

26<sup>th</sup> June 2024

Planning Section,  
Áras an Chontae,  
JFL Ave.,  
Portlaoise,  
County Laois.

**Re: Draft Portlaoise Local Area Plan 2024-2030**

A chara,

Thank you for your authority's work on preparing the Draft Portlaoise Local Area Plan 2024-2030 (the draft LAP).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the draft LAP.

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft LAP under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act) and this submission has been prepared accordingly.

The Office's evaluation and assessment has had regard to the current county development plan, the Regional Spatial and Economic Strategy (RSES) for the Eastern Midland Regional Assembly (EMRA), and relevant section 28 guidelines.

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.

## **Overview**

The Office generally welcomes the preparation of the draft LAP, having regard to the statutory requirements for same under section 19 of the Act. The document is reasonably concise, logically set-out, supported by mapping and illustrations, as appropriate, and is therefore accessible for members of the general public.

The Office welcomes the preparation of a detailed Local Transport Plan (LTP) in conjunction with the draft LAP, which takes account of the current transport policy of Government, and sets out a wide range of measures in respect of all transport modes and transport infrastructure. However, there is a need to better integrate the draft LTP into the draft LAP in order to ensure that the measures proposed are implemented as part of the draft LAP.

The Office also welcomes the inclusion of detailed briefs for opportunity sites and masterplans in the draft LAP to deliver urban regeneration, brownfield development and integrated urban expansion consistent with the zoning and development objectives of the Laois County Development Plan 2021-2027 (Development Plan). However, the Office has concern about the inclusion of Masterplan Site 3, which does not have sufficient basis in the Development Plan.

The Office welcomes the inclusion of a dedicated chapter on climate action in the draft LAP, which includes appropriate, positive objectives and provisions. However, the draft LAP misses the opportunity to reference and support the implementation of the recently adopted Laois Climate Action Plan 2024-2029.

The Office generally accepts the projected housing target for Portlaoise as an indicative target beyond the scope of the core strategy in the Development Plan. It is important, however, that the draft LAP also considers and plans for supporting community

infrastructure to accommodate residential growth, including the delivery of schools, in an integrated manner taking account of site accessibility.

Finally, the Office welcomes the commitment to monitoring the implementation of the LAP through the inclusion of a dedicated chapter. The Office encourages the planning authority to expand on this through the provision of a more detailed systematic approach to monitoring the implementation of key objectives or actions.

It is within this context the submission below sets out three (3) recommendations and two (2) observations under the following themes:

Key theme	Recommendation	Observation
<a href="#">Consistency with the Development Plan</a>	<a href="#">1</a>	
<a href="#">Transport and Accessibility</a>	<a href="#">2</a>	
<a href="#">Climate Action</a>	<a href="#">3</a>	
<a href="#">Community facilities</a>		<a href="#">1</a>
<a href="#">Implementation and monitoring</a>		<a href="#">2</a>

## 1. Consistency with the Development Plan

### 1.1 Development approach to southeast Portlaoise

The settlement boundary and zoning objectives have been determined under the Development Plan, consistent with the requirement for objectives to promote sustainable settlement and transportation strategies to reduce greenhouse gas emissions under section 10(2)(n) of the Act, as set out under section 3.4 of the Development Plan, including objective CM ST 9 which seeks to '*promote more compact development forms that reduce overall demand for private transport*'.

The draft LAP makes provision for an increase in population in addition to that in the core strategy, as the period of the draft LAP extends approximately three years beyond the Development Plan, which the Office considers justified. The draft LAP considers there to be sufficient land zoned to accommodate the additional growth, based on an indicative density of 35 units per hectare, and proposes no additional zoning.

While no zoning has been proposed in the draft LAP, it includes objectives and/or development guidance for several significant sites through the inclusion of masterplans and opportunity sites within the written statement, or as detailed appendices thereto. The Office welcomes this approach as good practice.

However, the draft LAP also proposes Masterplan Site 3 Portlaoise Southeast (c.26ha), which largely falls outside the settlement boundary, for which no infrastructure or settlement capacity audit has been prepared, and which has not been fully integrated into the sustainable transport networks of the town through the LTP.

Unlike for the other masterplans or opportunity sites, the draft LAP provides no guidance on the nature of development that would be accommodated on these lands, or projected timelines or phasing for same in the context of the lands already zoned under the Development Plan.

