



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: MA-036-23

13th May 2024

Forward Planning Section,
Galway County Council,
Prospect Hill,
Galway,
H91 H6KX.

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

A chara,

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

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

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

The Office's evaluation and assessment of the proposed material alterations has regard to the current county development plan, the Regional Spatial and Economic Strategy (RSES), relevant section 28 guidelines and the *Climate Action Plan 2024* (Climate Action Plan) as well as associated legislation.



Overview

As outlined in the Office's submission to the draft LAP, the Office concluded that the draft LAP sets out a positive, evidence-based planning strategy to guide the development of Loughrea over a six-year period. It was noted, however, that there were a number of matters required for the LAP to be consistent with the *National Planning Framework* (NPF), the RSES for the Northern and Western Regional Assembly as well as the Galway County Development Plan 2022-2028 (the Development Plan).

The Office considered it necessary to make two recommendations on the draft LAP as well as making five observations where further consideration was advised.

The Office welcomes the proposed material alteration MA1 in relation to Flood Risk Assessment which addresses part of Observation 3 of the Office's submission on the draft LAP. The proposed material alteration helpfully clarifies that climate change considerations have been integrated into the flood risk management provisions. In general, the Office welcomed the approach by the planning authority in avoiding zoning land for residential development in flood risk areas consistent with national policy to avoid placing people and property at unnecessary risk from future flood events. *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines) also requires that the same approach be followed in terms of all land use zonings.

The Office also welcomes proposed material alteration MA2 in relation to *Sustainable urban Drainage Systems* (SuDS) and Nature Based Solutions which address Observation 4 of the Office's submission on the draft LAP. This additional text provides clarity as to what is required in relation to surface water infrastructure/management when proposing development on the opportunity sites and demonstrates the planning authority's commitment to a more systemic and planned approach to water sensitive urban design that combines nature-based solutions with spatial planning.



With regard to the two recommendations, the Office accepts the justification provided in response to Recommendation 1 of the Office's submission on the draft LAP which related to isolated individual land parcels.

The Office also welcomes the inclusion of the ATOS assessment as part of the Local Transport Plan (LTP) in response to Recommendation 2 of the Office's submission to the draft LAP. As part of Recommendation 2, the Office raised concerns with regard to policies to protect national roads. The Chief Executive's Report (CE's Report) addresses this matter, however the zoning of land along a national road outside of the town boundary as part of the material alterations (MA35 and MA37) appears inconsistent with the response of the CE's Report to the concerns of the Office on this matter.

The Office was generally satisfied with the approach in relation to residential development in the draft LAP, in particular the general consistency with the core strategy of the Development Plan. The Office has no objection to the proposed material alterations that amend the zonings for residential development. The majority of the lands that are proposed as part of the proposed material alterations are located inside of the CSO 2016 settlement boundary and are adjacent to lands already in use for residential development. The Office considers that the draft LAP and the material alterations are generally consistent with NPO 3c and policy objective CS 2 of the Development Plan.

The Office does have concerns in relation to proposed material alterations for Community Facilities zonings and these being provided in a location outside the settlement boundary as well as being less sequentially preferable to other sites. These primarily relate to MA35 and MA37. It is considered that these proposed material alterations undermine the very positive policies, objectives and strategies in the draft LAP, promoting compact and proportionate growth, sustainable mobility and the transition to a low carbon and climate resilient society. The material alterations MA35 and MA37 are considered further below.



In relation to employment lands, the Office generally welcomes the approach to the economic and employment section of the draft LAP. It is noted that there are proposed material alterations relating to the zoning of additional lands for employment purposes. The Office considers, having regard to the scale of employment lands proposed for material alterations, that they are reviewed.

Observations were included in the Office's submission to the draft LAP in relation to delivery of regeneration projects, vacancy, flood zone mapping, SuDS as well as implementation and monitoring. The Office notes that the observations in relation to flood zone mapping and SuDS were addressed, however, the observations relating to the delivery of regeneration projects, vacancy as well as implementation and monitoring have not been addressed as part of the proposed material alterations and weaken the basis for implementation and delivery over the plan period.

It is within this context the submission below sets out one recommendation and one observation under the following two themes:

Key theme	Recommendation	Observation
Land Use Zoning for Community Facilities	Recommendation 1 – Lands Zoned for Community Facilities uses	-
Land use zoning for Employment uses	-	Observation 1 - Lands Zoned for Employment Uses

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues



that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

1. Land Use Zoning for Community Facilities uses

The Office generally welcomes the provision of lands zoned Community Facilities, as well as the general approach that has been taken to education, social and community amenities as part of the draft LAP. The Office welcomes the inclusion of MA9 which provides an additional site that can provide for the delivery of additional school facilities. Also, the combination of MA39 and MA40 are welcomed as the associated site can provide accommodation for the elderly as well as providing a swimming pool facility for the town.

