



DRAFT LEITRIM COUNTY DEVELOPMENT PLAN 2023 - 2029  
Chief Executive's Report on Submissions Received on the  
Proposed Material Alterations to the Draft Plan



**Comhairle Chontae Liatroma**  
**Leitrim County Council**



I, Joseph Gilhooly, Deputy Chief Executive of Leitrim County Council issue this Report to the Elected Members of Leitrim County Council for your consideration. Its purpose is to report on the outcome of the statutory consultation process of the material alterations to the Draft Leitrim County Development Plan 2023-2029, as prescribed in Section 12(8)(a) of the Planning and Development Act 2000, as amended.

In accordance with legislation, this Report lists the persons or bodies who made submissions or observations to the material alterations to the Draft County Development Plan 2023-2029. It provides a summary of the issues raised in the 16 no. submissions or observations made with respect to the material alterations to the Draft Plan. This includes the submission received by the Office of the Planning Regulator and by the Northern & Western Regional Assembly. The Report sets out my response to the issues raised and recommends that the Draft Plan be made without a small number of the proposed material alterations and that a further number of modifications be made to a number of proposed material alterations in making the final Development Plan.

The submission of this Report to you for your consideration marks the last significant step in the formulation of a new County Development Plan for the period 2023-2029.

A handwritten signature in black ink, appearing to read "J. Gilhooly", written over a horizontal line.

Joseph Gilhooly,  
Deputy Chief Executive,  
Leitrim County Council

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## **1 INTRODUCTION**

Following consideration of the Draft Leitrim County Development Plan 2023-2029, the Chief Executive's Report on submissions and observations received in relation to the Draft Plan, the Elected Members of Leitrim County Council resolved to amend the Draft Plan at a Special Meeting of the Council on the 4<sup>th</sup> of October 2022. The proposed amendments constituted Material Alterations to the Draft Plan. In accordance with Section 12(7) of the Planning and Development Act 2000, as amended, the proposed Material Alterations and associated environmental reports and determinations were placed on public display from the 26<sup>th</sup> of October 2022 to the 23<sup>rd</sup> of November 2022 inclusive.

In accordance with Section 12(8) of the Planning and Development Act 2000, as amended, the Chief Executive must prepare a report on any submissions or observations received by Leitrim County Council during the consultation period of the proposed Material Alterations to the Draft Plan. Accordingly, this document represents the Chief Executive's Report in this regard and provides a summary of the various issues raised in the submissions and observations received and outlines the respective responses and recommendations of the Chief Executive to same.

This Chief Executive's Report is recognised as a key document in the overall plan making process and is a key consideration for the Elected Members in making the Leitrim County Development Plan 2023-2029.

### **1.1 Legislative Context of Report**

Pursuant to Section 12(8)(a) of the Act, the Chief Executive shall prepare a report on any submissions or observations received by the Planning Authority during the public consultation period of the proposed Material Alterations to the Draft Plan, which is statutorily required to be a period of not less than 4 weeks following publication of the notice of the proposed Material Alterations. Section 12(8)(b) of the Act prescribes the content of the Chief Executive's Report which includes the following:

- A list of persons or bodies who made submissions or observations;
- A summary of the recommendations, submissions and observations made by the Office of the Planning Regulator (OPR);
- The submissions and observations made by other persons in relation to the proposed Material Alterations;
- A summary of the submissions and observations made by any other persons in relation to the proposed Material Alterations to the Draft Plan; and
- The response of the Chief Executive to the issues raised, taking into account any directions from the Elected Members, the proper planning and sustainable development of the area, the statutory obligations of the Council and any relevant policies or objectives of the Government or of any Minister of the Government.

## 1.2 Structure of Report

Following this Introduction, the structure of this report is as follows:

- **Section 2** – Overview of the public consultation process undertaken with respect to the proposed Material Alterations and an outline of the next steps and anticipated timelines in the overall plan making process.
- **Section 3** – Chief Executive summary, responses and recommendations to the submission from the Office of the Planning Regulator (OPR), thereby fulfilling the legislative requirements of Section 12(8)(b)(ii)(II) of the Act.
- **Section 4** – Chief Executive summary, responses and recommendations to the submission from the Northern and Western Regional Assembly (NWRA).
- **Section 5** – Chief Executive summary, response and recommendations to submissions received from prescribed bodies.
- **Section 6** - Chief Executive summary, response and recommendation to the single submission received from the general public.

A summary of the issues raised is included in each individual submission, together with the Chief Executive's response and specific recommendation(s). Submissions are available to view in their full extent on the Leitrim County Council website at [www.leitrimcoco.ie](http://www.leitrimcoco.ie).

Changes to the Draft Plan text, arising from the proposed Material Alterations, are displayed in the following format for ease of reference:

- Recommended omissions to the text of the Draft Plan are denoted using ~~striketrough~~.
- Any recommended additional or amended text to the Draft Plan is indicated in **red** font.

Subsequent modifications to the proposed Material Alterations arising from the recommendations contained in this report are displayed in the following format to distinguish between the initial proposed Material Alterations and any subject changes to same:

- Recommended omissions to the text of the proposed Material Alterations are denoted using a single blue line ~~striketrough~~.
- Any recommended additional or amended text to the Draft Plan is indicated in **green** font.

As per Section 12(7)(b)(ii) of the Act, this report only considers submissions or observations made in respect to the proposed Material Alterations to the Draft Plan.

## 1.3 Next Steps of Plan Making Process

In accordance with Section 12(9) of the Planning and Development Act 2000, as amended, following receipt of this Chief Executive's Report, the Elected Members are required to formally consider the Material Alterations to the Draft Plan and this Chief Executive's Report within six weeks of receiving the report.

Pursuant to Section 12(10) of the Act, the Elected Members, having considered this Chief Executive's Report, shall, by resolution, make the Plan with or without proposed amendments, except where a

decision is made to accept the amendment subject to any modifications of a minor nature.<sup>1</sup> The development plan “*shall have effect 6 weeks from the day that it was made.*”

Further to the final resolution of the Elected Members on the Plan, the Planning Authority is required to publish notice in newspapers advising of the making of the Plan and its availability for inspection and is also required to provide copies of the Plan to the Office of the Planning Regulator (OPR), prescribed authorities, adjoining Planning Authorities and any local community development company in its area.<sup>2</sup>

The process of notification to the Office of the Planning Regulator is set out in Section 31AM (6) of the Planning and Development Act 2000, as amended, and requires the notification, accompanied by a copy of the Plan and all associated maps, as duly made by the Elected Members, to be provided within 5 working days. In addition, in the event that the Planning Authority decides in the course of making the Plan not to comply with a recommendation set out in submission from the Office of the Planning Regulator or to make the Plan in a manner which is inconsistent with any recommendation received from the OPR, the Chief Executive is obliged to formally notify the OPR of this in writing and provide reasons for such a decision.

Table 1.1 sets out the anticipated key dates for the next steps in the Plan making process. Whilst these key dates are based on the maximum statutorily allocated time under the Act, some steps may be concluded within shorter timeframes. Where this is practical and achievable, dates will be adjusted accordingly, in order to achieve the benefits of an adopted Development Plan in advance of the maximum final date in March 2023.

**Table 1.1: Anticipated Timeline for the Next Steps in the Plan Making Process**

| Step                                                                                                                   | Date or Anticipated Timeline (AT)      |
|------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Public consultation on Proposed Material Amendments to the Draft Plan ends                                             | 23 <sup>rd</sup> November 2022         |
| Chief Executive's Report on submissions or observations received on the proposed Material Amendments to the Draft Plan | 21 <sup>st</sup> December 2022         |
| Elected members decide, by resolution, to make/adopt the Development Plan                                              | By 10 <sup>th</sup> February 2023 (AT) |
| Planning Authority notifies the OPR of the adopted Development Plan                                                    | By 17 <sup>th</sup> February 2023 (AT) |
| Adopted Development Plan comes into effect                                                                             | By 24 <sup>th</sup> March 2023 (AT)    |

<sup>1</sup> As set out in Section 12(10)(c) of the Planning and Development Act 2000 (as amended), a further modification to the alteration “*may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site*”. A further modification shall not be made where it relates to “*(I) an increase in the area of land zoned for any purpose, or (II) an addition to or deletion from the record of protected structures*”.

<sup>2</sup> Pursuant to Section 12(12) of the Planning and Development Act 2000, as amended.

## 2 OVERVIEW OF PUBLIC CONSULTATION UNDERTAKEN TO DATE

### 2.1 Proposed Material Alterations to Draft Leitrim County Development Plan 2023-2029

Following consideration by the Elected Members of Leitrim County Council of the Draft Plan and the Chief Executive's Report on the submissions and observations received, the Members resolved at a Special Meeting of the Council on the 4<sup>th</sup> of October 2022 to amend the Draft Plan, with some amendments constituting Material Alterations to the Draft Plan.

In accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended, the Council issued a statutory notice in the Leitrim Observer (published on the 26<sup>th</sup> of October 2022) informing the public that from same date, the proposed Material Alterations, together with the associated SEA Screening determination and SEA Environmental Report and the associated AA Screening Determination and AA Natura Impact Report, would be:

- Available for public inspection at the Council's Planning Department and in Public Libraries in Ballinamore and Manorhamilton.
- Available for public inspection online at Leitrim County Council branch libraries in Carrick-on-Shannon, Carrigallen, Drumshanbo and Mohill.
- Available to view and download from the Leitrim County Council website (<http://www.leitrimcoco.ie>).

The notice also referenced that submissions and observations on the proposed Material Alterations to the Draft Plan could be made via post or email to the Council during the public consultation period between 26<sup>th</sup> of October and the 23<sup>rd</sup> of November 2022, with both dates inclusive. The notice also stated that late submissions/observations could not be considered.

The Council also utilised its social media platforms and website throughout the public consultation period to further publicise the availability of the proposed Material Alterations to the Draft Plan for public viewing and to invite submissions on its content.

Following the public consultation on the proposed Material Alterations to the Draft Plan, 16 no. valid written submissions have been received.

### 3 OFFICE OF THE PLANNING REGULATOR SUBMISSION

Submission Ref. No. DLCDP MA-15

#### 3.1 Summary of Submission and Response of Chief Executive

The submission acknowledges the significant work the Planning Authority has undertaken in the preparation of the proposed Material Alterations to the Draft Plan and in responding positively to the many issues raised by the Office of the Planning Regulator (OPR) through the recommendations and observations made in their submission to the Draft Plan. The submission commends the Planning Authority on the clarity and coherence of the presentation of the Material Alterations to allow all parties to understand and accurately interpret the proposed alterations to the Draft Plan.

The submission reiterates the key function of the OPR in the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning under the provisions of subsections 31AO (1) and 31AO (2) of the Act. The submission also reiterates that recommendations issued by the OPR under its submission 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 Ministerial guidelines issued under Section 28 of the Act. As such, the Planning Authority is required to implement or address recommendations made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

The submission also restates that observations issued in the submission take the form of requests for further information, justification on a particular matter, or clarification regarding particular provisions of the Draft Plan on issues that are required to ensure alignment with policy and legislative provisions. As such, the Planning Authority is requested by the OPR to action an observation.

