan for lands at the Gortlandroe Industrial Park, and the commitment to infrastructure delivery prior to development at site 6 at Lisbunny.

The Office notes that the Material Alterations propose a number of changes to ensure better alignment between the LAP and the LTP. It is considered that this provides greater clarity regarding the active travel, sustainable mobility and other interventions proposed.

The Material Alterations relating to the Strategic Flood Risk Assessment (SFRA) address the concerns raised regarding the adequacy of the mapping and assessment. The Office considers that in the interests of clarity, the planning authority should ensure the inclusion of a final updated overall composite map indicating the extent of Flood Zones on the land use zoning maps. The planning authority should also ensure that overlays of land use zoning and CFRAM potential future scenario mapping are included in the SFRA.

With the exception of MA 30, relating to renewable energy grid connection, the Office is satisfied that the Material Alterations are generally consistent with national and regional policy and with the Development Plan.

It is within this context the submission below sets out one (1) recommendation under the following theme:

Key theme	Recommendation	Observation
Climate action - renewable energy grid connection	MA Recommendation 1	-

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.

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.

1. Core strategy and land use zoning for residential use

The Office generally welcomes the planning authority's response to Recommendation 1 of its submission to the draft LAP.

The Office also welcomes the updates to the Serviced Land Assessment table and mapping set out in the material alterations and advises the planning authority to finalise the table to reflect the final zoning objectives adopted, and to amend the site boundaries to correlate with the land use zoning map.

In relation to the Material Alterations, the Office notes that the total quantum of residential zoned lands is broadly similar to that set out in the draft LAP, and that the residential zoned lands are generally well located in terms of compact growth and sequential development.

2. Infrastructure capacity

The Office welcomes MA 32 (Section 8.8.2) which provides a commitment to the upgrading of the wastewater treatment plant for Nenagh confirming both the existing capacity that a planning application for the necessary upgrades is expected to be submitted in the first half of 2024.

However, no measures to avoid ad-hoc solutions which could adversely affect water quality and human health have been included. The planning authority is requested to address this matter either by way of minor modification or in the notice issued to the Office under section 31AO(5) of the Act.

3. Economic development and employment

Recommendation 3 of the Office's submission required the planning authority to review the proposed phasing approach for the delivery of the Gortlandroe Industrial Park in order to ensure that development is delivered in an appropriate and sequential manner.

In this regard, the Office broadly welcomes the response set out in the Chief Executive's Report which accepts that this landbank should be delivered in a cohesive and integrated manner to ensure the sustainable development of the area, and the commitment to the preparation of a masterplan.

In the interests of clarity the planning authority should consider including a defined boundary around the masterplan lands similar to the approach used in the Clonmel LAP.

In relation to site 6 at Lisbunny, while it is not advisable to zone lands that are not serviceable within the plan period for development, the Office acknowledges that this is a legacy zoning and notes the commitment to upgrade the infrastructure capacity of the lands prior to any future development, including the sustainable transport measures set out in the LTP.

4. Climate action - renewable energy grid connection

It is an objective (15-F) of the Tipperary County Development Plan 2018-2024 to

Work in partnership with the Department of the Environment, Climate and Communications in line with their 'Policy Statement to Ensure Security of Electricity Supply and Facilitate the Target of up to 80% Renewable Electricity Generation by 2030', and to facilitate additional electricity transmission and distribution grid infrastructure, as well as additional electricity interconnection and electricity storage.

This objective is consistent with the objectives of the RSES for the SRA, including RPO 99

...to support the sustainable development of renewable wind energy (on shore and off shore) at appropriate locations and related grid infrastructure in the Region in compliance with national Wind Energy Guidelines'

and RPO 96

...to support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure to integrate renewable energy sources and ensure our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows.

These objectives support necessary development to meet the national target, under the *Climate Action and Low Carbon Development Act 2015*, as amended, to reduce GHG emissions by 51% by 2030 and to achieve the National Climate Objective to transition to a climate neutral economy no later than 2050. They are also consistent with the objective to accelerate renewable electricity generation under the *Climate Action Plan 2023*, including by increasing the proportion of renewable electricity to 80% by 2030 and a target of 9 GW from onshore wind and 8 GW from solar energy by 2030.

However, the Office has serious concerns that proposed MA 30, which inserts new policy 8.5 to '*require that grid connection routing for renewable energy development proposals should avoid materially impacting the road network, where possible*', has the potential to undermine the delivery of renewable energy targets by 2030.

The subject policy was inserted in response to TII's submission on the draft LAP, indicating that grid connection cable routing should seek to utilise available alternatives, as opposed to being placed along the strategic national road network, having regard to the provisions of the section 28 *Spatial Planning and National Roads Guidelines* (2012). TII has clarified in its submission on the proposed Material Alterations of the draft LAP that its submission only relates to national roads.

The Office is of the view however that policy 12-4 of the Development Plan already has regard to the policy requirements of the National Roads Guidelines and provides sufficient protection in this regard. The introduction of a further policy under MA 37, specific to grid connection routing for renewable energy, is not therefore necessary and would be inconsistent with objective 15-F, RPO 99 and RPO 96 to support the sustainable development of renewable energy and associated grid infrastructure. The LAP should therefore be made without the subject Material Alteration.

MA Recommendation 1 – Renewable energy grid connection

Having regard to the need to reduce Greenhouse Gas emissions and to support an increase the generation of renewable electricity, and in particular to:

- Objective 15-F of the Tipperary County Development Plan 2022-2028 (Development Plan) to *‘Work in partnership with the Department of the Environment, Climate and Communications in line with their ‘Policy Statement to Ensure Security of Electricity Supply and Facilitate the Target of up to 80% Renewable Electricity Generation by 2030’;*
- RPO 99 of the RSES *‘...to support the sustainable development of renewable wind energy (on shore and off shore) at appropriate locations and related grid infrastructure in the Region in compliance with national Wind Energy Guidelines’;* and RPO 96 *‘...to support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure to integrate renewable energy sources and ensure our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows’;*
- the targets for Greenhouse Gas reduction under the *Climate Action and Low Carbon Act 2015*, as amended;
- the targets for renewable electricity generation under the *Climate Action Plan 2023*; and
- Policy 12-4 of the Development Plan which seeks to maintain and protect the safety, capacity and efficiency of Tipperary’s roads network and associated junctions in accordance with the *Spatial Planning and National Roads Guidelines for Planning Authorities*, (2012),

the planning authority is required to make the LAP without:

- Material Alteration 37 policy 8.5 to *‘require that grid connection routing for renewable energy development proposals should avoid materially impacting the road network, where possible’.*



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Summary

The Office requests that your authority addresses the observation 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 / or observations in the manner in which they will be addressed.

Where your authority decides not to comply with the recommendation of the Office please outline the reasons for the decision in the Chief Executive's Report or the minutes of your Council meeting.

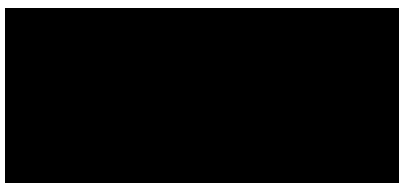
At the end of the process, your authority is required to notify this Office within **five working days** of the decision of the planning authority in relation to the draft LAP.

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 of the Office, under the provisions of section 31AO(5) of the Act **the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.**

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,

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Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations

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