



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: MA-011-22

23rd November 2022

Planning Department,
Leitrim County Council,
Áras an Chontae,
St. George's Terrace,
Carrickon-Shannon,
Co. Leitrim,
N41 PF67.

**Re: Material Alterations to Draft Leitrim County Development Plan 2023-
2029**

A chara,

Thank you for your authority's work in preparing the Material Alterations (MAs) to the draft Leitrim County Development Plan 2023-2029 (the draft Plan).

The Office notes the section 12(5)(aa) notice issued to the Office on 21st November 2022, which is consistent with the Chief Executive's Report (CE Report) under section 12(4)(a).

In view of the current stage of the development plan-making process, the Office would like to alert the planning authority of the requirements of section 31AM(6) under which a notice must be issued to the Office within 5 working days of the making of a development plan. The Office is happy to clarify any queries the planning authority may have in respect of this process.

As your authority will be aware, one of the key functions 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. The Office has evaluated and assessed the material alterations to the draft Plan under the provisions of sections 31AM(1) and (2) of the *Planning and Development Act*,

2000, as amended, (the Act) and within the context of the Office's earlier recommendations and observations.

As outlined in the submission of the Office to the draft Plan, the Office considered the draft Plan to be generally consistent with policies in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly area. The Office recommended changes to ensure consistency with the aforementioned national and regional policy objectives and the Specific Planning Policy Requirement of the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* (2017) (Interim Guidelines), and having regard to *The Wind Energy Development Guidelines* (2006) (Wind Guidelines), *Urban Development and Building Heights Guidelines for Planning Authorities* (2018) (Building Height Guidelines), *Sustainable Rural Housing Guidelines for Planning Authorities* (2005) (Rural Housing Guidelines), *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) (Spatial Planning and National Roads Guidelines) and the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines).

The planning authority is advised that section 12(10) of the Act provides the members of the planning authority with scope to make a further modification to a material alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

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 also 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 acknowledges the significant work undertaken by Leitrim County Council in preparing the material alterations to the draft Plan and in responding positively to the many issues raised by the Office through the recommendations and observations made in the Office's submission to the draft Plan.

The presentation of the material alterations is clear and coherent to allow all parties understand and accurately interpret the proposed alterations to the Plan. The Office would like to commend the planning authority in this regard.

The Office welcomes the amendments to the Rural Housing policies to have regard to *'the viability of smaller towns and villages'* in managing the growth of Low Capacity Areas and in Other Rural Areas in accordance with National Policy Objective (NPO) 19. It is noted, however that the 'substantial period' has not been amended as recommended by the Office.

The Office also welcomes the amendment of MSSM OBJ 2 (MA50), committing to the preparation of a transport strategy for the county within two years of the publication of POWSCAR data from Census 2022, and the commitment to monitoring modal share targets (MA49 of MSSM OBJ 1). The proposed material amendments relating to monitoring of the implementation of the Plan, including the core strategy and plan objectives, generally, and the achievement of brownfield targets for housing in rural area, are positive additions to the Plan.

The proposed amendments (MA105, MA107, MA110, MA117, MA120, MA121, MA122, MA23 and MA128) largely resolve concern about flood risk management, however there are still some outstanding concerns, which are addressed, below, including in MA Recommendation 2.



The Office remains concerned, however, regarding the proposed approach to wind energy in the context of achieving the national targets for renewable energy under the *Climate Action Plan 2021* (Climate Action Plan), and consistency with national planning policy including section 28 Guidelines issued by the Minister. The planning authority will also be aware of its obligations under section 15(1) of the *Climate Action and Low Carbon Act (2015)* (Climate and Low Carbon Act) to perform its functions in a manner consistent with the Climate Action Plan and of the requirement to support national objectives in the recently published *National Energy Security Framework (2022)* in respect of energy security issues.

