An Taisce
The National Trust for Ireland

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Planning Section
Offaly County Council
Aras an Chontae
Charleville Road
Tullamore
Co Offaly

cdp@offalycoco.ie

06.01.14

Ref: **Draft Offaly County Development Plan 2014-2020**

Dear Sir/Madam,

Thank you for referring the above to An Taisce for comment.

An Taisce would like to make the following comments which we request the Planning Authority (PA) take into consideration in the finalisation and adoption of the CDP, including the accompanying Strategic Environmental Assessment (SEA) and Article 6 Habitats Directive Assessment (HDA).

We would also request that the PA make An Taisce known of any further consultation periods regarding the making of this CDP and issue An Taisce with notification of any future proposed amendments to the Draft CDP and notification of the final adopted CDP.

Yours sincerely,

Tomás Bradley
Planning & Environmental Policy Officer
tomas.bradley@antaisce.org

Submission to the
Draft Offaly County Development Plan 2014-2020

An Taisce
The National Trust for Ireland

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Introduction

The new CDP will provide a key policy document of central importance for a critical period in Irish society and will form a contract between the PA and the local community embodying a promise to regulate land use in accordance with its policies and objectives[1]. It is now two decades since the 1992 Earth Summit in Rio de Janeiro when scientists warned humanity that 'no more than a few decades remain before the chance to avert the threats we now confront will be lost and the prospects for humanity immeasurably diminished'. The worldwide response to these messages from those in a position to bring about change has been almost nil. It is now, therefore, imperative that the new CDP set out a clear, rational, evidence based and plan-led strategy for the future spatial development of the locality to address critical emerging global challenges, **most importantly energy scarcity and climate change**, and is grounded in the principles of sustainable development.

An Taisce asks that the PA review the development plan before final adoption to ensure conciseness, clarity and simplicity in use of language, and that planning terms be explained in an appending glossary. The excessive flexibility inherent in many CDPs is a key factor in the long delays experienced in the planning process. This flexibility is evidenced both vagueness and by 'let-out' clauses which causes interpretation problems for the developer, the Councillors, the public, and even the officials.

Lands transferred to the National Asset Management Agency

The PA has not made clear how it has protected and secured the value of the multi-billion asset loan portfolio which has been transferred to the tax-payer via the National Asset Management Agency (NAMA). The excessive zoning of land will have the effective of diluting this asset portfolio and undermine a successful return to the tax-payer.

Transport

In order to achieve objectives in relation to sustainable travel, the council should adopt a policy requiring the developer to submit a mobility management plan for certain type of development. This has been adopted in the Limerick County Development Plan 2010-2016 (Section 10.11.2) and has had generally positive outcomes. The Mobility Management Plan can be used as a key mechanism in the Development Management process whereby new developments can support the objectives of sustainable development through the encouragement of a modal split away from car based commuting dependency, and in turn help achieve the aims of the 'Smarter Travel Strategy' initiative. The council will require that a Mobility Management Plan is carried out and submitted as part of any planning application proposed for large employment based developments, where it is considered that local traffic volumes may be greatly increased as a result of such a development. Where the Council may consider it necessary, subject to specific site characteristics, suburban v rural location, discretion can be exercised.

The following development proposals should include a Mobility Management Plan:

[1] See McCarthy J. In Attorney General (McGarry) v. Sligo County Council [1991]

- Office development - office based industry.
- Retail development – retail parks, single developments, retail warehousing.
- Industrial development.
- Warehousing/storage/distribution.
- Neighbourhood/Town Centre development.
- Education development – school, colleges etc.
- Recreational development.
- Mixed use developments**.**

In order to achieve objectives in relation to sustainable travel and protect historic centres the PA should include a provision for car parking charges for out-of-centre retail development and introduce a corresponding S.48 waiver for development contribution levies in lieu of off-street car parking for new retail development in town centre locations.

Commercial

Retail

The plan must include a specific policy that explicitly provides that the change of use of retail warehouse units to non-bulky goods comparison and/or convenience uses will not be permitted.

Permitted Uses in Proximity to Schools

With regard the Department of the Environment, Community and Local Government Draft Local Area Plan Guidelines 2012, it should be noted that Page thirty-two of the guidelines state that:

> *...exposure of children to the promotion of foods that are high in fat, salt or sugar is reduced such as the careful consideration of the appropriateness and or location of fast food outlets in the vicinity of schools and parks.*

It is asked the council include a policy within the plan to ensure that zonings in proximity to schools are reviewed in this light, and the zoning matrix amended appropriately. An Taisce has witnessed several instances in relation to fast-food developments where there has been significant conflict between local residents, school management and developers over the proposed use, most notably in Co Meath (Ref: NT/120082) and Co Wicklow (Ref: 13/8028). Some clarity of this issue in the plan might avoid this conflict from arising.