The Office also notes that there are extensive zoned and undeveloped lands available for development closer to the centre of the town than the masterplan lands. The masterplan lands do not therefore represent a sequential approach to development in accordance with Policy Objective CS 14, HPO 6 and HPO 11 of the Development Plan, and having regard to the policy and objective for the sequential approach under the *Development Plans, Guidelines for Planning Authorities (2022)* (the Development Plans Guidelines).

Furthermore, only c.2.7ha of the site is zoned for development during the period of the Development Plan, the balance is non-zoned land and the Development Plan does not provide for the development of non-zoned land. The majority of the land encompassed are not zoned (c.14ha), with the balance (c.9.7ha) zoned Strategic Reserve. The unzoned portion of the subject masterplan area is located almost entirely outside the CSO 2016 Settlement Boundary, inconsistent with RPO 4.2 and Development Plan Policy Objectives CD 05, CS 14 and CM BE 1 for compact growth.

The Office considers, therefore, that the proposed masterplan represents an uncoordinated approach to the future development of the southeast periphery, inconsistent with the development plan policies and objectives for a compact, sustainable and sequential approach to development and Policy Objective HPO 6 which seeks to plan for future housing in a coordinate manner to create sustainable communities.

## Recommendation 1 – Development approach to southeast Portlaoise

Having regard to:

- the settlement boundary for Portlaoise and land use zoning objectives under the Laois County Development Plan 2021-2027 (the Development Plan);
- Policy Objectives CD 05, CS 14 and CM BE 1 for compact growth, Policy Objectives CS 14, HPO 6, HPO 11, and Policy and Objective HPO 6 for coordinated development under the Development Plan;
- RPO 4.2 of the EMRA Regional Spatial and Economic Strategy for compact growth; and
- climate objective CM ST 9 of the Development Plan and the *Climate Action and Low Carbon Development Act 2015, as amended*,

the planning authority is required to omit Masterplan Site 3 and to reinstate the settlement boundary for Portlaoise as determined under the Development Plan.

## 2. Transport and Accessibility

The Office welcomes the publishing of the detailed draft LTP in tandem with the draft LAP, as required under RPO 8.6 of the RSES and Policy Objective CS 08 and TRANS 5 of the Development Plan, within the context of the National Sustainable Outcome for sustainable mobility, mandatory climate change objectives under the *Climate Action and Low Carbon Development Act 2015, as amended* (the Climate Act) and the actions relating to transport under the *Climate Action Plan 2024*.

The aforementioned Policy Objective TRANS 5 states that the LTP shall be carried out in accordance with the '*Area Based Transport Assessment (ABTA) Guidance Document (PE-PDV-02046)*'. The said Guidance states that '*ABTA can address the need to integrate national and regional transport policies and objectives into local level land use plans and significant development areas*' and the ABTA is envisaged as forming part of the plan. The National Transport Authority (NTA) *Area Based Transport Assessment Advice Note - December 2018*, states that the ABTA will directly input into the objectives of the plan.

The Office notes and welcomes the preparation of the draft LTP using the ABTA methodology. In particular, the LTP supports the better integration of land use and transport planning for Portlaoise by including a range of positive measures to improve walking, cycling and public transport networks in the town taking account of the land use zoning objectives. The implementation of these measures will be critical to achieving the modal share targets for sustainable and active travel in the Development Plan.

While the draft LTP sits alongside the draft LAP, the Office is concerned that the measures, modal shift targets and network proposals in the draft LTP have not been integrated into the draft LAP. Given the statutory basis of the LAP and non-statutory nature of the LTP, this creates uncertainty in terms of effective implementation of the subject measures and the achievement of modal shift targets in the Development Plan and in the draft LTP.

The draft LAP should therefore be amended to include concrete objectives to implement the measures and/or objectives included in the draft LTP. The draft LAP should also include relevant maps from the draft LTP, including those indicating new / upgraded permeability connections, CycleConnects network, proposed town bus network, proposed interventions related to Portlaoise Railway Station and the growing Portlaoise Active Travel network.

The Office further notes that the key transport objectives in the draft LAP (section 11.5.1) do not align with those in section 5 of the draft LTP. While the Office accepts that both sets of objectives have merit, it is important that the transport objectives in the draft LAP align with those determined in the evidence-based draft LTP, having regard to the current transport policy framework.