The submission emphasises that having regard to the large number of proposed Material Alterations, the OPR has identified relatively few concerns of significance that warrant additional recommendations at this stage of the plan-making process, with only two recommendations in relation to the theme of Core Strategy, Settlement Strategy and Residential Zoned Land and the theme of Flood Risk Management respectively being provided in their submission. Moreover, no observations are included in the submission.

The submission from the OPR sets out recommendations in relation to Core Strategy and Flood Risk Management as well as providing commentary in respect of the following eight key themes:

1. Core Strategy, Settlement Strategy and Residential Zoned Land
2. Sustainable Development
3. Rural Housing
4. Economic Development and Employment
5. Sustainable Transport and Accessibility
6. Climate Action and Renewable Energy
7. Flood Risk Management
8. Implementation and Monitoring

The following firstly provides a summary and respective responses and recommendations of the Chief Executive in relation to the recommendations included on the OPR's submission with a summary of the other themes provided in the order in which they arise in the OPR's submission.

## OPR Recommendations

### MA Recommendation 1 – Core Strategy

The submission notes the proposed material amendments to Core Strategy Table 2.6 of the Draft Plan under MA 4. Whilst the Office expresses its satisfaction with the general consistency of the potential housing yield and the housing supply target for the county, it is noted that the Core Strategy does not take account of the additional housing yield that would be facilitated by the following proposed Material Alterations:

- The specific reference to '*and additional phase*' of housing on *New Residential* zoned lands the subject of MA 138, as allowed for by the new objective KLN 14 of the Kinlough Settlement Plan (as inserted by MA 114); and
- The specific reference provided in the new objective, CN 9, of the Carrigallen Settlement Plan (as inserted by MA 119) '*To allow for the provision of residential development on the lands zoned Social & Community...*' with such lands being the subject of MA 139.

The submission considers that the introduction of an '*additional phase*' of housing on the subject lands in Kinlough, under MA 114, would not be consistent with the balanced approach to the development of Kinlough and risks housing and population growth disproportionate to the size of the settlement, contrary to National Planning Objective (NPO) 18a. The Office also considers that the potential housing yield from the additional *New Residential* zoning is not aligned with the position of Kinlough 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 the new objective CN 9 for Carrigallen, the Office highlights that the subject lands are located outside the CSO settlement boundary and would extend the settlement in a linear manner to the south. By potentially accommodating residential development on the subject lands, this would result in approximately 89% of the all such residentially zoned lands in Carrigallen being located outside the CSO-defined settlement boundary of the village. The proposed amendment is therefore considered by the Office to 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.

Moreover, the Office considers that in view of the housing supply target for Carrigallen (36 no. units) and the land already zoned for residential development in the Draft Plan, the zoning of land for an additional 20 no. houses under MA119 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.

Accordingly, the submission details the following Recommendation:

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 MA 114 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 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.'*

### Chief Executive's Response

The Planning Authority notes the comments of the OPR in relation to proposed amendment MA 114 in relation to the Kinlough Settlement Plan. To recap, the rationale for Objective KN 14, as proposed to be inserted by MA 114, arises from the need to address a longstanding development legacy issue regarding the unfinished Lough Melvin Forest Park development.

As detailed in the Chief Executive's Report on the Draft Plan submissions, the subject lands scored favourably in the infrastructural assessment and land use evaluation criteria employed as part of the evidence-based approach to the identification of lands for residential development by reason of their central location within the settlement and the level of infrastructure provisions within and adjacent the subject lands. Moreover, it was considered that the removal of a land use zoning objective to facilitate the resolution of this unfinished estate, as is the case in the current Leitrim County Development Plan 2015-2021, would not be in the interests of the proper planning and sustainable development of the area noting the extent of resources and the associated carbon footprint which have been used in bringing the development to its current level.

Set in this context, the Planning Authority considered that some qualified provisions for the future development of the subject lands should be made in the forthcoming Plan, which was reflected in proposed amendment MA 114, to facilitate a phased development of the lands to support the principle of the completion and occupation of a total of 50 no. dwellings, encompassing the 24 no. dwelling generally adjacent to Clanchy Court, with further consideration to an additional phase by the Planning Authority subject to the implementation of the Housing Strategy and confirmation that the Local Authority remain within the overall housing units provided for within the Core Strategy. Similarly, proposed amendment MA 138 sought to facilitate the principle of residential development on the subject lands by re-zoning the remaining lands of the unfinished development from

*Agricultural*, as initially proposed in the Draft Plan, to *New Residential* inclusive of a small area contained therein to the east which was zoned *Open Space and Amenity* in the Draft Plan.

Notwithstanding this qualified approach to the potential redevelopment of the subject lands, as provided for in MA 114, the considerable scale and extent of the lands, relative to the settlement as a whole, as well as the housing yield that can be derived from the lands relative to the housing supply target of 48 no. units over the Plan period is acknowledged. Upon reflection of the comments of the OPR on this matter, the Planning Authority appreciates that consideration of further phased development of the subject lands, following the completion and occupation of 50 no. housing units, would be premature within the lifetime of the forthcoming Plan, based on the size and positioning of the settlement within the overall hierarchy. It is also accepted that there is no provision for such additional housing units in the Core Strategy, Table 2.6 refers. The Executive would recommend that the Elected Members accede to the recommendation from the OPR on this item.

In response to the comments and recommendation from the OPR on proposed amendment MA 119, the Planning Authority acknowledges that notwithstanding that the principle of residential development on the subject lands at Carrigallen is based on a number of qualified criteria being met, the scale (20 no. housing units) of development provided for in MA 119 at this location outside the CSO-defined settlement boundary, relative to the housing supply target for Carrigallen (36 no. units) would undermine national policy under NPO 3a and NPO 3c of the NPF and regional policy under RPO 3.3 of the RSES. The uncertainty with regard a definitive timeframe in which the deficient in wastewater treatment will be remedied is also a relevant consideration. It is also accepted that there is no provision for such additional housing units in the Core Strategy, Table 2.6 refers. The Executive would recommend that the Elected Members accede to the recommendation from the OPR on this item.

### Chief Executive's Recommendation

**Recommendation No. 1:** That the Plan be made with proposed Material Alteration MA 114 amended as follows:

**KLN 14** Facilitate a phased work out of the Lough Melvin Forest Park unfinished housing development over the life of this Development Plan. This Development Plan supports the principle of the completion and occupation of a total of 50 no. houses to include the 24 no. houses effectively completed adjoining Clanchy Court housing development. ~~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 Authority remain within the overall housing units provided for within the Core Strategy.~~ The principle of completion of the hotel / leisure centre is acceptable in principle and the office development is open to consideration. Any further uses within the overall lands zoned for 'New Residential' will be considered on their individual merits within this context and guided by the Zoning Matrix. The completion of the Lough Melvin Forest Park development shall provide of an area of open space and amenity for the wider community to include people who have mobility issues and the facilitation of a foul sewer connection to serve the adjoining Eco Park on the Rossinver Road, subject to the agreement of Irish Water.

**Recommendation No. 2:** That the Plan be made with proposed Material Alteration MA 119 amended as follows:

**CN 8** Reserve the lands zoned *Social & Community* to the south of the existing Scoil Mhuire Naofa National School to accommodate the potential relocation of Carrigallen Vocational School should the Department of Education determine that the potential expansion of the School cannot be accommodated at its current location.

~~CN 9 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.~~

#### MA Recommendation 2 – Flood Risk Management

The submission notes that MA 145 proposes to extend the settlement boundary for Keshcarrigan and expand the *General* land use zoning objective into areas identified as Flood Risk Zones A and B, with such a land use objective accommodating vulnerable and highly vulnerable uses. In this regard, the submission notes that there is no evidence that a Strategic Flood Risk Assessment (SFRA), inclusive of the plan-making Justification Test, has been carried out in respect of this proposed Material Alteration (i.e. MA 145), in accordance with *The Planning System and Flood Risk Management* guidelines and the requirements of NPO 57 of the NPF and Regional Policy Objective (RPO) 3.10 of the RSES. The submission further notes that the Planning Authority's SEA Environmental Report recommends that the subject Material Alteration be rejected.

Accordingly, the submission details the following Recommendation:

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 MA 145.

#### Chief Executive's Response

The Planning Authority notes the comments of the Office on this theme. In relation to the comments of the Office and subsequent Recommendation 2 in respect of proposed Material Alteration MA 145, the Planning Authority accepts and agrees with the reasoning provided for the Recommendation. Accordingly, it shall be recommended that the Plan be made without MA 145.

### Chief Executive's Recommendation

**Recommendation No. 3:** That the Plan be made without proposed Material Alteration MA 145.

## Sustainable Development

### Summary of Theme Submission

The OPR accepts the decision of the Planning Authority not to include objectives for Carrick-on-Shannon in line with Recommendation 1 of the submission from the OPR on the Draft Plan. The OPR acknowledges 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.

The submission notes that preparatory works for the Draft Carrick-on-Shannon / Cortober JLAP is 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 submission also welcomes the commitment under the Material Alteration MA 3 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.

The submission references Recommendation 2 of its submission on the Draft Plan regarding its concerns with the extent of *New Residential Low Density Residential* zoning objective west of the R202 at Ballinamore.

The submission considers that MA 104, 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 the concerns previously expressed through Recommendation 2, with the OPR accepting the reasoning of the Chief Executive concerning the specific context of the zoning objective.

In relation to compact growth and regeneration, the OPR considers that the location of *New Residential* and *New Residential Low Density Residential* land use zoning objectives relative to the CSO settlement boundaries are consistent with National Policy Objective (NPO) 3c of the National Planning Framework (NPF). The Office is therefore satisfied that the Planning Authority has complied with Recommendation 3 of the Office's submission to the Draft Plan.

The submission also welcomes proposed amendment MA 91 which amends the text in Section 13.9.1 *Building Height* of the Draft Plan 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.

### Chief Executive's Response

The comments of the OPR on this theme are noted.

### Chief Executive's Recommendation

No changes are recommended.

## Rural Housing

### Summary of Theme Submission

The OPR is satisfied that the Planning Authority has justified the evidence-based approach in determining the designation and extent of its rural housing Low Capacity Areas, and welcomes proposed material amendment (MA 8) 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 MA 7 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 submission notes the decision of the Planning Authority not to comply with part iv) of Recommendation 5, 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.

### Chief Executive's Response

The comments of the OPR on this theme are noted.

### Chief Executive's Recommendation

No changes are recommended.

## Economic Development and Employment

### Summary of Theme Submission

The submission references the concerns expressed in Recommendation 6 of its previous submission on the Draft Plan in relation to the overall quantity and spatial distribution of *Enterprise and Employment* zoned lands and welcomes the introduction of phasing to Enterprise and Employment lands through proposed material amendments MA 102, MA 103, MA 108 and MA 109, whereby Phase 2 lands would be open to development generally after the development of Phase 1 lands. The submission notes that this phasing is only applicable in Ballinamore and Drumshanbo (MA 129 and MA 137 respectively), with no amendments proposed to Kinlough, Mohill or Carrigallen. However, the submission also acknowledges the justification provided by the Chief Executive and 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.

