

16th July 2024

Forward Planning,
Mayo County Council,
Aras an Chontae,
The Mall, Castlebar,
Co. Mayo,
F23 WF90.

#### Re: Material Alterations to Draft Ballina 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 Ballina Local Area Plan 2024-2030 (the draft 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, 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) and relevant section 28.



#### Overview

As outlined in the Office's submission to the draft LAP, the Office concluded that there were inconsistencies between the core strategy of the Mayo County Development Plan 2022-2028 (the Development Plan) and the housing targets in the draft LAP; further detail was required in the settlement capacity audit; measurable targets were required for reduction of building vacancy; Enterprise and Employment zonings needed to be revised; that the clearer policies and objectives were required for the delivery of the Local Transport Plan (LTP) and that the requirement for Eastern bypass should be reviewed; and the Strategic Flood Risk Assessment should also be reviewed to ensure consistency with the requirements of the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines).

Accordingly, the Office considered it necessary to make six recommendations on the draft LAP.

The Office is generally satisfied that the proposed material alterations to the housing target has properly aligned the draft LAP with the core strategy as required under Recommendation 1 of the Office's submission to the draft LAP, and that objective DSO 11 provides appropriate reference to the *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities* (2024) (Compact Settlement Guidelines). However, the settlement capacity audit has not been supplemented with the additional information having regard to the requirements of Recommendation 2, nor with respect to the proposed additional zonings.

The Office welcomes the stated intention of the chief executive to insert measurable targets for reduction of vacancy in the town centre in the final LAP and looks forward to reviewing same, having regard to Recommendation 3 of the Office's submission to the draft LAP.

The amended text to section 7.5.4 and to MTO 9 are considered generally compliant with Recommendation 4 Office's submission to the draft LAP concerning transport



and mobility, and the Office looks forward to reviewing the map of the key active travel measures of the LTP in the final adopted LAP.

However, the Office is not satisfied that the planning authority has justified the continued inclusion of objectives for the eastern bypass, having regard to SO 4 and SO 12 and MTO 1 of the Development Plan, and Government transport policy *National Sustainable Mobility Policy* (2022) (NSMP) and the *National Investment Framework for Transport in Ireland* (2021), in addition to the actions under the *Climate Action Plan 2024* (Climate Action Plan) and the targets of the *Climate Action and Low Carbon Development Act 2015*, as amended (the Climate Act).

The Office is generally satisfied that the planning authority has addressed the flood risk concerns raised under Recommendation 5 of the Office's submission to the draft LAP. Further, the Office welcomes MA 26, which proposes to rezone Enterprise and Employment site NEE8, and acknowledges the position of the chief executive concerning the Strategic Enterprise and Employment site to the northeast, having regard to Recommendation 6 of the Office's submission to the draft LAP.

The Office welcomes the relatively limited number of material alterations proposed to the draft LAP, many of which positively respond to the submission of the Office or other prescribed authorities, and others, such as the inclusion of an additional Opportunity Site (MA 11), which support national and regional policies on regeneration. The Office accepts the majority of the proposed material alterations.

However, the Office has concerns about several of the proposed material alterations of land use zoning objectives to/from New Residential, due to site location, servicing, accessibility and constraints issues, and in circumstances where more than sufficient land has been zoned relative to the requirements identified in the core strategy. In this regard, constraints include necessary protection of built heritage. The Office also has concerns about a material alteration of land use zoning objectives to Edge of Town Centre, due to conflicts with regional and county development objectives concerning retail and regeneration. The Office has included recommendations in



relation to these matters to ensure that the adopted LAP provides for the sustainable development of Ballina over the plan period.

Finally, the Office commends the planning authority for the clear and systematic formatting of the extensive material alterations to the draft LAP. In particular, the planning authority provides direct reference linkage to the submission to which a specific material alteration relates, and the Chief Executive's Report (CE's Report). This enabled the Office to better understand the reasons of the planning authority in pursuing the subject alterations.