In this regard, the Office notes that while the draft LTP refers correctly to the Government's transport policy framework as determined by the Department of Transport, including the *National Sustainable Mobility Policy (2022)* and the *National Investment Framework for Transport in Ireland (2021)*, the draft LAP refers to obsolete transport policy. The draft LAP should be amended to refer to and to fully reflect current national transport policy, which will require a review and revision of the policies and objectives relating to transportation and mobility in the draft LAP.

The Office generally supports the detailed submission of the NTA and Transport Infrastructure Ireland (TII), including the recommended amendments to the measures of

the draft LTP to better reflect national transport policy, standards, publications and statutory roles of the NTA and TII.

In relation to the provision of a park and ride facility (Objective TM 04) and public transport interchange (Objective TM 06), the Office notes the concerns of the NTA and TII and advises that the location of these facilities should be agreed with the transport authorities as part of the evidence-based LTP, and thereafter given clear policy support in the LAP to support the delivery of this important infrastructure. The planning authority is therefore advised to resolve these matters prior to the adoption of the LAP to ensure an integrated approach to land use transport planning for Portlaoise.

The Office also notes that the transport interchange is referred to as a public transport interchange in the LTP but a transport interchange in the LAP. The nature of this facility should be clarified.

Further, having regard to the location of Portlaoise adjacent to the M7, the planning authority should ensure that when incorporating the measures and objectives of the LTP into the LAP, the wording of Measure JN 1 Development Management of Junctions in the draft LTP should be amended for consistency with the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) and policy objectives TRANS 1 and TRANS 16 in the Development Plan. Specifically, the development management of junctions should avoid the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50 kmh applies, thereby maintaining their strategic function.

### Recommendation 2 – Integrated land use and transport planning

Having regard to the need to provide for sustainable transport and, in particular:

- Policy Objectives CS 08 and TRANS 5 of the Laois County Development Plan 2021-2027 (Development Plan);
- RPO 8.6 of the RSES; and
- the *Climate Action and Low Carbon Development Act 2015, as amended*, mandatory target to reduce greenhouse gas emissions by 51%, and the *Climate Action Plan 2024*, and associated actions including the National

Sustainable Mobility Policy (2022) (NSMP) targets to reduce vehicle kilometres travelled per year and the National Investment Framework for Transport in Ireland (2021) (NIFTI);

the planning authority is required to:

- (i) amend the draft LAP to correctly refer to and fully integrate through proposed policies, objectives, measures and associated text, the current Government transport policy framework, as issued by the Department of Transport, including the NIFTI and NSMP, and to omit all superseded transport policy;
- (ii) amend the draft LAP to incorporate the measures, targets, objectives and proposed modal networks of the draft LTP into the draft LAP, ensuring consistency with the provisions for the management of junctions (measure JN 1) and the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) and policy objectives TRANS 1 and TRANS 16 in the Development Plan; and
- (iii) clarify the nature of the proposed transport interchange (Objective TM 06) and review the LTP and associated provisions in the LAP in consultation with the NTA and TII, to agree locations for the Park and Ride facilities and transport interchange, and where required amend the provisions of the draft LAP according, for example Objectives TM 04 and TM 06.

### 3. Climate Action

The Office welcomes the inclusion of a chapter (section 5) on climate change in the draft LAP. The chapter to identify the key components for positive climate change and demonstrates how it has been integrated as a cross-cutting measure in the draft LAP. The policies and objectives in section 5 are considered generally positive and appropriate.

However, while the chapter takes account of the designation of Portlaoise as an official decarbonisation zone and the Laois County Council Climate Adaptation Strategy 2019 – 2024, the draft LAP does not acknowledge the Laois Climate Action Plan 2024-2029 (Laois CAP) which was adopted in January 2024 in accordance with the Climate Act.

There is no clear obligation for the draft LAP to be consistent with the Laois CAP in this instance, as it postdates the making of the Development Plan, and the requirements in respect of same under section 10(2)(n) of the Act do not apply. However, Policy Objective CA 1 of the Development Plan seeks to support and facilitate European and national objectives for climate adaption and mitigation and RPO 3.7 requires local authorities to have regard to targets and climate commitments in the National Adaption Framework, while NPO 54 seeks to reduce out carbon footprint by integrating climate action into the planning system. Therefore, in line with best practice, the implementation of the Laois CAP should be facilitated and supported through the draft LAP.

