

29th October 2024

OPR Ref: MA-057-22 er 2024

Laois County Council,

Senior Planner,

Áras an Chontae,

JFL Avenue,

Portlaoise,

Co. Laois.

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

A chara,

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

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 Laois County Development Plan 2021- 2027 (County Development Plan), the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly and relevant section 28 guidelines.

The Planning Authority is advised that section 12(10) of the Act provides the members of the Planning Authority with scope to make a further modification to the

material alterations subject to the limitations set out in subsection 10(c) parts (i) and (ii).

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 also 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 acknowledges the significant work undertaken by the Planning Authority in preparing the material alterations and in responding positively to the many issues raised by the Office through the three (3) recommendations and two (2) observations made in the Office's submission to the draft Portlaoise Local Area Plan 2024-2030 (the draft Local Area Plan).

The Office welcomes the inclusion of the appropriate measures and objectives of the recently adopted Laois Climate Action Plan 2024-2029.

In particular, the Office acknowledges the positive response of the Planning Authority to integrate the objectives and modal measures from the draft Local Transport Plan (LTP) into the draft Local Area Plan ensuring the measures proposed therein are implemented as part of the Local Area Plan and on a statutory footing. There are additional active travel measures which the Office considers should be transposed across and an observation is set out below.

The Office notes the amendments to the boundary of masterplan site 3 (south east of the town), in accordance with Recommendation 1 of the Office's submission on

the draft Local Area Plan. It is requested that the active travel provisions from the LTP specifically for this masterplan area are integrated into the Local Area Plan.

In respect of the Office's observations, the inclusion of a new time specific Policy Objective CSC 10, to address the need for additional consideration of schools' delivery within the town, is welcomed (MA 41).

Regarding implementation and monitoring the Office welcomes the measures proposed, but considers that further clarity and commitment could be provided to support the realisation of the Local Area Plan.

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

Key theme	Recommendation	Observation
Consistency with the County	-	Observation 1
Development Plan		
Transport and accessibility	-	Observation 2
Monitoring and implementation	-	Observation 3

1. Consistency with the County Development Plan – development approach to southeast Portlaoise

The Recommendation 1 of the Office's submission on the draft Local Area Plan, required the Planning Authority to 'omit Masterplan Site 3 and to reinstate the settlement boundary for Portlaoise as determined under the Development Plan'.

The Office welcomes the amendment to the town boundary ensuring consistency with the County Development Plan. The retention of masterplan 3 is noted as is the rational within the Local Transport Plan. The Planning Authority is, therefore, requested to integrate the active travel provisions of the LTP for the Aghnaharna masterplan area in greater detail in the Local Area Plan and to ensure naming consistency of this development area across both documents.

MA Observation 1 – Consistency with the Development Plan - Masterplan 3 (southeast of Portlaoise)

Arising from the Planning Authority's response to Recommendation 1 of the Office's submission on the draft Portlaoise Local Area Plan 2024-2030 (draft Local Area Plan), and in the interests of consistency and clarity and to ensure the implementation of the Local Area Plan, the Planning Authority is advised to:

- (i) make the Local Area Plan with a minor modification to proposed MA 20 to include the active travel provisions from page Part A-39 of the draft Local Transport Plan (LTP), as they relate to the Aghnaharna masterplan area;
- (ii) ensure that the masterplan 3 is consistently referred to in the Local Area Plan and the Local Transport Plan, i.e. as the 'Aghnaharna Masterplan Area', both in text and graphic form, including the amended Objectives Map (MA 10); and
- (iii) ensure the revised boundary of this masterplan area is consistent across both the Local Area Plan and LTP, as per MA 19.

2. Transport and accessibility

In relation to Recommendation 2 of the Office's submission on the draft Local Area Plan, the Office welcomes the proposed material alterations, in particular the improved integration of the LTP into the draft Local Area Plan as per proposed MA 33.

To improve clarity and linkage between the two documents, the Office considers there is merit in the Planning Authority giving additional consideration to the inclusion of a number of extra active travel maps and tables from the LTP into the draft Local Area Plan, placing them on a statutory footing.

In addition to the above, one of the material alterations does not include the map from the LTP and this is also included in the observation below.

Arising from the Planning Authority's response to Recommendation 2 of the Office's submission to the draft Portlaoise Local Area Plan 2024-2030 (draft Local Area Plan), which incorporated the key actions of the draft Local Transport Plan (LTP) into the Local Area Plan, the Planning Authority is requested to make the Local Area Plan with a minor modification to proposed MA 33 to include:

- table 11.1 from the LTP setting out the proposed improvements to pedestrian infrastructure along primary routes in Portlaoise and the map of the pedestrian network improvements;
- (ii) table 12.1 from the LTP setting out the recommendations for cycling;
- (iii) improve the legend of the Cycleconnects map to explain all the annotations on map (i.e. is inserted after 'measure CY2: cycle connects');
- (iv) map mentioned in 'Measure CY 4: Quietways' (this is missing from material alterations);
- (v) table 13.1 from the LTP setting out the permeability projects and their prioritisation;
- (vi) figure 15.6 from the LTP setting out street network changes in Portlaoise Town Centre; and
- (vii) table 17.1 from the LTP setting out proposed improvements to school in Portlaoise to encourage pupils to walk and cycle to school.

3. Monitoring and implementation

The Office welcomes proposed MA 53 which introduces additional text for the Implementation Strategy. There is however, no detail on how the draft Local Area Plan will be implemented in terms of identifying lead responsibility, suitable indicators for measuring policy objectives and a timeline for implementation of actions / projects.

For example:

- indicators on the reuse and regeneration of obsolete and opportunity sites
 within the town (Policy Objective PM 01); and
- identifying and prioritising the time specific objectives, such as carrying out the feasibility study with the Department of Education.

Section 6.5 of the Local Area Plans, 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. Furthermore, the review of the progress of achieving the objectives as required by section 15 of the Act, provide an opportunity to review the Policy Objectives of the Local Area Plan, particularly where policy objectives overlap between the County Development Plan and the adopted Local Area Plan.

In addition to the above, the Office is cognisant of the plan period of the County Development Plan and the need to commence preparation of same in 2025 (section 11(1) of the Act). As such a more systematic approach to monitoring this Local Area Plan would better assist and inform the Planning Authority in preparing its new development plan.

Guidance on monitoring and implementation is provided in chapter 10 of the Development Plans, Guidelines for Planning Authorities (2022). Further, the Carlow – Graigecullen Joint Urban Local Area Plan 2024-2030 and the Newcastle West Local Area Plan 2023-2029 both provide examples of good practice in this area.

MA Observation 3 - Implementation and Monitoring

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 Planning Authority is requested to amend, by minor modification, proposed MA 53 to commit to identifying lead responsibility, suitable indicators for measuring policy objectives and a timeline for implementation of actions / projects.

Summary

The Office's evaluation and assessment of the proposed material alterations concludes that no recommendations are warranted, and the substantive issue contained in the Office's submission on the draft Local Area Plan has been satisfactorily addressed.

However, the Office considers that the final Local Area Plan would benefit from some further modifications to address the issues raised above.

The Office requests that your authority addresses the 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 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 making of the Local Area Plan under section 31AO(5) of the Act. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the Local Area Plan 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