### Chief Executive's Response

The comments of the OPR on this theme are noted.

### Chief Executive's Recommendation

No changes are recommended.

## Sustainable Transport and Accessibility

### Summary of Theme Submission

The submission welcomes the proposed amendment of MSSM OBJ 2 (MA 50), 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 (MA 49) which seeks to monitor achievement of modal share targets of the transport strategy. The Office is satisfied that these amendments substantially comply with Recommendation 7 of the Office's submission on the Draft Plan.

Further, the Office is satisfied that the proposed amendments to TRAN POL 2 (MA 60), TRAN POL 5 (MA 61) and RUR SET POL 9 (MA9), resolves conflict with the provisions under Section 2.6 *Exceptional Circumstances* of the Spatial Planning and National Roads Guidelines in compliance with Recommendation 8 of the Office's submission on the Draft Plan.

In relation to proposed amendments MA 43 – MA 48, the submission advises that the government's transport policy, *Smarter Travel: A Sustainable Transport Future, A New Transport Policy for Ireland 2009–2020*, has been superseded by the *National Sustainable Mobility Policy (2022)* (NSMP), which 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 Development Act 2021 and the actions of the Climate Action Plan 2021. The submission requests that appropriate reference to such policy context should be undertaken by minor modification to the Plan.

### Chief Executive's Response

The supportive comments of the OPR with respect to the approach taken in the Draft Plan and the proposed Material Alterations on this theme are welcomed. The Planning Authority notes the comments of the OPR requesting a minor modification of the Plan to take account of the new government transport policy *National Sustainable Mobility Policy (2022)* which supersedes the previous government policy *Smarter Travel*. The Planning Authority has no objection to this request and shall replace such references in the final Plan.

### Chief Executive's Recommendation

**Recommendation No. 4:** Update the Plan to refer to the *National Sustainable Mobility Policy (2022)* instead of the *Smarter Travel: A Sustainable Transport Future, A New Transport Policy for Ireland 2009–2020*.

## Climate Action and Renewable Energy

### Summary of Theme Submission

The submission notes the response of the Chief Executive to Recommendation 10 of its submission on the Draft Plan which set out the rationale for not re-commissioning another Renewable Energy Strategy and landscape study necessitated by the omission of the 500m setback from the sieve analysis exercise.

The submission emphasises that while the OPR welcomes the clarification of the renewable energy policy provisions proposed under amendments MA 85, MA 86 and MA 87, the Office is not satisfied that the Planning Authority has complied in full with Recommendation 10 as previously issued.

### Chief Executive's Response

The Planning Authority notes the comments of the OPR in relation to this item, and its view that the Planning Authority has not complied in full with Recommendation 10 of its previous submission on the Draft Plan requiring the Draft RES to be revised to omit the use of a 500m separation distance from sensitive receptors in the sieve mapping analysis of the Draft RES, which the OPR had previously considered to be inconsistent with item (3) of the SPPR the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* (2017).

In response to this item, the Planning Authority remains of the view that the response and associated recommendation on this matter, provided in the Chief Executive's Report on the Draft Plan submissions, remains relevant. It is considered that the previous Chief Executive's Report dealt with this issue in a most comprehensive manner.

As a result, the previous response recommended amendments to the Draft Plan and associated Draft RES to:

- Provide greater detail on the mapping process carried out to identify 'available areas' – noting that any use of a 500m setback distance is not related to specific guidance but as a means of identifying sites of strategic scale for the purposes of determining, more practically, the renewable energy target for the county as required under item (2) of the SPPR issued under the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* (2017).
- Note that where landowners and householders are satisfied to live closer to wind turbines than 500 metres, this can be taken into account in project planning.
- Note that projects can be brought forward in other areas, or including land adjacent to 'available areas'
- Note that the targets in the plan do not comprise a 'ceiling' on development.
- Reference to Action 102 of the Climate Action Plan 2021 and its objective to develop a new spatial policy for large scale wind and solar energy development through a regional planning initiative, with scope to review and revise upward the renewable electricity targets contained within the Plan when implemented.

The above recommendations have been captured in proposed Material Alterations MA 85, MA 86 and MA 87.

As detailed previously in the response contained within the Chief Executive's Report on the Draft Plan submissions, in the preparation of the Draft Leitrim County RES, it was assumed that in utilising the approach taken in the Carlow County RES, the OPR would similarly have no issues in the same sieve mapping analysis provided in the Draft RES in the interests of consistency. In this regard, the Planning Authority remains unable to explain why a difference of approach has been undertaken in the assessment by the OPR of the same methodology employed by two different Local Authorities.

As the OPR has not included a Recommendation in this regard, no further consideration of this matter is required.

### Chief Executive's Recommendation

No changes are recommended.

## Flood Risk Management

### Summary of Theme Submission & MA Recommendation 2 – Flood Risk Management

The submission 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) of the OPR's previous submission on the Draft Plan, as well as the decision of the Planning Authority, consistent with the recommendation of the Chief Executive, not to amend the zoning objective having regard to the provision of *The Planning System and Flood Risk Management* guidelines. The submission advises, however, that a minor modification to 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 submission also states that the Office is satisfied that the Planning Authority has complied with part (ii) of Recommendation 9 of the OPR's submission on the Draft Plan to limit development to water compatible uses within the *Tourism Related Development* land use zoning objective within Flood Risk Zones A and B under proposed amendments MA 105, MA 107, MA 110, MA 117, MA 120, MA 121, MA 122, MA 123 and MA 128.

### Chief Executive's Response

The comments of the OPR on this theme are noted. This matter was given due consideration in the previous Chief Executive's report on submissions to the Draft Plan. To recap, the subject lands in Dromod accommodate existing *Enterprise and Employment* uses and have been assessed as passing the Plan Making Justification Test. Table 8 of the Strategic Flood Risk Assessment which accompanies the Draft Plan refers in this regard. The extent of the curtilage of the former meat processing plant only was included within this land use zoning objective and adjoining greenfield lands excluded from consideration. The Planning Authority are engaged with the owner of this site seeking the redevelopment of the site conscious of the vulnerability of future uses to the identified flood risk affecting same. These lands were highlighted as being a Constrained Land Use with regard to the likelihood of the lands to flooding. The Draft Development Plan was not altered on foot of the submission from the OPR and this is acknowledged in their most recent submission.

Section 6.10.4 of the Draft Plan deals with '*Constrained Land Uses*'. This acknowledges that certain developed lands within individual settlements are located within Flood Zones A and / or B. The '*Constrained Land Use*' zoning generally restricts new development vulnerable to the effects of flooding being permitted. Development proposals within such areas shall be accompanied by a detailed Flood Risk Assessment which shall assess the risks of flooding associated with the proposed development.

It is not considered that a modification can be included with respect to the subject lands at this stage as they were not subject to a material alteration in the Draft Plan. The Planning Authority are satisfied that the Development Management process shall ensure that only less vulnerable uses to the effect of flooding will be permitted in any redevelopment proposals for the subject lands.

In reviewing this matter, the Planning Authority became aware that in the map for Dromod contained in the Material Alterations to Volume III – Book of Maps that the zoning of the field to the south of

the former meat factory was changed from 'Open Space' to 'Enterprise and Employment'. This was a mapping error as no decision was made by the Elected Members in this regard. This will be omitted in the final Plan and the lands reverting to 'Open Space'.

#### **Chief Executive's Recommendation**

No changes are recommended.

### **Implementation and Monitoring**

#### **Summary of Theme Submission**

The submission welcomes the inclusion of monitoring provisions through proposed amendment MA 1 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 submission also acknowledges proposals to monitor rural housing to ensure 20% brownfield development under RUR SET OBJ 4 and RUR SET OBJ 6 (MA 13 and MA 14, 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 (MA 50).

#### **Chief Executive's Response**

The comments of the OPR on this theme are noted.

#### **Chief Executive's Recommendation**

No changes are recommended.

## 4 NORTHERN AND WESTERN REGIONAL ASSEMBLY (NWRA) SUBMISSION

Submission Ref. No. DLCDP MA-10

### 4.1 Summary of Submission and Response of Chief Executive

The submission references the previous submission of the NWRA in relation to the Draft Plan wherein the NWRA made 1 Recommendation and 7 Observations in relation to the content of the Draft Plan and noted the significant degree of consistency between the Draft Plan and the Regional Spatial and Economic Strategy. The submission provides general commentary on the individual Recommendation and Observations previously submitted by the NWRA in relation to the public consultation on the Draft Plan and on the amended policy response to such where relevant, with the following a summary of this content contained in the submission from the NWRA.

#### Recommendation 1

**Recommendation 1** – *Omit proposed reference to exceptional circumstance for access to national roads, as provided within RUR SET POL 9.*

**NWRA Commentary:** Proposed amendment MA 59 contains amended text in relation to the above Recommendation and clarifies that Leitrim County Council does not intend to provide for exceptional circumstances for access / egress to the National Road Network. The NWRA considers this clarification welcomed and unequivocal in its wording.

#### Chief Executive's Response

The comments of the NWRA are noted and welcomed.

#### Chief Executive's Recommendation

No changes are recommended.

#### Observation 1

**Observation 1** – *Consideration should be given to exploring opportunities to reduce the burden of text within the core document, particularly where it quotes (or summarises) from other policy statements, including the National Planning Framework & Regional Spatial and Economic Strategy (RSES)). The inclusion of links to documents and graphic design may assist in this regard.*

**NWRA Commentary:** The submission notes that the proposed Material Alterations to the Draft Plan contains some amendments which have resulted in the reduction of commentary and background text from the Draft Plan. However, it is also noted that some proposed amendments to the Draft Plan have resulted in the addition of text also. The NWRA recognises that the issue of large text documents within County Development Plans is not unique to Leitrim and is not a matter which impacts Regional Policy in any event.

### Chief Executive's Response

The Planning Authority notes the comments of the NWRA on this matter and again acknowledges that the scope of themes addressed in the Draft Plan gives rise to a large volume of text, particularly in the Written Statement. Notwithstanding, the Planning Authority considers that any reduction in the volume of text contained within the Draft Plan, or measures to summarise policy context contained within Volume I of the Plan in a separate appendix to the Plan does not amount to any Material Alterations of the Draft Plan. Accordingly, it is recommended that prior to the Plan being made, a review of the Draft Plan will be undertaken with a view to reducing the volume of policy context recorded in the Written Statement and expanding Appendix X of the Draft Plan to address policy context references in the Written Statement.

### Chief Executive's Recommendation

#### Recommendation No. 5

Review Volume I of the Draft Plan (Written Statement) with a view to reducing the volume of policy context recorded in the Written Statement and expanding Appendix X of the Draft Plan to address policy context references in the Written Statement.