The Office, however, has concerns in relation to the proposed material alterations MA35, MA36 and MA37 which provide for the zoning of land for Community Facilities to the north of the town as well as an objective to encourage the provision of sport facilities on the site zoned MA35. The location of these lands is outside the town boundary and beyond the bypass for the town. It is considered that the location of these sites is not consistent with compact growth or the sequential approach to zoning. As such, MA35, MA36 and MA37 are contrary to the intentions of NSO 1 of the NPF which seeks to provide compact and connected settlements.

The Office has reviewed the published Strategic Environmental Assessment (SEA) and Appropriate Assessment documents that accompany the proposed material alterations. The SEA document highlights a number of similar issues with the proposed material alterations MA35 and MA37, including the following:

- they are contrary to sustainable compact growth, sustainable mobility and a transition to a low carbon and climate resilient society;

- they are contrary to meeting carbon emission reduction targets; and
- they would negatively impact on the economic viability of providing for public assets and infrastructure.

The SEA, as well as the Strategic Flood Risk Assessment, also noted that a portion of the MA35 site overlaps with Flood Zone A/B and would fail the Justification Test outlined in the Flood Guidelines.

As such, the Office considers the subject lands are unsuitable for the proposed land use zoning and as such, recommends that MA35, MA36 and MA37 should not be adopted.

The Office also notes that the lands subject to these proposed material alterations have no active travel connections, with no connections planned either as part of the LAP or the LTP. The nearest proposed active travel route is WC24, which does not propose to cross the N65. The proposed material alterations, including the amended LTP, provide no details for how this land will be accessed and, as such, it is unclear how the lands can be considered appropriate for zoning. This concern was also raised by Transport Infrastructure Ireland as part of its submission on the material alterations.

The zoning of the lands associated with MA35 and MA37 is inconsistent with LSST 54 of the draft LAP, as well as policy objectives PM4, PM6, GCTPS4, WC1 and WC4 of the Development Plan which seek to promote modal shift to sustainable transport options as well as ensuring that new developments are connected to the active travel network. These Development Plan policy objectives are included in response to section 10(2)(n) of the Act and the proposed zonings of these lands is contrary to the approach outlined in the Development Plan. The approach is also inconsistent with RPO 6.30, which outlines that planning at a local level should encourage services being within walking and cycling distance of local services. Given the location of the proposed lands on the opposite side of a national route from the town with no existing or proposed active travel connections, the proposed lands are not consistent with the approach outlined in these policies and objectives.



In relation to climate change, it is noted that with MA35 and MA37 proposed to be located outside the CSO settlement boundary and adjacent to a national route, it is likely that if the lands were developed it would lead to an increase of car-based trips. Such an approach is contrary to the Climate Action Plan as empowered by the *Climate Action and Low Carbon Development Act 2015*, as amended, which seeks to reduce car-based trips and specifically reduce vehicle kilometres by 20 percent. The Climate Action Plan also outlines the role of the local authority. In this regard it is noted that local authorities '*...are particularly critical to implementation and delivery in transport, owing especially to their role in the spatial and land use planning system...*'¹. The Office considers that the subject material alterations are not consistent with the approach outlined in the Climate Action Plan and are contrary to NPO 54 which seeks to integrate climate action into the planning system.

The lands associated with both MA35 and MA37 are adjacent to the N65 as well as the Monearmore Roundabout, with this location likely to increase the use of private cars if the lands are developed. In this respect, section 2.4 and section 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* states that development adjacent to national roads or their junctions should be avoided. Furthermore, these sections of the guidelines also outline that planning authorities should exercise particular care when providing zonings beside junctions along national routes and that potentially compromising the capacity and efficiency of the national road/associated junctions should be avoided.

As noted above there is not sufficient evidence provided with this proposed material alteration to consider that the proposed zoning is consistent with these guidelines. It is also considered that the location of this site is inconsistent with RPO 6.5 and policy objective NR.1 of the Development Plan, which seeks to protect the capacity and safety of national roads. Further to this, the proposed sites could also impact on the safety and capacity of the R350, therefore, the development of this site is also inconsistent with NNR2 of the Development Plan.