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

Key theme	MA Recommendation	MA Observation
Residential zoning, compact	MA Recommendation 1	-
growth and infrastructural services		
Town Centre	MA Recommendation 2	-
Built heritage	MA Recommendation 3	-

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 recommendations made by the Office in order to ensure consistency with the relevant policy and legislative provisions. 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 therefore requested by the Office to give full consideration to the advice contained in a submission.



# 1. Residential zoning, compact growth and infrastructural services

The proposed material alterations included ten material alterations relating to the zoning of lands for New Residential<sup>1</sup>, including MA 32 which removes a New Residential zoning in favour of Recreation and Amenity. Together the material alterations result in a net increase of c.34ha, or a c.116% increase over the draft LAP zoning of c.29ha. The CE's Report confirms that the zonings of the draft LAP were sufficient to meet the core strategy of the Development Plan, which sets a target of 511 housing units for Ballina.

The c.29ha of New Residential lands zoned in the draft LAP has a potential gross yield of 1,015 units or c.2,500 people, based on a density of 35 units per hectare (uph) under the Compact Settlement Guidelines. More than sufficient land was therefore proposed in the draft LAP to implement the core strategy.

The amended area would have the potential to deliver 2,205 housing units, or a population increase of c.5,700 people, compared to a town population of 11,160 in 2021. The proposed material alterations are, therefore, clearly inconsistent with the core strategy of Development Plan to facilitate 511 units.

Further, this does not take account of the potential housing yield of the Opportunity Sites, or infill and regeneration sites in the Town Centre and on Existing Residential and other land use zones, which it is an objective at national, regional and county level to implement. It is a target of the draft LAP (table 2.2) to deliver 105 units in such areas.

The excessive zoning of greenfield land as New Residential will undermine the strategic goal of the draft LAP for town centre regeneration and is inconsistent with objective CSO 4 of the Development Plan which seeks:

To move towards more compact towns by promoting the development of infill and brownfield / consolidation / regeneration sites and the redevelopment of

<sup>&</sup>lt;sup>1</sup> MA 28 also amends the zoning of an 'Existing Residential' site, also referred to in this submission.



underutilised land within and close to the existing built-up footprint of existing settlements in preference to edge of centre locations.

It is also inconsistent with Development Plan objective SSO 3, which requires the consolidation of the footprint of Ballina through a focus on regeneration of the town centre infill and brownfield sites; and objective SSO 6, which seeks to strengthen the core of settlements through development of infill-sites, brownfield lands, derelict and vacant sites within the existing footprint of settlements and to develop outwards from the centre in a sequential manner. It is also inconsistent with RPO 3.9 and RPO 7.20 for regeneration and with the associated RSES key future priority for regeneration of the Ballina town core.

The zoning of such extensive additional lands, particularly without the carrying out of a detailed settlement capacity audit and infrastructure assessment, will also have significant implications for the cost and timing of delivery of infrastructural services during the plan period and does not make efficient and effective use of existing infrastructure and services. This does not have regard to the policy and objective that zoning is informed by a settlement capacity audit under section 6.2.1 of the *Development Plans, Guidelines for Planning Authorities* (2022). Uisce Éireann (UÉ) states that long network extensions may be required to service some sites, localised network upgrades may also be required, and that there may also be a requirement to upgrade some wastewater pumping stations. This approach is, therefore, inconsistent with Objective GSO 1 of the Development Plan to avoid the inappropriate extension of services and utilities.

Further, the extensive zoning of more peripheral sites will facilitate dispersed and, potentially, lower density development, located at a greater distance from retail and community services and from employment. This development will be more difficult and expensive to serve with active and sustainable travel infrastructure inconsistent with Development Plan objective SO 12 and MTO 5. It will not encourage modal shift to active and sustainable modes, inconsistent with MTO 4, and will undermine the achievement of the modal shift targets in table 7.3 of the draft LAP inconsistent with MTO 7. The proposed approach is therefore contrary to the NSMP and will



undermine the achievement of the Climate Action Plan actions, designed to significantly reduce vehicular KMs travelled per annum, and undermine the achievement of the statutory targets for greenhouse gas (GHG) emissions under the Climate Act.