### Observation 2

**Observation 2** – *Should Draft Plan be adopted in its present form, there will be an absence of zoned lands and constrained policy direction for Carrick-on-Shannon. The Planning Authority should consider options to fill this vacuum and provide greater certainty, enabling more planned sustainable development to occur.*

**NWRA Commentary:** The submission notes the provisions of MA 3 which seeks to amend Core Strategy Policy 9 and bring forward a Joint Local Area Plan (JLAP) for Carrick on Shannon and Cortober (County Roscommon) within 1 year of the adoption of the County Development Plan. The submission also notes that the forthcoming JLAP will be informed by a Local transport Plan (LTP) and that Core Strategy Objective 9 commits to following the quantum of identified necessary residential land to be tied to the Core Strategy as set out in the Draft CDP, and this is to be welcomed, alongside the pillars of compact growth and sequential development which are built into the Policy Objective for the LAP process. The submission considers such an approach acceptable and consistent with the RSES and reflects the approach in other important Regional Urban Centres, where the approach of preparing LTPs ties with land-use planning.

### Chief Executive's Response

The Planning Authority welcomes the comments of the Authority on this item and its agreement with the approach as outlined.

### Chief Executive's Recommendation

No changes are recommended.

### Observation 3

**Observation 3** – *The Plan be amended to explicitly include a policy objective and accompanying detail which gives effect to RPO 3.3, which seeks to ensure 20% of new rural development occurs on brownfield sites (i.e. in towns/villages under 1,500 population and rural areas/countryside).*

**NWRA Commentary:** The submission references MA 13 which proposes to insert Objective RUR SET OBJ 4 in Section 3.17 *Rural Settlement Strategy* of the Draft Plan which seeks to support the ongoing monitoring of new rural housing to ensure 20% of new rural development occurs on brownfield sites including partially previously developed sites (i.e. in towns/villages under 1,500 population and rural areas/countryside). The submission also references MA 14 which seeks to monitor the provision of single rural houses over the Plan period, having regard to the rural housing development target of 20% of all new housing in rural areas to be accommodated on brownfield sites. The NWRA welcomes both proposed amendments which give further effect to the ambitions of the RSES.

#### Chief Executive's Response

The comments of the NWRA are noted and welcomed.

#### Chief Executive's Recommendation

No changes are recommended.

### Observation 4

**Observation 4** – *The Development Plan would benefit from a clear elaboration on the provision of serviced sites in the smaller towns / villages of County Leitrim, including timeline for the roll-out of the programme, commitment to a 2-year implementation plan (RPO 3.7 refers) and commitment to the Council leading out on the initiative.*

**NWRA Commentary:** The submission references MA 15 which details a significant commitment to RPO 3.7 through the amended Objective RUR SET 6 (now RUR SET OBJ 7) which commits the Planning Authority to providing a detailed report within one year of the Plan coming into effect identifying all potential sites within villages and possibly graigs that are considered suitable to accommodate low density housing proposals. The NWRA welcomes this initiative and looks forward to its advancement.

#### Chief Executive's Response

The comments of the NWRA are noted and welcomed.

#### Chief Executive's Recommendation

No changes are recommended.

### Observation 5

**Observation 5** – *The Plan should include a commitment to retain a record in relation to (i) developments comprising compact growth (ii) urban regeneration and (iii) housing constructed within the County's settlements, as part of its plan monitoring and evaluation.*

**NWRA Commentary:** The submission recognises that the Planning Authority has given significant consideration to this matter and welcomes the commitment expressed in MA 1, to an Annual Monitoring of the Core Strategy reflecting the annual indicator measures established within the recently published (DHPLG) Guidance on Core Strategy Monitoring.

### Chief Executive's Response

The comments of the NWRA are noted and welcomed.

### Chief Executive's Recommendation

No changes are recommended.

## Observation 6

**Observation 6** – *Within Chapter 8, incorporate a Table and Map of Greenway/Blueway Projects confirming whether the projects are short / medium / long term ambitions, and associated timeframes.*

**NWRA Commentary:** The submission notes that the suggested addition has not been included within the proposed Material Alterations. However, the NWRA also acknowledge the detail set out in MA 53 in respect of existing and proposed Greenway / Blueway Projects, and these projects are tied to the Tourism Masterplan for the Shannon Region.

### Chief Executive's Response

The comments of the NWRA are noted. As referenced in the previous response of the Planning Authority to this observation in the Chief Executive's Report on the Draft Plan submissions, the development of such projects is typically through a collaborative approach involving a number of stakeholders and heavily dependent on funding allocations and grant awards from central exchequer resources. Factoring in this dynamic, as well as the consents processes involved (e.g. planning permission, Part VIII or An Bord Pleanála consent, landowner consent/agreements, etc.), a high degree of uncertainty in identifying timeframes for the delivery of such projects is apparent and the inclusion of such details is respectfully considered premature.

### Chief Executive's Recommendation

No changes are recommended.

## Observation 7

**Observation 7** – *That Section 12.6.4 of the Plan is revised to fully reflect the regional ambitions on the bioeconomy (inc. biomass). This modification should fully incorporate the regional policy objectives of the RSES, including RPOs 4.27, 4.28 & 4.29.*

**NWRA Commentary:** The NWRA note that proposed amendments MA 88, MA 89 and MA 90 all contain new policy provisions dedicated to the bioeconomy theme for inclusion within Chapter 12 of the Plan. The addition of these proposed amendments to the policy framework is welcomed by the NWRA and is considered to give effect to the RPOs 4.27 and 4.28 of the RSES.

### Chief Executive's Response

The Planning Authority welcomes the comments of the NWRA on this matter.

### Chief Executive's Recommendation

No changes are recommended.

Additional commentary is provided in the submission on selected proposed Material Alterations, with the following providing a summary of the comments of the NWRA on such items:

## **Landscape Capacity Study for Commercial Forestry**

The submission refers to the above referenced document issued under the proposed Material Alterations to the Draft Plan and commends the study as being an evidenced-based assessment providing justified conclusions and complemented by detailed mapping which tie in with the Landscape Character Assessment previously provided within the Draft Plan suite of documents. The amended policy framework and context relating to forestry development, provided in the proposed Material Alterations, is considered an innovative and proactive response by the Planning Authority and is to be welcomed.

### **Chief Executive's Response**

The Planning Authority welcomes the comments of the NWRA regarding the policy framework for forestry development. The Planning Authority recognises that commercial forestry activity is a highly emotive issues for a number of stakeholders, community groups and members of the public in the county, with the capacity of many of the landscapes within the county to accommodate commercial forestry planting increasingly limited.

The '*Landscape Capacity Assessment for Commercial Forestry*' report represent a fundamental evidence base in the policy framework for forestry development in the county and its assessment and recommendations of the capacities of the respective Landscape Character Types identified in the county will be a significant reference tool in Leitrim County Council adopting an enhanced participatory role in the tree planting and felling licence process moving forward.

### **Chief Executive's Recommendation**

No changes are recommended.

## **Tourism Policy Updates**

The submission refers to the inclusion of MA 21 and the provision of a Tourism Masterplan for the Beara Breifne Way to conduct a detailed infrastructural and visitor experience review of the Beara Breifne Way to bring the trail up to best-in-class international standards. The Assembly welcome its inclusion and is consistent with RPO 4.14 (integration of tourist routes, including walking through the Region). There are multiple other amendments on Tourism MAs 21 – 35 including effecting Regional Fáilte Ireland policies, and DEPDs (Destination Experience Dev. Plans).

### **Chief Executive's Response**

The comments of the NWRA are noted and welcomed.

### **Chief Executive's Recommendation**

No changes are recommended.

## N4 Carrick-on-Shannon

The submission references the inclusion of MA 58 in the Material Alterations regarding the updated policy and context in respect of the N4 Upgrade, with such content considered to be consistent with the RSES and RPO 6.7 in particular which includes this scheme as part of the regional ambition to bring enhanced Inter Urban connectivity to North and West.

### Chief Executive's Response

The comments of the NWRA are noted.

### Chief Executive's Recommendation

No changes are recommended.

## 5 SUBMISSIONS FROM PRESCRIBED BODIES

### 5.1 Introduction

This section provides a summary of the issues raised in the submissions from prescribed bodies on the proposed Material Alterations to the Draft Plan, as well as the respective responses and recommendations of the Chief Executive to the issues raised in each of the submissions.

### 5.2 Department of Rural and Community Development

#### Submission Ref. No. DLCDP MA-1

The submission notes and welcomes the content of the proposed Material Alterations with no further comments provided.

#### Chief Executive's Response

The submission from the Department of Rural and Community Development is noted.

#### Chief Executive's Recommendation

No changes are recommended.

## 5.3 Environmental Protection Agency

### Submission Ref. No. DLCDP MA-2

The submission emphasises the role and function of the Environmental Protection Agency (EPA) and its approach to land use plans and associated Strategic Environmental Assessment (SEA) and details the environmental authorities that should be consulted with under the SEA Regulations. The submission acknowledges the determination regarding the need for SEA of a number of the proposed Material Alterations and the resultant SEA Environmental Report, along with changes to the *Flood Risk Management Provisions* of the Plan, as well as the environmental assessment outlined in Table 2.2 – *SEA Screening Analysis for the Proposed Material Alterations*.

The submission welcomes the commitments given under monitoring to “*a frequent, reliable and ongoing monitoring system for the new Draft Plan...*”, as well as the additional text included under *Plan Objective Monitoring*. The submission advises that the Monitoring Programme should be flexible to take account of specific environmental issues and unforeseen adverse impacts should they arise, as well as considering cumulative effects with monitoring of positive and negative effects to be considered.

The submission also advises that where further changes to the Draft Plan are proposed, these should be screened for likely significant effects in accordance with SEA Regulations.

The submission also emphasises that once the Plan is made, an SEA Statement should be prepared detailing the following:

- How environmental considerations have been integrated into the Plan;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan;
- The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Plan.

The EPA also attached its document, ‘*SEA of Local Authority Land Use Plans – EPA Recommendations and Resources*’ with its submission.

### Chief Executive's Response

The contents of the submission are noted and welcomed. The EPA's ‘*SEA of Local Authority Land Use Plans – EPA Recommendations and Resources*’ document has been and will be taken into account in undertaking the SEA and in preparing the Draft Plan.

The Draft Plan and associated proposed Material Alterations generally provide for proper planning and sustainable development and align with key relevant higher-level legislation, plans, programmes, etc., including climate action commitments and the relevant objectives and policy commitments of the National Planning Framework and the Northern and Western Regional Spatial and Economic Strategy.

In relation to the comments on the Monitoring Programme, this considers and integrates the issues raised in the submission of the EPA.



Any further modifications to the Draft Plan will be screened using the method of assessment similar to that used for the Draft Plan and proposed Material Alterations.

As stated previously in the Chief Executive's Report on the submissions on the Draft Plan, an SEA Statement containing the required information will be prepared at the end of the process. The cited guidance will be taken into account in preparing the SEA Statement.

#### **Chief Executive's Recommendation**

No changes are recommended.

## 5.4 Donegal County Council

### Submission Ref. No. DLCDP MA-3

The submission notes and welcomes the content of the proposed Material Alterations with no further comments provided.