¹ Climate Action Plan 2024



The Office has reviewed the CE's Report which recommended that the lands associated with MA35 and MA37 should not be zoned. The CE's Report accepted the need for a proposed sports facility, however, the report recommended that an alternative site be zoned to achieve this purpose. The Office concurs with the findings of the CE's Report that the lands proposed to be zoned as part of MA35 and MA37 are inappropriate and that an alternative site, outlined in the CE's Report, is more appropriate. It is considered that identifying comprehensive review would be required prior to identifying a site for a sports facility. As such, the proposed material alterations and the submission associated with these lands do not provide sufficient evidence to justify these lands.

MA Recommendation 1 – Lands Zoned for Community Facilities uses

Having regard to the proposed zoning of community facilities land and the need for sustainable growth of compact development which prioritises travel by walking and cycling, to protect the capacity and safety of national roads, and to avoid development in areas at risk of flooding, and in particular to:

- policy objectives NR.1 PM4, PM6, GCTPS4, WC1 & WC4 of the Galway County Development Plan 2022-2028;
- RPO 6.5 and RPO 6.30;
- the Strategic Environmental Assessment Report on the material alterations and the draft Loughrea Local Area Plan 2024-2030 (the LAP);
- policy objective LSST 54 of the draft LAP;
- section 2.4 and 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012);
- *the Planning System and Flood Risk Management Guidelines* (2009);
- *the Climate Action Plan 2024* as empowered by *the Climate Action and Low Carbon Development Act 2015*, as amended,

the planning authority is required to make the LAP without the following Material Alterations:

- (i) MA35 – Rezone lands from Outside the Settlement Boundary to Community Facilities;
- (ii) MA36 – New Policy Objective LSST 86; and
- (iii) MA37 - Rezone lands from Outside the Settlement Boundary to Community Facilities.

2. Land use zoning for Employment uses

The Office, in its submission to the draft LAP, broadly welcomed the policies and objectives with regard to economic development and employment. Furthermore, the Office acknowledged importance of Loughrea as a Self-Sustaining Town.

The Office considers that there was sufficient lands provided as part of the draft LAP with a landbank of Industrial zoned lands to the west of the town, a landbank of Business and Technology zoned lands to the east of the town and a landbank of Business and Enterprise zoned land adjacent to the Town Centre.

The Office has concerns in relation to lands to the east of the town that are proposed as part of the material alterations to be zoned as Business and Technology (MA34). MA34 proposes 15.01 hectares of land for Business and Technology purposes, and the Office notes that there is no evidence-base provided to justify the scale of this zoning. Having reviewed the pattern of development in the settlement, it is noted that there is approximately two hectares of land available for Business and Technology purposes in the existing IDA Business and Technology Park which is on the opposite side of the Dublin Road to the location of MA34.

The Office accepts the justification for the zoning of additional Business and Technology lands, however, it is considered that given the lack of an evidence-basis for the zoning, the scale of the zoning should be reviewed with a view to re-

evaluating the extent of the lands zoned as part of MA34. Furthermore, section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities (2022)* (the *Development Plans Guidelines*) advises that the ‘...*proposed employment zonings must have a credible rationale, particularly with regard to location and type of employment*’. Section 1.4 of Appendix A of the *Development Plans Guidelines* also sets out an approach to enterprise and employment zonings which has not been considered as part of this assessment. The Office does not, therefore, consider that the material alterations document provides sufficient evidence to justify the quantity of lands zoned as part of MA34.

The Office’s conclusions in relation to MA34 are consistent with the approach of the CE’s Report which recommends that a portion of the lands be zoned for Business and Technology purposes. The Office requests that the planning authority review the scale of the proposed zoning for Business and Technology purposes associated with MA34.

MA Observation 1 – Lands Zoned for Employment Uses

Having regard to the provision of an evidence-based strategy for employment uses which is consistent with the proper planning and sustainable development of the area, and in particular to the following:

- an evidence-based rationale for both the requirement to zone lands and the location and type of employment in accordance with section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities (2022)* and the sequential approach to zoning for high intensity employment in accordance with Appendix A section 1.4,

the planning authority is requested to:

- (i) provide an evidence-based rationale for the overall quantity of land zoned as part of MA34; and
- (ii) reevaluate any lands which cannot be justified under (i) above.



In summary

The Office requests that your authority addresses the outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 20 of the Act must summarise these recommendations/observations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office **within five working days** of the decision of the planning authority in relation to the proposed material alterations to the draft LAP. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the LAP in such a manner as to be inconsistent with the recommendations of the Office, under the provisions of section 31AO(5) of the Act the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