One of the proposed material alterations, MA 32, removes c.1ha of New Residential from a centrally located, infill and part-backland c.140m walking distance to the town centre, adjacent the north of the Glebe. Another material alteration, MA 28, removes c.0.8ha of Existing Residential, infill site south of the Glebe, c.440m walking distance to the town centre. The development of these sites for residential development would be inconsistent with compact growth, infill development and regeneration and with sustainable settlement and transport strategies. Therefore, the Office encourages the planning authority to reconsider these alterations.

Conversely, a significant number of material alterations are proposed to zoned land for residential use in peripheral locations which are not consistent with the objective for the compact, sustainable and sequential growth of Ballina set out in the Development Plan.

The majority of MA 30 (c.7.8ha) in Laghtadwannagh, falls outside the CSO settlement boundary, inconsistent with the objectives for compact growth and is therefore inconsistent with RPO 3.1 and RPO 3.2(c) and with Development Plan objectives CSO 5. MA 36 (6ha), also in Laghtadwannagh, relates to the adjoining lands to the south. Both of these sites leapfrog extensive lands closer to the centre of the settlement zoned for residential development or as Strategic Reserve, inconsistent with the growth of the town in a sequential manner outwards from the core area and do not have regard to the policy and objective to apply the sequential approach under section 6.2.1 of the Development Plans Guidelines. They are also inconsistent with aforementioned regional and county development objectives for regeneration. The peripheral location of these site also means that any future development will be overly car dependant contrary to the objectives for modal shift to active and sustainable modes in the development plan, in accordance with the Climate Action Plan and the Climate Act.



The Office also notes that neither site has been the subject of a settlement capacity assessment, and that UÉ considers that the development of these lands may necessitate strategic upgrades.

In addition, MA 30 and MA 36 overlap with flood risk zone A/B for which they have not passed the plan making justification test. The zoning of land vulnerable to flooding without passing the plan making justification test does not have regard to Flood Guidelines, and is inconsistent with RPO 3.10 to ensure flood risk management avoids inappropriate development at risk of flooding and to implement the Flood Guidelines, and with Development Plan objective INP 14 to have regard to the Flood Guidelines in the preparation of plans.

Two material alterations, MA 29 (c.3.1ha) in Gorteen and MA 31 (c.0.9ha) on Station Road, entail the alteration of lands zoned Enterprise and Employment in the draft LAP, to New Residential. Both sites are serviced, according to the SCA of employment lands attached to the draft LAP. While MA 29 is situated outside the CSO settlement boundary and at a greater distance from the town centre, MA 31, regardless of its location inside the said boundary would be an isolated residential site. Neither site is sequential as they leapfrog extensive lands closer to the centre of the settlement zoned for residential development or not zoned for development (i.e. zoned Agriculture). These material alterations are also inconsistent with active and sustainable modes of transport and the reduction in GHG emissions for transport.

Regarding MA 29, the Office agrees with the chief executive that, in view of proposal to down-zone NEE8 in compliance with the recommendations of the Office and the North and Western Regional Assembly, it is important to retain the other Enterprise and Employment zonings to accommodate future employment growth for Ballina. The Office agrees with the chief executive that retention of Enterprise and Employment lands at MA 31 would be appropriate in order to accommodate future expansion of enterprise and employment at a strategic location on road and rail network.



Further, Transport Infrastructure Ireland (TII) has confirmed that MA 29 is within the Constraints Study Area for the N26 Bypass Phase 1 Scheme Constraints Study and the Constraints Study Area of the longer term Development Plan objective, MTO 30, to progress scheme to the east of Ballina included Area Eastern Bypass (i.e. the N59 / N26 Eastern Bypass of Ballina). Therefore, having regard to section 2.9 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) (the National Roads Guidelines), the proposed material alteration is inconsistent with MTO 30, with RPO 6.5 to enhance the capacity and safety of the national road network, and does not have regard to the National Roads Guidelines.