### Chief Executive's Response

The submission from Donegal County Council is noted.

### Chief Executive's Recommendation

No changes are recommended.

## 5.5 Dublin Airport Authority

### Submission Ref. No. DLCDP MA-4

The submission notes and welcomes the consultation on the proposed Material Alterations with no further comments provided other than to recommend consultation with the Irish Aviation Authority (IAA) and the Irish Aviation Authority Air Navigation Services Provider (IAA ANSP).

### Chief Executive's Response

The submission from the DAA is noted.

### Chief Executive's Recommendation

No changes are recommended.

## 5.6 National Transport Authority

### Submission Ref. No. DLCDP MA-5

The submission notes that following its review of the proposed Material Alterations to the Draft Plan, the National Transport Authority (NTA) welcomes the acceptance of its previous recommendations on the Draft Plan which strengthen policy objectives relating to active travel, public transport and the integration of land use and transport planning. The submission considers that the alterations to the Draft Plan will ensure its alignment with the National Sustainable Mobility Policy and the National Investment Framework for Transport Ireland.

### Chief Executive's Response

The comments included in the submission of the NTA are noted.

### Chief Executive's Recommendation

No changes are recommended.

## 5.7 Transport Infrastructure Ireland

### Submission Ref. No. DLCDP MA-6

Transport Infrastructure Ireland (TII) acknowledges and welcomes the proposed Material Alterations to the Draft Plan arising from consideration of its initial submission on the Draft Plan, and provides observations on the following specific proposed Material Alterations:

**MA 3** – TII notes that MA 3 outlines that Objective CS OBJ 9, relating to the preparation of a JLAP for Carrick-on-Shannon, will be informed by a Local Transport Plan (LTP), whilst acknowledging that Objective MSSM OBJ 1 identifies that the LTP will be prepared in collaboration with stakeholders including TII. The LTP should be informed by the TII/NTA Area Based Transport Assessment (ABTA) Guidance.

**MA 59** – TII welcomes the removal of the ‘*exceptional circumstances*’ proposal to the east of Carrick-on-Shannon accessing the N4. The submission notes that MA 59 also considers ‘*exceptional circumstances*’ provisions for Irish Water Projects accessing the national road network at locations outside reduced 50 – 60kph urban speed limit locations. TII acknowledges that the text of the proposed amendment confirms that such projects may be applicable to the provisions of ‘*exceptional circumstances*’ and welcomes the identification that they will be subject to engagement between Irish Water, TII and Leitrim County Council.

Notwithstanding, TII considers that there is insufficient information in both the ‘Irish Water Capital Investment Plan 2020-2024’ and the text of MA 59 to:

1. Identify the specific sites to which ‘*exceptional circumstances*’ might apply, and
2. To elaborate on how such proposals may conform to the criteria and requirements set out under ‘Developments of National and Regional Strategic Importance’ in Section 2.6 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (DoECLG, 2012).

TII recommends that further engagement between the Council and Irish Water would explore the foregoing considerations consistent with the requirements set out in Section 2.6 of the DoECLG Guidelines and the requirement for a plan-led and evidence-based approach to the identification of ‘*exceptional circumstances*’ where a less restrictive approach to the control of access to national roads may be applied.

To address the requirements of Section 2.6 of the DoECLG Guidelines and the requirement for a plan-led approach, TII respectfully suggests that the text of the MA 59 is updated to include the additional text in *green italics* below:

‘Public water and wastewater projects will be progressed in the county over the coming years which may require the creation of additional access points or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/hr apply. These projects are necessary to meet strategic growth and environmental objectives in local, regional and national planning policy. Such projects may also be applicable to the provisions of ‘*exceptional circumstances*’ and subject to engagement between Irish Water, TII and Leitrim County Council. *Where such projects are identified for agreement, they shall be plan-led and included in the Development Plan in accordance with the requirements of Section 2.6 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*’.

### Chief Executive's Response

The comments of TII are noted. The Planning Authority has no objection to the amendment of proposed Material Alteration MA 3 to make further reference to TII in the preparation of the Local Transport Plan (LTP) for Carrick-on-Shannon. Regarding its comments on the LTP to be informed by TII/NTA Area Based Transport Assessment (ABTA) Guidance, Objective TRAN OBJ 13 of the Draft Plan makes specific reference to this guidance in the preparation of the LTP. Whether such a detailed level of assessment is actually required for the combined urban centre will be primarily agreed between the respective Local Authorities and the NTA.

In relation to the comments of TII on proposed Material Alteration MA 59, the Planning Authority accepts the views of TII that there is insufficient evidence contained within the *Irish Water Capital Investment Plan 2020-2024* and the text of MA 59 to accord with the principles of Section 2.6 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) and more specifically, the requirement for a plan-led approach for specified projects to avail of 'exceptional circumstances' provisions.

Whilst the Planning Authority acknowledges the suggested additional text provided in the submission, such an approach would require variations of the Development Plan when such projects are identified for agreement. Having reviewed the proposed development envelopes of the settlements where such provisions may be necessary (i.e. the creation of additional access points or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/hr apply to facilitate future public water and wastewater projects), the Planning Authority does not envisage any such projects over the lifetime of the forthcoming Plan. Accordingly, it is recommended that proposed Material Alteration MA 59 be amended to remove reference to the potential application of the 'exceptional circumstances' provisions to such unspecified public water and wastewater projects. Irish Water have been consulted with in this regard and accept the revised position of the Planning Authority.

### Chief Executive's Recommendation

**Recommendation No. 6:** That the Plan be made with proposed Material Alteration MA 3 amended as follows:

**CS OBJ 9** To prepare a Joint Local Area Plan (LAP) for Carrick-on-Shannon/Cortober in conjunction with Roscommon County Council **and informed by a Local Transport Plan prepared in consultation with the National Transport Authority, Transport infrastructure Ireland and other stakeholders within one year of the adoption of the Leitrim County Development Plan 2023-2029.** The Local Area Plan shall determine the land use zoning objectives for Carrick-on-Shannon and ensure that the quantum of land identified for residential development adheres to that indicated in Table 2.6 of this Core Strategy. The LAP shall ensure sustainable, compact, sequential growth in the combined urban centre by consolidating the existing footprint with a focus on the redevelopment and regeneration of identified infill and brownfield sites.

**Recommendation No. 7:** That the Plan be made with proposed Material Alteration MA 59 amended as follows:

Government policy regarding access onto national roads as provided for in the "*Spatial Planning & National Roads Guidelines*" seeks to avoid the creation of any additional access point from new development/intensification of traffic from existing entrances onto national roads outside the 60 kph speed limit. Section 2.6 of the guidelines provides for exceptional circumstances to the above general policy provision. Planning Authorities may identify stretches of national roads where a less restrictive



approach may be applied as part of the Development Plan process. The guidelines provide that a less restrictive approach may be adopted in the case of developments of national and regional strategic importance which by their nature are most appropriately located outside urban areas, and where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed.

**It is not the intention of the Planning Authority to identify any such locations in the Draft Plan.** ~~It is the intention of the Planning Authority to develop and agree a policy for access off the national roads in conjunction with Transport Infrastructure Ireland in the following instance:~~

~~To facilitate a significant economic development off the N4 National Primary Road east of Carrick-on-Shannon.~~

~~This development is of regional strategic importance and is included in the RSES.~~

~~Public water and wastewater projects will be progressed in the county over the coming years which may require the creation of additional access points or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/hr apply. These projects are necessary to meet strategic growth and environmental objectives in local, regional and national planning policy. Such projects may also be applicable to the provisions of 'exceptional circumstances' and subject to engagement between Irish Water, TII and Leitrim County Council.~~

## 5.8 Department of Education

### Submission Ref. No. DLCDP MA-7

The submission from the Department considers that the proposed Material Alterations do not result in a change to the projected school place requirements and reaffirms the projected school requirements outlined in its submission on the Draft Plan.

The Department welcomes the amendment (MA 119) to reserve the lands zoned *Social & Community* to the south of the existing Scoil Mhuire Naofa National School to accommodate the potential relocation of Carrigallen Vocational School should the Department determine that the potential expansion of the school cannot be accommodated at its current location.

The submission notes proposed Material Alteration MA 119 also provides scope for the provision of residential development on the aforementioned lands zoned *Social & Community* in the event that the relocation of Carrigallen Vocational School to this location is not required subject to written confirmation from the Department confirming such.

The Department also notes and welcomes Objective SWM OBJ 2 to encourage the use of Green Roof technology particularly on apartment, commercial, leisure and educational buildings.

### Chief Executive's Response

The contents of the submission from the Department of Education are noted. In relation to its comments on proposed Material Alteration MA 119, regard should be had to the response and recommendation of the Chief Executive to this proposed amendment on foot of the submission from the OPR as detailed in Section 3.2.1 of this report.

### Chief Executive's Recommendation

No changes recommended.

## 5.9 Office of Public Works

### Submission Ref. No. DLCDP MA-9

The submission from the Office of Public Works (OPW) clarifies that its comments are specifically regarding flood risk and the application of *The Planning System and Flood Risk Management 2009* guidelines.

The OPW welcomes the following proposed Material Alterations:

- **MA 63** which updates Policy FRM POL 11 to require that development on lands within Mid-Range Future Scenario flood extents be subject to SSFRA, and that such assessments consider climate change impacts and adaptation measures.
- **MA 105, 107, 110, 116, 120-123 and 128** which add objectives BNE 33, DMR 31, DSO 34, MHL 23, DD 8, LM 9, FH 5 and KN 6, restricting development in tourism zoned lands in Flood Zones A and B to Water Compatible or less vulnerable development, appropriate to the relevant flood zone.

Separate commentary is provided under the following headings:

#### Justification Tests

The OPW refers to its previous commentary on the Draft Plan in relation to the approach taken to Plan Making Justification Tests, emphasising that *“Each criterion in part 2 of the Justification Test must be addressed and satisfied. A zoning can only pass the Justification Test when all criteria have been satisfied. While Table 8 of the SFRA states that all criteria have been met it is not explicit from the text provided how each of the criteria have been met. It would be beneficial if each criterion of part 2 of the Justification Test were addressed individually.”* In this regard, the OPW does not consider that this has been addressed at Material Alteration stage of the plan making process.

#### Climate Change

Whilst the OPW welcomes the inclusion of a reference to the *Flood Risk Management – Climate Change Sectoral Adaptation Plan 2019*, references to the now superseded *2009 OPW Draft Guidance on Assessment of Potential Future Scenarios for Flood Risk Management* should be removed.

#### Sustainable Urban Drainage Systems (SuDS)

The OPW refers to previous comments made on the Draft Plan regarding the recommendation in the Guidelines for the SFRA to provide guidance on the application of different SuDS techniques noting that while the additional text on SuDS provided in the proposed Material Alterations is welcomed, the applicability of specific SuDS techniques to specific opportunity sites identified in the Plan, and the identification of areas in settlements where integrated and area based provision of SuDS might be appropriate should be considered.