Having regard to the large number of proposed material amendments, the Office has identified relatively few concerns of significance that warrant additional recommendations at this stage of the plan-making process. It is within this context that the submission below sets out two (2) recommendations under the following 9 themes:

Key theme	MA Recommendation	MA Observation
Core strategy, Settlement Strategy and Residential zoned land	MA Recommendation 1	-
Sustainable Development	-	-
Rural Housing	-	-
Economic Development and Employment	-	-
Sustainable Transport and Accessibility	-	-
Climate Action and Renewable Energy	-	-
Flood Risk Management	MA Recommendation 2	-
Implementation and Monitoring	-	-

1. Core Strategy, Settlement Strategy and Residential zoned land

The Office notes the proposed material amendments to the core strategy table 2.6 under MA4. The Office is satisfied that, notwithstanding the increase in the potential housing yield specified in the table for the settlements of Manorhamilton, Drumshanbo, Kinlough, Dromod and Leitrim Village, the total potential housing yield

remains consistent with the housing supply target for the county, taking account of 'additional provision' under the *Development Plans, Guidelines for Planning Authorities (2022)* (Development Plans Guidelines).

It is noted, however, that the core strategy does not take account of the additional housing yield that would be facilitated by the following proposed material amendments:

- 'an additional phase' of housing on New Residential lands subject of MA138 at Kinlough, allowed for by new objective KLN 14 under MA114; and
- 'To allow for the provision of residential development on the lands zoned *Social & Community...*' lands subject of MA139 at Carrigallen, provided under Objective CN9 under MA119.

In relation to Kinlough, the core strategy includes a housing supply target of 48 housing units over the plan period in line with the proportionate growth of the settlement. The Office was satisfied that a sufficient supply of well-located zoned land was provided for in the draft Plan.

The Office considers that facilitating a hotel/leisure centre on lands subject of MA138, under Objective KLN 14 (MA114), would provide for an appropriate balance to the residential growth, bringing employment and economic benefits to the village and supporting a vibrant and sustainable rural community.

However, the introduction of an 'additional phase' of housing, on lands subject of MA138, under Objective KLN 14 (MA114) is not consistent with this balanced approach to the growth of Kinlough. Rather, it risks housing and population growth disproportionate to the size of the settlement (population 1,032, CSO 2016) contrary to NPO18a. The potential total housing yield from the additional New Residential zoning is also not aligned with the position of Kinloch as a Tier 2B Support Town within the settlement hierarchy in accordance with criteria under section 4.43 of the Development Plans Guidelines.



In relation to Carrigallen, Objective CN 9 under MA119 allows for residential development on lands zoned 'Social & Community' under certain circumstances. These lands are, however, located outside the CSO boundary and would extend the settlement in a linear manner along the local road to the south.

The zoning of additional lands for residential development lands under MA139 would result in c.89% of all such lands being located outside settlement boundary of Carrigallen, as defined by the CSO¹. The proposed amendment would therefore be inconsistent with the 30% compact growth targets applicable to such settlements under NPO 3a and NPO3c, with the 20% compact growth target under RPO 3.3.

Further, in view of the housing supply target for Carrigallen (36 units) and the land already zoned for residential development in the draft Plan, the zoning of land for an additional 20 houses under MA139 is disproportionate to the size of the settlement (population 387, CSO 2016), and to the position of Carrigallen as a Tier 3 Key Village within the settlement hierarchy in accordance with criteria under section 4.43 of the Development Plans Guidelines.

MA Recommendation 1 – Core strategy

Having regard to national and regional objectives for compact growth under NPO3a, NPO 3c and RPO 3.3 and proportionate growth under NPO 18a, to the Core Strategy of the draft Plan, and to the provisions of the *Development Plans, Guidelines for Planning Authorities* (2022), the planning authority is required to make the Plan:

- (i) with minor modification to MA114 by the deletion of the following sentence from objective KLN 14:

Subject to the completion and occupation of these 50 no. houses to the satisfaction of the Planning Authority, further consideration to an additional phase may be permitted by the Planning Authority subject to the implementation of the Housing Strategy and confirmation that the Local

¹ The relevance of the CSO boundary to compact growth is explained in footnote 17 of the NPF.

Authority remain within the overall housing units provided for within the Core Strategy.; and

(ii) without MA119 objective CN9:

To allow for the provision of residential development on the lands zoned Social & Community to the south of the existing Scoil Mhuire Naofa National School in the event that the relocation of Carrigallen Vocational School to these subject lands is not required and subject to the following criteria being met:

- 1. The Planning Authority receives written confirmation from the Department of Education that the subject lands are not required in accommodating the proposed expansion/relocation of Carrigallen Vocational School.*
- 2. The upgrade of the Carrigallen Wastewater Treatment Plant (WWTP) to increase headroom capacity within the settlement has been completed or is scheduled for completion to the satisfaction of Irish Water with sufficient capacity to accommodate any residential development on the subject lands. Written confirmation from Irish Water to the Planning Authority is required confirming same.*
- 3. Any potential development of the lands for residential development would be limited to a maximum of 20 no. units within the life of this Development Plan.'*

2. Sustainable Development

2.1 Key Town

Regarding the decision of the planning authority not to include objectives for Carrick-on-Shannon in line with Recommendation 1 of the Office's submission on the draft Plan, the Office accepts the considered position of the chief executive.