MA 33 (c.0.7ha) and MA 34 (c.0.1ha) proposed to rezone land from Agriculture and from Recreation & Amenity, respectively, to New Residential at Garrankeel. These sites, located outside the CSO boundary at almost 2.2km walking distance to the town centre, are highly isolated, non-sequential, and are not consistent sustainable travel patterns.

MA 35, is a c.15ha site to the southeast of the town at Abbeyquarter. This site would represent half of the land requirement for Ballina in the core strategy. The site is almost fully outside the CSO boundary and is therefore inconsistent with the regional and county policies and objectives for compact and sequential growth, and sustainable travel patterns.

The Office also notes that the site has not been the subject of a settlement capacity assessment, and that UÉ states that this very large site is likely to necessitate strategic upgrades, including pumping station upgrades.

In addition, MA 35 overlaps with flood risk zone A/B for which it has not passed the plan making justification test and the subject alteration therefore does not have regard to the Flood Guidelines and is inconsistent with RPO 3.10 and with objective INP 14 of the Development Plan. Further, TII has confirmed that MA 35 is also within the constraints study areas for the Ballina N59/N26 Eastern Bypass.

Finally, the Office notes MA 37, which proposes to rezone 1.6ha Education land to New Residential at Convent Hill Avenue. The Office acknowledges the concerns of



the chief executive in respect of this site, but is of the view that the site, if planned and developed in tandem with the New Residential lands to the north, has the potential to provide a permeable residential neighbourhood close the town centre consistent with regional and county objectives for compact growth and urban regeneration.

## MA Recommendation 1 – Residential land use zoning

Having regard to the provision of new homes at locations that can support compact and sustainable development and the co-ordination of land use zoning, infrastructure and services, including sustainable travel patterns, and in particular to:

- the Regional Spatial and Economic Strategy including RPO 3.1 and 3.2(c) compact growth; RPO 3.9, RPO 7.20 and key future priority for Ballina town centre regeneration; RPO 3.10 flood risk management; and RPO 6.5 capacity and safety of national roads;
- the Mayo County Development Plan 2022-2028, including: the core strategy and associated objective GSO 1; objectives CSO 5 compact growth; CSO 4, SSO 3 and SSO 6 regeneration, compact, sequential and sustainable growth; SO12, MTO 4, MTO 5 and MTO 7 in relation to active and sustainable transport and modal shift; MTO 30 to progress national road schemes; and INP 14 flood risk management;
- the Development Plans, Guidelines for Planning Authorities (2022) in respect of the policy and objective under section 6.2.1 for zoning to be informed by the settlement capacity audit, and the policy and objective under section 6.2.3 to implement a sequential approach to zoning;
- the Planning System and Flood Risk Management Guidelines (2009), as amended;



- the Spatial Planning and National Roads Guidelines for Planning Authorities (2012);
- the infrastructural assessment and settlement capacity audit in Appendix 1; and the total area of land proposed to be zoned New Residential; and the modal shift targets under the draft Ballina Local Area Plan 2024-2030, as proposed to be amended; and
- the Government's National Sustainable Mobility Policy (2022), the Climate Action Plan 2024 and the Climate Action and Low Carbon Development Act 2015, as amended,

the planning authority is required to make the Plan without the following material alterations:

- (i) MA 29 (c.3.1ha), Gorteen;
- (ii) MA 30 (c.7.8ha), Laghtadwannagh;
- (iii) MA 31 (c.0.9ha), Station Road;
- (iv) MA 33 (c.0.7ha), Garrankeel;
- (v) MA 34 (c.0.1ha), Garrankeel;
- (vi) MA 35 (c.15ha) Abbeyquarter; and
- (vii) MA 36 (c.6ha) Laghtadwannagh.