#### Drumshanbo

The submission refers to the previous commentary of the OPW on the use of the *Constrained Land Use* designation for developed lands, with this designation also coinciding in lands zoned *Social & Community* use in Drumshanbo. The submission notes that the response in the Chief Executive's Report on the Draft Plan submissions stated that an additional objective would be added to the Drumshanbo Settlement Plan, however this additional objective (DSO 24 inserted by MA 110) refers to *Tourism Related Development* and not *Social & Community* zoned lands.

### Chief Executive's Response

The Planning Authority notes and welcomes the comments of the OPW in their submission. In relation to the commentary to the approach taken to Plan Making Justification Tests, this shall be addressed in the final SFRA of the Plan by the inclusion of an additional breakdown of each criterion in part 2 of the Justification Test. There is no need for any further modification to the wording of the Draft Plan on foot of same.

Regarding the comments of the OPW *Flood Risk Management – Climate Change Sectoral Adaptation Plan 2019*, reference to the now superseded 2009 OPW *Draft Guidance on Assessment of Potential Future Scenarios for Flood Risk Management* shall be removed from the Plan and accompanying environmental assessments, with an additional reference included in the SFRA to the *Flood Risk Management – Climate Change Sectoral Adaptation Plan 2019* prepared under the National Adaptation Framework in the context of future scenarios.

In respect of the comments made on Sustainable Urban Drainage Systems (SuDS), additional details on this item will be provided in the final SFRA, including additional detail as to what types of SuDS may be suited to certain opportunity sites in the county. Furthermore, the final SFRA shall identify the types of areas in settlements where integrated and area based provisions provision of SuDS might be appropriate.

In relation to the comments of the OPW on Objective DSO 24 of the Drumshanbo Settlement Plan, as inserted by proposed amendment MA 110, the reference to *Tourism Related Development* is a typographical error and should have stated *Social & Community* zoned lands instead. The objective shall be modified to correct this issue.

### Chief Executive's Recommendation

**Recommendation No. 8:** Include an additional breakdown of each criterion in part 2 of the Justification Test in the final Strategic Flood Risk Assessment (SFRA) of the Plan.

**Recommendation No. 9:** Update the Plan and associated documents to refer to the the *Flood Risk Management – Climate Change Sectoral Adaptation Plan 2019* instead of the *OPW Draft Guidance on Assessment of Potential Future Scenarios for Flood Risk Management*.

**Recommendation No. 10:** Include additional detail to the Sustainable Urban Drainage Systems (SuDS) text in the final SFRA of the Plan featuring additional detail as to what types of SuDS may be suited to certain opportunity sites in the county and identify the types of areas in settlements where integrated and area-based provision of SuDS may be appropriate.

**Recommendation No. 11:** That the Plan be made with proposed Material Alteration MA 110 modified as follows:

**DSO 24** Permissible uses for undeveloped lands within Flood Zones A and B that are zoned *Social & Community* ~~*Tourism Related Development*~~ in this settlement shall be constrained to those 'water compatible' and 'less vulnerable' uses as appropriate to the particular Flood Zone (please refer to the Flood Risk Management provisions in Volume I of the Draft Plan and to the accompanying Strategic Flood Risk Assessment (SFRA)).

## 5.10 Department of the Environment, Climate and Communications

### Submission Ref. No. DLCDP MA-11

The submission provides observations under the following themes:

#### **Renewable Electricity**

The Department welcomes proposed amendments MA 86 and MA 87 in relation to Wind Energy, as well as highlighting and supporting the commitment to review targets following the completion of Action 102 in the Climate Action Plan 2021 (MA 87).

The Department recognises the additional support for bioenergy contained within the proposed Material Alterations, as well as supporting the inclusion of the updated Climate Action Plan and greenhouse gas emissions targets by 2030, as provided for in proposed amendment MA 84.

The Department questions the rationale for proposed amendment MA 85 and specifically that it is not clear what the effect of the '*exclusion zone*' around the designated sites is and how it relates to the provisions of the Birds and Habitats Directives which provide for Appropriate Assessment at the project level.

#### **Waste Management**

The submission emphasises that in respect of the development of waste policy, County Councils should consult directly with their respective Regional Waste Management Planning Office regarding development of the final plans.

The submission from the Department also appends additional observations from Geological Survey Ireland (GSI) which commends the inclusion of County Geological Sites and/or sites of geological importance in Policy AGG RES POL 7 as amended by MA 68 of the proposed Material Alterations.

### Chief Executive's Response

The submission from the Department is noted and the Planning Authority welcomes its comments in relation to renewable energy generation, bioenergy development and waste management, as well as the comments from GSI in relation to MA 68.

In response to its comments on the rationale for proposed amendment MA 85, this proposed amendment follows on foot of a request in some of the submissions received on the Draft Plan (most notably from the OPR and this Department) for further clarification on the various constraints employed in the sieve mapping analysis approach outlined in the Draft RES. The purpose of MA 85 in this regard is to qualify the approach undertaken with respect to the separation distances from sensitive receptors and the delineation of European sites of ecological importance (i.e. Natura 2000 sites) in the sieve mapping analysis.

Related to the previous item, and in response to the query of the Department in its submission as to the effect of the '*exclusion zone*' around Natura 2000 sites, it is important to re-emphasise that the central aim of the sieve mapping and technical analysis is to strategically highlight areas of the county with the potential to accommodate wind energy development in the context of a myriad of environmental constraint within the county, including Natura 2000 sites. The corollary also follows that the same analysis highlights areas of the county where prospective wind energy development could be severely constrained by a number of factors. These obviously include Natura 2000 sites where the threshold to demonstrate that a development will not have an adverse impact on the receiving environment is considerably higher. In this regard, greater certainty is provided in identifying areas



which are considered more viable and perhaps more likely in securing planning permission for wind energy development and therefore a greater prospect of securing renewable energy targets identified in policy documents such as the Climate Action Plan 2021.

Notwithstanding, as addressed in MA 86, the high-level and strategic function of the sieve mapping analysis, including the incorporation of an exclusion zone for Natura 2000 sites, to derive the '*Available Areas*' identified in Figures 6.3 and 6.3b of the RES does not preclude projects, typically of smaller-scale, from being brought forward in other areas including land adjacent to '*Available Areas*', subject to other project-specific environmental considerations and assessments. There is nothing which prevents any proposal being brought forward for a wind energy development through the planning consent process irrespective of the outcome of the sieve analysis exercise; it simply highlights environmental concerns which must be addressed in the framing of such applications.

#### **Chief Executive's Recommendation**

No changes recommended.

## 5.11 Irish Water

### Submission Ref. No. DLCDP MA-12

The submission notes the changes to Table 2.6 of the Draft Plan, increasing the quantum of residential zoned lands and/or housing yield and an increase in the variance between housing yield and housing allocation. In some instances, e.g. Dromod, the yield is significantly greater than the allocation. The submission suggests greater consistency between the household yield and allocations in order to align with the housing allocation and associated spatial planning policy.

The submission provides a table highlighting the household yield, equivalent population and water supply and wastewater treatment capacities of the settlements of Manorhamilton, Drumshanbo, Kinlough, Dromod and Leitrim Village, summarised as follows:

**Manorhamilton:** Water supply and wastewater capacities are available to cater for the projected growth, however any additional growth may require a WWTP upgrade to increase capacity.

**Drumshanbo:** Water supply by the Carrick-on-Shannon Water Resource Zone (WRZ) where capacity is available, but a Level of Service (LoS) improvement is required. Potential spare capacity in relation to wastewater with the caveat that any development will have to show that they do not cause a significant breach of Regulation 43 of Wastewater Discharge Authorisation (WWDA) Regulations.

**Kinlough:** Water supply stated in submission to be Carrick-on-Shannon WRZ, with adequate wastewater capacity to cater for projected growth.

**Dromod:** Water supply by the Carrick-on-Shannon WRZ where capacity is available, but a Level of Service (LoS) improvement is required, with adequate wastewater capacity to cater for projected growth.

**Leitrim Village:** Water supply by the Carrick-on-Shannon WRZ where capacity is available, but a Level of Service (LoS) improvement is required, with adequate wastewater capacity to cater for projected growth.

The submission emphasises that in the Carrick-on-Shannon Regional Water Supply Scheme, it is anticipated that ongoing upgrade works, and leakage reduction activities will provide capacity to accommodate growth in the short term. However, a further upgrade at Carrick-on-Shannon Water Treatment Plant may be required in order to accommodate the targeted growth in Carrick-on-Shannon and environs. Planning for this upgrade has commenced and it is anticipated it will be delivered in the 2025-2029 Investment Plan period, subject to funding and statutory approvals.

The submission further states that network reinforcements may be required to service some zoned sites, including some of the sites identified in the proposed Material Alterations, particularly in areas served by sewers with a diameter of 150mm or less or watermains with a diameter of 80mm or less.

Irish Water provides additional commentary on the following proposed Material Alterations:

#### **Manorhamilton**

MA 131 – adjacent to reservoir, on-site boosting may be required.

MA 132 – nearest public sewer is 150mm sewer approximately 150m away in the main road, potential for connection via the adjoining estate subject to third party agreement. Upgrade of the existing 150mm diameter sewer likely to be required, possibly as far as Park Road junction (>600m).

### Drumshanbo

MA 135 - available GIS indicates nearest public sewer is in the main road.

### Kinlough

MA 138 – additional new residential is approximately 9 ha and does not appear to have been accounted for in MA 4 Table 2.6 Column A.

### Dromod

MA 140 – available GIS indicates the nearest sewer is approximately 400m away, network connectivity should be confirmed prior to finalising this proposed zoning.

### Leitrim Village

MA 141 - watermain and sewer upgrades may be required.

In relation to **MA 39**, which amends Section 6.10.2 *Land Use Zoning Principles*, the Irish Water submission suggest the following additional amendment:

*“It is the expressed view of Irish Water that the county is well served by its water and wastewater treatment plants and, notwithstanding constraints associated with the Carrick-on-Shannon water treatment plant and the wastewater treatment plants at Carrigallen which are expected to be addressed over the lifetime of the Plan, it is envisaged that the water and wastewater treatment plants can generally accommodate the household or population levels stated in the Core Strategy of this Plan. In the case of Drumshanbo and Mohill wastewater treatment plants however, potential availability of capacity is dependent on any additional load not resulting in a significant breach of the combined approach as set out in Regulation 43 of the Waste Water Discharge (Authorisation) Regulations 2007....”*

The submission suggests that similar text in the associated Environmental Reports, e.g. section 4.11.10.1, 4.11.10.2, Non-Technical Summary of the Strategic Environmental Assessment, should also be updated. The submission also reiterates that no projects are planned at Drumshanbo or Mohill under the current Investment Plan period 2020-2024.

In relation to proposed amendment **MA 66** (insertion of RUR ECON POL 6 - *To avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kph apply*), the submission suggests that the proposed text set out in MA 59 also apply to MA 66.

The submission makes reference to the need for proposed renewable energy and forestry development to have regard for and not adversely impact existing or planned water sources or infrastructure.