The Office generally accepts that the identification of settlement boundaries, compact growth areas, or strategic employment sites among other considerations, outside the



statutory Joint Local Area Plan (JLAP) process and the associated public consultations would be premature. In this regard the Office has taken into account that the preparatory works for the draft Carrick-on-Shannon / Cortober JLAP are ongoing to enable the formal adoption of the JLAP by Q4 2023 to Q1 2024, consistent with the statutory requirements under section 19(2B) of the Act.

The Office also welcomes the commitment under the material amendment (MA3) of CS OBJ 9 to commit to prepare a Local Transport Plan (LTP) with the NTA to inform the JLAP for Carrick-on-Shannon / Cortober.

2.2 Other Settlements

In Recommendation 2 of its submission on the draft Plan, the Office raised concerns with the extent of New Residential Low Density Residential zoning objective west of the R202 at Ballinmore, which, it considered, could give rise to extensive ribbon development and prevent the development of strategically located back-lands and the future compact growth of the settlement.

The Office considers that MA104, which inserts objective BNE 32 to facilitate an access junction to the backland area to the rear of the New Residential Low Density Residential zoning objective west of the R202, satisfactorily addresses Recommendation 2 of its submission on the draft Plan. In this regard, the Office accepts the reasoning of the chief executive concerning the specific context of the zoning objective.

2.3 Compact Growth and Regeneration

The Office has reviewed the location of New Residential and New Residential Low Density Residential land use zoning objectives relative to the CSO settlement boundaries and has concluded that the subject zonings are consistent with NPO3c compact growth. The Office is therefore satisfied that the planning authority has complied with Recommendation 3 of the Office's submission to the draft Plan.



2.4 Standards and Guidelines

The Office welcomes proposed amendment MA91 which amends the text to section 13.9.1 Building Height to allow some consideration of additional height over 3-4 storeys outside of Carrick-on-Shannon, in compliance with Recommendation 4 of the Office's submission on the draft Plan.

3. Rural Housing

The Office is satisfied that the chief executive has justified the evidence-based approach employed in determining the designation and extent of its rural housing Low Capacity Areas. The Office welcomes proposed material amendment (MA8) of policy RUR SET POL 3 to refer to 'economic or social needs' in lieu of 'links'; and the amendment policy RUR SET POL 2 under MA7 to have regard to '*the viability of smaller towns and rural settlements*' in managing the growth of Low Capacity Areas and in Other Rural Areas, in compliance with parts ii) and iii) of Recommendation 5 of the Office's submission to the draft Plan, consistent with NPO 19.

The Office notes, however the decision of the planning authority not to comply with part iv) of Recommendation 5, that is to increase the 'substantial period' under RUR SET POL 3 from 18 months to a meaningful level following an evidence based approach. The Office acknowledges that this decision is contrary to the recommendation of the chief executive to increase the period to 3 years.

5. Economic Development and Employment

The Office raised concern about the overall quantity and spatial distribution of proposed Enterprise and Employment zoned lands in Recommendation 6 of its submission on the draft Plan, which it considered would militate against the achievement of compact growth.

The Office welcomes the introduction of phasing to Enterprise and Employment lands through proposed material amendments MA102, MA103, MA108 and MA109, whereby Phase 2 lands would be open to development generally after the development of Phase 1 lands.

The Office notes, however that, in accordance with the recommended response of the chief executive, Phase 2 lands have only been zoned in Ballinamore and Drumshanbo (MA129 and MA137, respectively) and that no amendments have been proposed to Kinlough, Mohill or Carrigallen.

In this regard, the Office notes the justification provided by the chief executive in the approach to zoning of Enterprise and Employment lands included for lands in settlements contained in Tiers 2A, 2B and 3 of the draft Plan.