In this regard, while many of the measures are already reflected in the draft LAP, such as in relation to transportation, there is scope to clarify and strengthen measures with reference to the Laois CAP. Where those measures are not reflected in the draft LAP, it would be appropriate to include additional objectives and/or provisions to support the measures of the Laois CAP. For example, there is no reference to the potential for reuse of waste heat through district heating in the draft LAP, consistent with action 47 of the Laois CAP. In this regard, a policy approach to the reuse of waste heat (renewable heat) could be considered, particularly in the context of potential for waste heat generated through future development in the N7 National Enterprise Park / Togher Masterplan Area.

### Recommendation 3 – Climate Action

Having regard to:

- the Climate Action and Low Carbon Development Act 2015, as amended, mandatory target to reduce greenhouse gas emissions by 51%;
- RPO 3.7 of the EMRA Regional Spatial and Economic Strategy;
- Policy Objective CA 1 of the Laois County Development Plan 2021-2027;  
and
- the Laois Climate Action Plan 2024 (Laois CAP);

the planning authority is required to review and revise the draft LAP, having regard to the Laois Climate Action Plan 2024, to:

- (i) provide for alignment between the draft LAP and the relevant climate adaptation and mitigation actions through the policy objectives; and
- (ii) in particular, to ensure consistency with action 47 of the Laois CAP, concerning waste heat, including having regard to the potential for the reuse of waste heat arising from future development of the N7 National Enterprise Park / Togher Masterplan Area.

#### 4. Community facilities

The draft LAP makes provision for 314 additional residential units to 2030, beyond the period of the core strategy. Although this can only be regarded as an indicative target in the context of the core strategy of the Development Plan, pending its review, the draft LAP targets provide a clear indication of the future growth trajectory for Portlaoise.

NPO 31 seeks to align targeted population growth with provision of school facilities. RPO 9.21 requires an assessment of school need in areas where significant new housing is proposed and to designate a new school site or sites at accessible, pedestrian, cycle and public transport friendly locations. It is a policy objective of the Development Plan, EDPO 9, to undertake a feasibility study for Portlaoise for the provision of a school / education infrastructure and, EDPO 1, to comply with *The Provision of Schools and the Planning System A Code of Practice for Planning Authorities* (2008), or any update thereof, and TGC-025 and TGD-027, as updated.

Having regard to the growth targets included in the draft LAP, the planning authority should carry out an assessment of school need in collaboration with the Department of Education to ensure that the draft LAP facilitates the delivery of future education facilities commensurate with potential population growth.

#### Observation 1 – School site

Having regard to the housing growth targets included in the draft LAP and the need to align targeted population growth with provision of school facilities, the planning

authority is requested to carry out an assessment of school need in collaboration with the Department of Education.

Where it is determined that there will be demand for additional facilities, the draft LAP should identify suitable potential locations for a future school site or sites at accessible, pedestrian, cycle and public transport friendly locations and policy mechanisms to reserve such lands to accommodate same.

## 5. Implementation and Monitoring

Section 6.5 of the *Local Area Plan Guidelines for Planning Authorities* (2013) states that planning authorities are encouraged to periodically review the success or otherwise of the implementation of the policies and objectives of a local area plan by effective monitoring systems such as reviewing the progress in securing the objectives of the development plan in accordance with section 15 of the Act.

The Office welcomes the inclusion of a chapter on Implementation and Monitoring in the draft LAP, however it considers that a more prescriptive, systematic approach to monitoring would better assist the planning authority in implementing the key objectives / actions of the draft LAP. In this regard, the Office would direct the planning authority the guidance provided in chapter 10 of the *Development Plans Guidelines* and to the approach applied by Limerick City and County Council in its local area plans, which identifies lead responsibility and a timeline for implementation of actions, as good practice.

### Observation 2 – Monitoring and Implementation

Having regard to the duty and function of the planning authority under section 15(1) and 15(2) of the *Planning and Development Act 2000*, as amended, (the Act), the planning authority is requested to review the proposed provisions of the draft LAP concerning implementation and monitoring to provide a more detailed systematic approach to monitoring the implementation of key objectives and / or actions of the draft LAP.

## Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 20 of the Act must summarise these recommendations and the manner in which they will be addressed. Where your authority decides not to comply with the recommendations of the Office, made in the draft LAP and report, please outline the reasons for the decision in the chief executive's report.

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](mailto:plans@opr.ie).

Is mise le meas,

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A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive style with a diagonal slash at the end.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations

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