The submission also highlights three proposed amendments (**MA 124, MA 125 and MA 143**) which relate to specific sites in the settlement of Glenfarne, which may lead to development in lands not serviced by public water and/ or wastewater networks. The submission references Section 5.3 of the *Draft Water Services Guidelines for Planning Authorities* (Jan 2018) which emphasises that there “*is a general presumption that development will be focused into areas that are serviced by public water supply and wastewater collection networks. Alternative solutions such as private wells or wastewater treatment plants should not generally be considered by planning authorities. Irish Water will not retrospectively take over responsibility for developer provided treatment facilities or associated networks, unless agreed in advance*”. The submission then states that “*The environmental sensitivities referred to in the zoning objective R2 (A.1) are an important consideration in this context*”.

## Chief Executive's Response

The Planning Authority notes the submission from Irish Water and its comments on the various infrastructural capacities identified in the selected settlements of its submission. The information remains broadly consistent with that previously submitted by Irish Water in previous consultations during the preparation of the Draft Plan.

Similarly, the Planning Authority welcomes the information from Irish Water on the various network reinforcements that may be required to facilitate development of subject lands identified in the proposed Material Alterations. In this regard, the development of such sites is subject to a connection agreement from Irish Water which in itself is a separate process to that of the Development Plan.

In response to the comments on the proposed changes to Table 2.6 of the Core Strategy and the suggestion for greater consistency between household yield (as calculated from the quantum of residentially zoned lands) and housing allocations across certain settlements, the Planning Authority reiterates that the housing allocation remains the stated target for residential development within the relevant settlement. There is not considered to be a substantial difference between the yield of residentially zoned lands and the allocation per settlement which would be likely to present a capacity issue for Irish Water to accommodate in any event and well within the permitted allowances provided within the Development Plan guidelines. This is supported in the submission by the OPR.

The proposed changes to Table 2.6 follows the public consultation of the Draft Plan wherein a number of viable sites were brought forward and were subject to infrastructural assessment and suitability against land use evaluation criteria. Lands which scored favourably in this assessment process were then considered in the context of their respective settlements as additional, viable lands to provide for residential development. Whilst this process may have resulted in an increase in the quantum of residentially zoned lands, and therefore potential housing yield in certain settlements, such increases are intended to reflect more market choice and flexibility for residential development, rather than an increase in the overall housing target of the subject settlement.

In relation to the suggested amendment to MA 39 (Para. No 2 of Section 6.10.2 – *Land Use Zoning Principles*), and the request to update similar references contained in the associated Environmental Reports, e.g. Section 4.11.10.1, 4.11.10.2, Non-Technical Summary of the Strategic Environmental Assessment, the Planning Authority has no objection to this request.

In relation to its suggested amendment of MA 66 to reflect the wording of MA 59, regard shall be had to Recommendation no. 7 of this report, which follows the response of the Planning Authority to the submission from TII on the proposed Material Alterations.

Regarding the stated need for proposed renewable energy and forestry development to have regard for and not adversely impact existing or planned water sources or infrastructure, such considerations/assessments are more appropriately addressed at planning application/consent level.

In response to the comments in relation to the proposed amendments MA 124, MA 125 and MA 143, these amendments relate to facilitating the provision of serviced sites and infill opportunities within the development envelope of Glenfarne, for individual dwellings. It is considered that the subject lands are in accordance with a range of policy provisions contained within the Draft Plan (RUR SET POL 1, RUR SET OBJ 1, RUR SET OBJ 7, WI OBJ 6 and CS OBJ for example) and provide for significant scope in accommodating the construction of individual houses at a density level that is commensurate with existing development patterns and provide for an attractive alternative to rural, one-off housing in the open countryside.

Notwithstanding, the identification, and subsequent rollout, of any new serviced sites within smaller towns and villages, such as that envisaged in relation to the subject lands identified under MA 124 and MA 143, is subject to the availability of capital and resources from the Department of Housing, Local Government and Heritage as likely funding authority and by Irish Water as the regulatory authority. Such a process will necessitate engagement and co-operation with Irish Water.

Various provisions have been integrated into the Draft Plan to ensure that development is preceded by/accompanied by adequate and appropriate water services and compliance with environmental legislation, including the Water Framework Directive. The comments of Irish Water in this regard are considered to have been adequately dealt with.

### Chief Executive's Recommendation

**Recommendation No.12:** That the Plan be made with proposed Material Alteration MA 39 amended as follows:

An infrastructure assessment was undertaken to differentiate between zoned land that is available for development and that which requires significant further investment for such development to be realised. This is referred to as a 'tiered zoning approach' and is required by the NPO 72 of the NPF. Irish Water were integral to the undertaking of this assessment and their co-operation is acknowledged in this regard. However It is the expressed view of Irish Water that ~~there was not considered~~ the county is well served by its water and wastewater treatment plants and, notwithstanding constraints associated with the Carrick-on-Shannon water treatment plant and the wastewater treatment plants at Drumshanbo, Mohill and at Carrigallen which are expected to be addressed over the lifetime of the Plan, it is envisaged that the water and wastewater treatment plants can generally accommodate ~~there were no capacity issues in any wastewater treatment plant or water treatment plant identified which would prohibit the realisation of~~ the household or population levels stated in the Core Strategy of this Plan. In the case of Drumshanbo and Mohill wastewater treatment plants however, potential availability of capacity is dependent on any additional load not resulting in a significant breach of the combined approach as set out in Regulation 43 of the Waste Water Discharge (Authorisation) Regulations 2007.

**Recommendation No. 13:** Update Section 4.11.10.1 *Wastewater* and Section 4.11.10.2 *Water Supply* of the Strategic Environmental Assessment (SEA) Environmental Report and Section 3.8 Material Assets of the SEA Non-Technical Summary to reflect the water supply and wastewater infrastructure capacities outlined in Recommendation No. 14.

## 5.12 ESB

### Submission Ref. No. DLCDP MA-13

The submission welcomes proposed Material Alterations MA 84 and MA 148 that recognise the updated Climate Action Plan 2021, as well as the updated references to same in the Draft Plan. The submission highlights a number of key measures and targets contained in the Climate Action Plan 2021 regarding renewable energy generation and supporting infrastructure and the role of ESB in helping to achieve such targets and supporting the transition towards a low-carbon future.

The submission provides specific commentary in relation to proposed amendments MA 85, MA 86 and MA 87 which provides clarification to the sieve mapping process undertaken in the preparation of the Draft Renewable Energy Strategy (RES) of the Draft Plan. In this regard, ESB welcomes the clarification that the renewable energy targets presented in the Draft Plan do not represent a '*ceiling*' or '*cap*' on the potential renewable energy that could be generated in the county and welcomes the reference contained in MA 87 to the provisions of Action 102 of the Climate Action Plan 2021 to develop a regional-scale spatial policy for wind and solar energy development with the potential to revise upward the renewable electricity targets contained in the Draft Plan when such a policy is implemented.

The submission also welcomes proposed amendment MA 98 which seeks to increase the rate of provision of charging points from 10% to 20% of the total car parking spaces in each development, which incorporates the latest standards for the provision of EV Charge points as set out in S.I. No. 393/2021.

### Chief Executive's Response

The comments from ESB in its submission are noted.

### Chief Executive's Recommendation

No changes recommended.

## 5.13 Fermanagh & Omagh District Council

### Submission Ref. No. DLCDP MA-14

Fermanagh & Omagh District Council (FODC) clarifies that its correspondence represents a draft response to the proposed Material Alterations to the Draft Plan which will be formally discussed at its Regeneration and Community Committee meeting on 13<sup>th</sup> December 2022. The submission supports the proposed Material Alterations and provides commentary under a number of themes as follows:

#### **Monitoring**

FODC supports the inclusion of additional detail in relation to monitoring and considers such to be essential in identifying if any policies require updating to ensure the objectives of the Plan are being achieved.

#### **Housing Strategy**

FODC welcomes the amendment of policy RUR SET POL 10 regarding replacement dwelling development and the importance of vernacular buildings and their retention. Similarly, FODC notes the inclusion of RUR SET OBJ 4 to support the ongoing monitoring of new rural housing to ensure 20% of new rural development occurs in brownfield sites.

#### **Tourism**

FODC welcomes the amendments to TOUR POL 4 (MA 23) in developing opportunities for 'Slow Tourism' or 'Regenerative Tourism' clusters to be established within the county. The Council also notes the introduction of objective TOUR OBJ 11, which is to support the preparation of Destination Experience Development Plans (DEDP) and other tourism masterplans both within the county and also those which cross from the county into neighbouring counties in collaboration with Fáilte Ireland and other tourism stakeholders. In this regard, FODC references its Visitor Experience Development Plan for Fermanagh Lakelands and Omagh and the Sperrin's. FODC also supports the insertion of TOUR POL 10 (MA 26) to facilitate, where appropriate, proposals to improve access to existing tourism sites and facilities.

#### **Transport**

The Council welcomes the insertion of policy WC POL 6 (MA 51) and objective WC OBJ 6 (MA 52) in promoting and facilitating active travel, accessibility and connectivity within settlements.

#### **Forestry**

FODC acknowledges the study undertaken by RPS in its landscape capacity assessment for future commercial forestry planting in the county and agrees that this will ensure that the demands for commercial forestry plantations and conservation of landscape character and visual amenity, including residential and visual amenity, are appropriately balanced and considered.

#### **Extractive Industries**

FODC notes the introduction of an additional policy (AGG RES POL 9 inserted through MA 70) which restricts the use of certain chemicals as a processing agent as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters.

#### **Climate Change and Renewable Energy**

The insertion of a new bioenergy policy, BE POL 6 (through MA 90) is noted with FODC acknowledging that bioenergy is a more sustainable alternative to fossil fuels.

### **Addendum**

Fermanagh and District Council notified the Planning Authority by e-mail on 15<sup>th</sup> December that their draft submission was presented to R&C Committee on the 13<sup>th</sup> December. The Members did not raise any additional matters or request any changes. Accordingly, Fermanagh and District Council have confirmed to treat the reply sent on the 23<sup>rd</sup> November 2022, as the Council's final reply on this consultation.

### **Chief Executive's Response**

The comments from FODC in its draft submission are noted and welcomed. The submission further demonstrates the importance of a close working relationship between our two organisations and the degree of commonality between both counties across a number of themes such as tourism, natural heritage and infrastructure amongst others. The Draft Plan, along with its Material Alterations, outlines a number of development areas, as well as associated policies and objectives, which provide the basis for further engagement with FODC on projects/issues of strategic benefit to both areas and fostering greater cross-border collaboration.

### **Chief Executive's Recommendation**

No changes recommended.

## 5.14 Department of Housing, Local Government and Heritage

### Submission Ref. No. DLCDP MA-16

The submission from the Department of Housing, Local Government and Heritage (DHLGH) provides archaeology-related observations/recommendations co-ordinated by the Development Applications Unit.