### 2. Town centre

It is an objective of the Development Plan, EDO 42, 'To promote and reinforce all town centres in the county as primary shopping areas'; EDO 43, 'To adhere to the principle of 'sequential approach' in the consideration of retail applications located outside of core retail areas'; and, EDO 48, 'To support retail in town and village centres through the sequential approach, as provided within the Retail Guidelines, and to encourage appropriate development formats within the town and village centres.' These objectives are consistent with RPO 4.45, in supporting the



sequential approach to retail in line with the *Retail Planning Guidelines for Planning Authorities* (2012), and with RPO 4.47 in favour of the reuse and restoration of town centre buildings for use as retail space.

A Key Future Priority of the RSES for Ballina is the

Regeneration within the town core particularly in the Market Square/Military
Barracks area and regeneration of the riverside along the River Moy is crucial
to facilitate an enterprise-led regeneration of the town centre.

It is an objective, RPO 3.9, to identify regeneration sites, and RPO 7.20, to provide for area of site based regeneration.

In this regard, the draft LAP includes 11 Opportunity Sites (including MA 11) in the core area of the town, nine of which are zoned either Town Centre or Edge of Town Centre. Together they form a well-considered, strategic approach to the regeneration of the centre of the town, consistent with the development objectives under the RSES.

However, MA 38 proposes to rezone c.1.6ha of land from Education to Edge of Town Centre, which is not contiguous to, and remote from, those areas zoned Edge of Town Centre and Town Centre in the draft LAP, and inconsistent with the aforementioned objectives of the Development Plan and of the RSES. Further, the proposed objective conflicts with and would undermine the stated objective of the draft LAP for LUZ 2 -Town Centre Inner (TCI) and Edge of Town Centre (TCO) zoning objectives, which is 'To maintain and enhance the vitality, viability and environment of the town centre and provide for appropriate town centre uses'.



# MA Recommendation 2 - Edge of Town Centre

Having regard to the provision of retail and services that contribute to the regeneration of the centre of the settlement, and in particular:

- the Regional Spatial and Economic Strategy including RPO 4.45 to apply the sequential approach, and RPO 4.7, RPO 3.9 and 7.20 regeneration, and key future priority for Ballina town centre regeneration;
- the Mayo County Development Plan 2022-2028, including: EDO 42, EDO 43 and EDO 48 to reinforce town centres and apply the sequential approach; and
- the draft Ballina Local Area Plan 2024-2030, including the strategic
  approach taken to regeneration of the Town Centre and the Edge of Town
  Centre through the considered designation of Opportunity Sites; and the
  stated objective for the LUZ 2 -Town Centre Inner (TCI) and Edge of Town
  Centre (TCO),

the planning authority is required to make the LAP without MA 38.

#### 3. Built heritage

It is an objective of the Development Plan, BEO 9, to 'To ensure the protection and sympathetic enhancement of buildings and structures included and proposed for inclusion in the Record of Protected Structures', and, BEO 10, 'to protect the setting of protected structures...'. It is the policy under the draft LAP BEP 9 to 'Maintain, conserve, and protect the architectural quality, character and scale of Ballina' and it is an objective of the draft LAP, BEO 2, to 'Preserve the protected structures and their settings in Ballina on the Record of Protected Structures'. These policies and objectives are consistent with RPO 5.14 'to support the conservation of ... built heritage, being structures that are of special ... interest...'.



MA 27 proposes to zone 0.1ha of Recreation and Amenity land as New Residential immediately adjacent a protected structure, Ballina RPS no.4 'Entrance Arch'. The Office shares the concerns of the CE chief executive that the proposed alteration is inconsistent with the aforementioned policies and objectives.

### MA Recommendation 3 – Built heritage

Having regard to the provisions for the protection of built heritage and, in particular:

- the Mayo County Development Plan 2022-2028, including: objectives BEO
   9 and BEO 10, protection of built heritage; and
- the Regional Spatial and Economic Strategy including RPO 5.14, conservation of built heritage,

the planning authority is required to make the LAP without MA 27.

#### **Summary**

The Office requests that your authority addresses the recommendations 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.

At the end of the process, your authorities are required to notify this Office within **five working days** of the making of the draft LAP under section 31AO(5) of the Act. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the draft LAP in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must, in the notice letter, 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