Settlement

Housing Estates

A provision should be included, requesting that all housing developments comply with and be examined under the test requirements of Box 5.2 National Spatial Strategy Ireland 2002:

Box 5.2

Housing Location in Urban Areas	Evaluation Considerations
The Asset Test	Are there existing community resources, such as schools etc, with spare capacity?
The Carrying Capacity Test	Is the environmental setting capable of absorbing development in terms of drainage etc?
The Transport Test	Is there potential for reinforcing usage of public transport, walking and cycling?
The Economic Development Test	Is there potential to ensure integration between the location of housing and employment?
The Character Test	Will the proposal reinforce a sense of place and character?
The Community Test	Will the proposal reinforce the integrity and vitality of the local community and services that can be provided?
The Integration Test	Will the proposal aid an integrated approach to catering for the housing needs of all sections of society?

Sráids

A concomitant policy for sráids should be made clear, so that suburban type ribbon development patterns, as described in Appendix 4 of the Sustainable Rural Housing Guidelines, cannot be pursued in these envelopes.

Rural Housing Policy – Local Need SSP-18

In order to achieve the objectives as set out in the core strategy in relation to settlement, it is considered that Tier 5 settlements should be included in this policy to strengthen these villages in terms of services. The omission of Tier 5 would certainly result in 'doughnut' style villages occurring.

Replacement of Derelict Dwellings in the Open Countryside SSP – 24

This policy should make clearer that a new dwelling cannot be presumed appropriate in replacement of the original derelict structure, where the derelict structure was inappropriately sited in the first instance, notwithstanding the refurbishment of the original derelict structure.

Energy Conservation and efficiency

Similar to Objectives such as ENTO – 07 or TO – 01, it should be the objective of the council to create, adopt and implement an Energy Conservation and Efficiency Plan/Strategy for County Offaly. The provision of such a plan/strategy could help in securing the resilience of the county's communities in light of growing concerns in relation to resource consumption and climate change. The economic, social and environmental benefits of such a strategy are significant and need to be a priority of the council.

Peatlands

Specific policies are required on peatland management addressing the most up to date EPA supported research on the carbon and biodiversity value of peatlands in particular the thirty-nine recommendation set out in the *EPA Strive Bogland Sustainable Management of Peatlands in Ireland (2011)*.

In particular development polices in relation to

- Restoration of Protected Peatlands to Carbon Loss
- Management of non-designated peatlands to stop carbon loss.

Any wind energy development by Bord na Mona or affecting a peatland area should be integrated with a firmly timetabled cessation of peat cutting, cessation of carbon loss and restoration of carbon sink and biodiversity value of peatlands. **All** continuing extraction of peat shall be subject to Environmental Impact Assessment.

Consideration is also required on the optimum area and location for 'a national peatland park for the people' which was recommendation nine of the EPA Bogland Report.

Water Bodies

A provision should be including controlling the development of single moorings on water bodies given there is an absence of an overall strategic approach to the development of moorings in Ireland

Targets & Monitoring

It is considered the plan does not provide a sufficient, clear and timetabled implementation and monitoring schedule which outlines the manner in which the plan envisages the future development of the area with particular focus on the phased and sequential development of the locality.

Accountability

In recent years the Irish planning system has been brought into disrepute. Corrupt zoning decisions, bad planning and the link between developers and politicians has brought calamitous consequences. More than ever the planning system is required to address the major challenges of our time. It must be reclaimed with transparent democratic decision making. The PDA 2010 has made significant legislative changes to the forward planning process and these must be adhered to by the PA to ensure the CDP is not subject to legal challenge or intervention.

Spatial planning is amongst the most important function of the PA and it's elected members. We refer the PA to the Judgment of the High Court in respect of Farrell & Forde v Limerick County Council [2008 No. 1398 J.R]. In this case Mr. Justice McGovern found that the Manager only had to give effect to the lawful resolutions of the elected members. The Manager has the power to treat a resolution as invalid where the Elected Members have ignored the local authority's expert advice to the effect that the proposal would be unlawful or contrary to the proper planning and development of the area and where they fail to outline any proper planning – based reason for rejecting that advice. Mr. Justice McGovern goes on to state:

'The planning process involves taking into account many considerations which may involve competing claims. The process exists for the benefit of the community at large and not for sectional interests, whether they be landowners, private individuals or developers, although there may be cases where these interests coincide'

We request that the Manager and Elected Members have full regard to their legal obligations in the consideration of the CDP.

Conclusion

The key priority of the CDP must be transition to a low-carbon society and economy and to mitigate the significant risks associated with rising energy costs and climate change adaptation. **Business as usual is no longer an option, we can no longer afford to continue the pursuit of the failed short-sighted policy approaches of the past and that our collective future must be different.**

The international and national economic recession has provided a narrow window of opportunity to take action to concentrate investment and focus policy on the **transition** to a post-oil low-carbon locally resilient society. This is the major challenge of our time and will require urgent understanding of the nature of the challenges; no shortage of decisive political leadership, a radical change of direction together with robust and, in some instances, policy implementation which will be politically unpopular in the short-term. The statutory planning system, through the regulation of physical development and land use, has the most critical role to play in facilitating this **transition**.

The success or otherwise of the forthcoming CDP can only be judged against verifiable and implementable criteria which are subject to ongoing monitoring. We look forward to making further submissions to the CDP in due course.

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