6. Sustainable Transport and Accessibility

The Office welcomes proposed amendment of MSSM OBJ 2 (MA50), which commits to the preparation of a transport strategy for the county within two years of the publication of POWSCAR data from Census 2022. It also notes proposed amendment of MSSM OBJ 1 (MA49) seeks to monitor achievement of modal share targets of the transport strategy. The Office is satisfied that these amendments are substantially comply with Recommendation 7 of the Office's submission to the draft Plan.

Further, the Office is satisfied that the proposed amendments to TRAN POL 2 (MA60), TRAN POL 5 (MA61) and RUR SET POL 9 (MA9), resolves conflict with the provisions under section 2.5 Exceptions Circumstance of the Spatial Planning and National Roads Guidelines in compliance with Recommendation 8 of the Office's submission on the draft Plan.

Regarding material amendments MA43-MA48 of transport policies, the Office would advise that the government's transport policy, Smarter Travel, has been superseded by the new government transport policy *National Sustainable Mobility Policy (2022)* (NSMP). The NSMP includes an overall vision, principles, goals and targets, which take account of mandatory greenhouse gas emissions reduction target of 51% for 2030 under the Climate and Low Carbon Act, and the actions under the Climate Action Plan 2021. It would therefore be appropriate to make a minor modification to the plan to take account of government's current transport policy.



7. Climate Action and Renewable Energy

The Office notes the response of the chief executive to Recommendation 10 of the Office's submission on the draft Plan, which explains that it was not feasible, within the time constraints, to re-commission another renewable energy strategy and landscape study necessitated by the omission of the 500m setback from the sieve analysis exercise, as required by Recommendation 10.

Although the Office welcomes the clarification of the renewable energy policy provisions under proposed amendments MA85, MA86 and MA87, the Office is not satisfied that the planning authority as complied in full with Recommendation 10.

8. Flood Risk Management

The Office notes the review carried out by the planning authority of the Enterprise and Employment land use zoning objective within flood risk zone A and B on the northeast side of Dromod, in response to Recommendation 9(i), and the decision of the planning authority, consistent with the recommendation of the chief executive, not to amend the zoning having regard to provisions of the Flood Guidelines. The Office advises, however, that a minor modification of the zoning objective would be appropriate to limit development within this flood risk zone to exclude classes of development vulnerable to the effects of flooding.

The Office is also satisfied that the planning authority has complied with part ii) of Recommendation 9 of the Office's submission to the draft Plan, to limit development to water compatible use within the Tourism Related Development land use zoning objective within flood risk zone A/B under MA105, MA107, MA110, MA117, MA120, MA121, MA122, MA123 and MA128.

However, MA145 proposes to extend the settlement boundary for Keshcarrigan and expand the 'General' land use zoning into flood risk zone A and B, which land use zoning would accommodate vulnerable and highly vulnerable uses including residential.

There is no evidence that Strategic Flood Risk Assessment (SFRA), inclusive of the plan-making Justification Test, has been carried out in respect of the proposed



material amendment, in accordance with the Flood Guidelines and the requirements of NPO 57 and RPO 3.10. It is further noted that the planning authority's Strategic Environmental Assessment Environmental Report recommends that the subject material amendment be rejected.

MA Recommendation 2 – Flood risk management

Having regard to NPO 57, RPO 3.10, the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines), and to the recommendations of the Strategic Environmental Assessment Environmental Report, the planning authority is required to make the Plan without MA145.

9. Implementation and Monitoring

The Office welcomes the inclusion of monitoring provisions through proposed amendment MA1 of section 1.8 of the draft Plan, which commits to annual monitoring of the core strategy and a 2-year progress report on achieving the plan objectives, including SEA monitoring, consistent with the provisions of the Development Plans Guidelines.

In addition, the Office also acknowledges proposals to monitor rural housing to ensure 20% brownfield development under RUR SET OBJ 4 and RUR SET OBJ 6 (MA13 and MA14, respectively) and to devise an effective monitoring programme for the achievement of modal share targets contained in the future transport strategy for the county under MSSM OBJ 2 (MA50).

10. Summary

The Office requests that the planning authority address the recommendations outlined above. As you are aware, under section 12 of the Act the report of the chief executive prepared for the elected members must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, the planning authority is required to notify this Office within five working days of the decision of the planning authority in relation to the Material



Alterations to the draft Plan. Where the planning 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, 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,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