The submission refers to proposed amendment MA 149 which proposed the deletion of Section 3.8.4 *Cultural Heritage* from the Draft Renewable Energy Strategy. The submission advises that rather than the deletion of the aforementioned section, it should be amended to the following:

*“Leitrim’s archaeological heritage is protected under the National Monuments Acts (1930-2004), Natural Cultural Institutions Act 1997 and the Planning Acts. The National Monuments Service has mapped the locations of recorded monuments nationwide in the Record of Monuments and Places (RMP). The RMP is an inventory of sites and areas of archaeological significance which are numbered and mapped. A Zone of Archaeological Notification is shown around each monument.*

*Renewable energy developments should be sited and designed to ensure that they do not unduly dominate or damage archaeological landscapes, structures or sites.*

*An Archaeological Assessment shall be carried out when the proposed development is within proximity to a Recorded Monument and/or the development is extensive in terms of area (0.5 hectare or more) or length (1 kilometre or more) This archaeological assessment shall be prepared by a suitably qualified archaeologist detailing the impacts which the proposed development would have on archaeology in the area and any mitigation measures proposed”.*

### Chief Executive's Response

The Planning Authority notes the comments from the Department in relation to MA 149 and its suggested text. As detailed in the Chief Executive's Report on the submissions received on the Draft Plan, the rationale for the deletion of Section 3.8.4 *Cultural Heritage* from the Draft Renewable Strategy (RES), as proposed under MA 149, was based on an erroneous reference to cultural heritage as one of a series of criteria used in the sieve mapping analysis to derive the *Wind Opportunities & Constraints* Map produced in Figure 6.3 of the Draft RES.

The Planning Authority has further considered this item and believes that a qualified reference to the consideration of cultural heritage impacts in relation to renewable energy development should be referenced in the RES, notwithstanding the fact that the sieve mapping analysis did not use features of cultural heritage in the sieve mapping analysis in deriving the *Wind Opportunities & Constraints* Map.

Regarding the suggested reference to requirement for an archaeological assessment, it is considered that such undertakings are more appropriately addressed at project specific and individual development level as part of the overall assessment of the environmental impacts of such proposals.

### Chief Executive's Recommendation

**Recommendation No. 14:** Reject proposed Material Alteration MA 149 and amend Section 3.8.4 *Cultural Heritage* of Appendix IX – Part A – *Draft County Leitrim Renewable Energy Strategy* as follows:

### 3.8.4 Cultural Heritage

Whilst the sieve mapping undertaken as part of this Renewable Energy Strategy does not incorporate features of cultural or built heritage as part of the suite of environmental constraints in its analysis, the potential impact of proposed renewable energy projects on such features should be assessed at project level. Renewable energy developments should avoid adversely impacting the cultural heritage in the county. The architectural and archaeological protected structures, sites and areas within Leitrim have been identified and mapped. The National Monuments Act established a list of Recorded Monuments and Places (RMP) that are of historical and archaeological significance. These sites are scattered throughout the county, with higher concentrations in the larger urban areas. A number of buildings in Leitrim are included in the Register of Protected Structures (RPS) as being of special interest for historical, artistic or other cultural reasons. Buildings constructed after 1700 are included in the National Inventory of Architectural Heritage (NIAH). In all cases, consent must be obtained to carry out works on or near these sites and limitations may apply to the extent of retrofit possible for protected structures.

Development within townlands may be constrained by designated Architectural Conservation Areas (ACAs) and the Zone of Architectural Potential surrounding recorded monuments. Where necessary, an Archaeological Assessment can be undertaken to determine the type and extent of impacts of a development on protected structures or monuments. The aim is to harness the renewable energy potential of the area while preserving the architectural and archaeological heritage.

## 6 GENERAL SUBMISSIONS

### 6.1 Ann Walshe

#### Submission Ref. No. DLCDP MA-8

The central focus of the submission is on proposed Appendix VI of the Draft Plan – *Landscape Capacity Study for Commercial Forestry – Co. Leitrim* (LCSCF) as inserted by proposed Material Alteration MA 67 with commentary on other issues associated with forestry practices in the county and consent processes.

The submission can be summarised under the following headings:

#### Mapping used in LCSCF

The submission advises that the mapping used to inform the LCSCF may not be based upon the most accurate and up-to-date mapping, citing significant misclassification discrepancies of forestry and woodland land cover data between the CORINE datasets and the more detailed GIS dataset available from Coillte for its own estate.

#### Definition of 'Commercial Forestry'

The submission considers that the term '*commercial forestry*' should be defined in the LCSCF as such a term is open for interpretation and can be distinguished between commercial forestry planting that incorporates non-native species or both native and non-native species.

#### Mid-Term Review of LCSCF

The submission suggests that the Council commissions a mid-term review of the LCSCF to be published in 2026 in order to update the 2022 study.

#### Securing the Objectives of the Development Plan

The submission references the provisions of Section 15(1) of the Planning and Development Act 2000, as amended, which states that it "*shall be the duty of a planning authority to take such steps within its powers as may be necessary for securing the objectives of the development plan*". The submission emphasises that the Council should consider challenging the Forest Service on forestry applications and forestry licences where such instances do not accord with the policy provisions contained within the Draft Plan and the assessment of the LCSCF, with suggested policy wording to this effect. The submission also outlines a range of reasons relating to climate and biodiversity impacts, forestry targets, economic impacts and landscape impacts as to why the LCSCF should be defended by the Council.

The submission concludes with a number of suggestions relating to procedural rather than policy specific matters for the Council to consider in relation to future forestry development applications, consents, referrals and appeals.

#### Chief Executive's Response

The Planning Authority notes that the submission addresses a number of issues in relation to the forestry development and the *Landscape Capacity Study for Commercial Forestry – Co. Leitrim* (Draft LCSCF). Several issues raised in the submission relate to procedural matters concerning interactions between the Council and other consent bodies such as the Department of Agriculture, Food and the Marine, the Forest Service and the Forestry Appeals Committee which go beyond the scope of the policy framework of the Development Plan and the proposed Material Alterations which were the

subject of the public consultation. It was clearly stated at the beginning of this report that matters unrelated to Material Alterations do not fall within the scope of this report.

In relation to the comments made on the submission on the mapping and datasets used in the Draft LCSCF assessment, the Planning Authority acknowledges that there is the potential for discrepancies from the CORINE landcover data (2018), the forestry data from the Department of Agriculture, Food and the Marine (DAFM) (2020) and current afforestation trends evident across the county. Such discrepancies, as the submission attests, is perhaps more pronounced in the potential misclassification of forestry cover regarding transitional woodland and conifer plantation.

The Planning Authority acknowledges that the baseline spatial data used in the Draft LCSCF stem from snapshots in time, i.e. 2018 for the CORINE landcover data and 2020 for the DAFM data and are to a certain extent dated in the context of afforestation cycles. In light of this, the Planning Authority petitioned for updated forestry land cover data from both the DAFM and Coillte for the county which it received towards the end of the public consultation period of the proposed Material Alterations. Whilst receipt of this data was too late to inform this report, the Planning Authority has subsequently sought to re-engage RPS Group Ltd. to update the baseline mapping and associated commentary of the Draft LCSCF. Some issues have arisen in relation to these spatial datasets which are in the process of being remedied at the time of preparing this report. A definitive timeframe for the updating of this report is not available but the Planning Authority are hopeful that it will be completed before the Members make their decision to make the County Development Plan in early February 2023.

In relation to definition of '*commercial forestry*', the Planning Authority acknowledges that such a term can encompass native and non-native species commercial forestry planting. The scope of the Draft LCSCF is to assess the impact of commercial forestry practices on the landscape types of the county, with non-native species commercial forestry a dominant feature in this regard. Notwithstanding, the Planning Authority shall ensure that the final LCSCF provides a more precise definition of '*commercial forestry*' whilst acknowledging the nuanced differences cited in the submission (i.e. all afforestation where grant aid funding from DAFM is obtained and Coillte forestry areas).

Regarding the suggested mid-term review of the LCSCF and the requirement of the Planning Authority to secure the objectives of the Development Plan, it should be noted that Section 15(2) of the Planning and Development Act 2000, as amended, requires the Chief Executive to prepare and submit a report to the Elected Members of the Council on the progress achieved in securing the objectives of the Plan, not more than two years after the making of the Plan. Such a report will evaluate the effectiveness of the various policies and objectives contained within the Draft Plan, including the policy framework associated with forestry development and provides the statutory and appropriate means of monitoring the progress of the Planning Authority in securing the objectives of the Development Plan.

Whilst a wholesale review of the LCSCF may not be possible given the extent of the assessment and the defined nature of the sensitives of the various Landscape Character Types in the study, there may be scope to provide update mapping of forest cover by way of an additional base mapping layer to the public planning map viewer hosted by the Council on its website. Such a feature would be dependant on securing up to date mapping from the relevant regulatory bodies and associated stakeholders and outside of the control of the Planning Authority. It would be the view of the Planning Authority that this would require the LCSCF to be updated and its function is to inform the preparation of the draft Development Plan.

### Chief Executive's Recommendation

**Recommendation No.15:** Amend Appendix VI of the Draft Plan - Landscape *Capacity Study for Commercial Forestry – Co. Leitrim*, as inserted by proposed Material Alteration MA 67, to provide for updated baseline mapping and associated commentary referring to same in the Study report.

**Note:** This may result in some modifications to the recommendations contained in the revised Forestry Section contained in the proposed Material Alterations (MA 67 refers). RPS Group Ltd will advise of any amendments to their assessment of capacity within individual Landscape Character Types. This would refer specifically to *Table 10.2: Landscape Sensitivity – Study Findings* in Section 10.6.4 *Afforestation and the Landscape*. It will also have a causal effect on the subsequent Section 10.6.5 *Forestry Policy Framework* which relies on such findings. Whilst some of the individual policies rely on these sections (FOR POL 3 and FOR POL 5 in particular), it is not expected that the above modifications will require any alteration to the policies or objectives at the end of Section 10.6 *Forestry*. As such, these modifications are considered minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site.

## APPENDIX 1 – LIST OF SUBMISSIONS RECEIVED

| Submission Reference Number | Name/Organisation                                                                     |
|-----------------------------|---------------------------------------------------------------------------------------|
| DLCDP MA-1                  | Department of Rural and Community Development                                         |
| DLCDP MA-2                  | Environmental Protection Agency                                                       |
| DLCDP MA-3                  | Donegal County Council                                                                |
| DLCDP MA-4                  | DAA                                                                                   |
| DLCDP MA-5                  | National Transport Authority                                                          |
| DLCDP MA-6                  | Transport Infrastructure Ireland                                                      |
| DLCDP MA-7                  | Department of Education                                                               |
| DLCDP MA-8                  | Ann Walshe                                                                            |
| DLCDP MA-9                  | Office of Public Works                                                                |
| DLCDP MA-10                 | Northern and Western Regional Assembly                                                |
| DLCDP MA-11                 | Department of the Environment, Climate and Communications                             |
| DLCDP MA-12                 | Irish Water                                                                           |
| DLCDP MA-13                 | ESB                                                                                   |
| DLCDP MA-14                 | Fermanagh & Omagh District Council                                                    |
| DLCDP MA-15                 | Office of the Planning Regulator                                                      |
| DLCDP MA-16                 | Department of Housing, Local Government and Heritage (Development Applications Units) |