

30 June 2020

Administrative Officer Forward Planning Westmeath County Council Civic Offices Mount Street Mullingar Co. Westmeath

Re: Draft Westmeath County Development Plan 2021-2027

A Chara,

Thank you for your authority's work in preparing the *draft Westmeath County Development Plan* 2021-2027 (the draft plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put in to the preparation of the draft plan against the backdrop of an evolving national and regional planning policy and regulatory context, which included taking account of the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area and the establishment of the Office.

In particular, the Office notes and welcomes the overall approach of your authority in the preparation of the draft plan and in addressing the NPF and the RSES in accordance with section 12 of the Planning and Development Act 2000, as amended (the Act).

As your authority will be aware, one of the key functions of the Office includes assessment of statutory plans and strategies to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft plan, under the provisions of sections 31AM(1) and (2) of the Act.

The Office is currently finalising an overall evaluation and assessment methodology for statutory plans. The submission below has been prepared in line with the aforementioned methodology and is intended to provide a strategic level input to your authority in finalising the draft plan.

1. Matters within the scope of section 10 and section 10(2)(n)

With the exception of the mandatory objective under section 10(2)(n), which is evaluated and assessed separately, the Office is satisfied that the draft development plan includes objectives relating to all the subsections under section 10(2).

The detail and effectiveness of some of those objectives are considered further under other sections of this evaluation, in terms of how they meet the requirements of higher order plans and/or section 28 guidelines issued by the Minister for Housing, Planning and Local Government (the Minister).

1.1 Section 10(2)(n) Climate Action

The Office welcomes the planning authority's strategic aims and in particular those outlined for sustainable communities, transport, infrastructure and energy and climate action and acknowledges that climate action is one of the six cross-cutting themes informing the draft plan.

The Office is generally satisfied that policy objectives contained in Chapter 10 - Transport, Infrastructure and Energy and Chapter 11 - Climate Action provide a sound basis to address therequirements of section <math>10(2)(n) in the interim.

The proposed revised Development Plan Guidelines for Planning Authorities are likely to be completed subsequent to the making of your development plan. It is therefore possible that the planning authority's approach taken to climate action (relating to section 10(2)(n)), in the proposed climate strategy included in your draft development plan, may require review to ensure it fully aligns with the approach recommended or required in the said guidelines.

Observation 1:

Given the importance attributed to climate action by Government, as evidenced by, inter alia, the publishing of the Climate Action Plan 2019, the planning authority is advised to include an objective to consider a variation of the development plan within a reasonable period of time, or to include such other mechanism, as may be appropriate, to ensure the development plan will be consistent with the approach to climate action recommended in the revised Development Plan Guidelines as adopted. The Office notes and welcomes the strategic aims and policy objectives within the draft development plan which support sustainable communities and a sustainable, integrated and low carbon transport system and an increased modal share for walking and cycling. However, in order to ensure the effective planning, implementation and monitoring of your development plan objectives under section 10(2)(n), the Office considers that further information to promote a greater modal share for walking, cycling and public transport is required.

Recommendation 1:

The planning authority is requested, in consultation with the NTA (and TII and DTTaS, if appropriate) to include:

- (i) Appropriate existing baseline figures for modal share for travel to work, school etc. which may be provided at individual settlement level for the higher order settlements, and at aggregate level for rural villages and the open countryside, as identified in the Core Strategy.
- (ii) Realistic targets for modal change against the baseline figures provided under (i), above, which may also include targets for infrastructure to support the use of electric vehicles to form a basis for an effective monitoring regime for the implementation of your Climate Change Adaptation Strategy.
- (iii) Maximum rather than minimum car parking standards as part of the development management standards contained in the draft development plan.

1.2 Section 10(2A) Core Strategy

The planning authority is commended for its initiative in preparing a Housing Need Demand Assessment (HNDA) to inform the Housing Strategy in Appendix 1. This is in line with the approach outlined in National Policy Objective (NPO) 37.

The Office is aware that the Department of Housing Planning and Local Government is finalising revised draft Development Plan Guidelines and will be shortly publishing draft Guidelines for public consultation. It is anticipated that the revised draft guidelines will contain advice and direction for planning authorities on HNDA. In this regard, it would be prudent for the planning authority to include a policy objective in the development plan committing to a review of any guidance on HNDA included in updated Development Plan Guidelines.

Observation 2:

The proposed revised Development Plan Guidelines for Planning Authorities are likely to be adopted subsequent to the making of your development plan. Since the revised guidelines are anticipated to include advice and direction for planning authorities on Housing Need Demand Assessment (HNDA), the Office advises the planning authority to include a policy objective committing to a review of the Westmeath's Housing Strategy to ensure it is consistent with the approach recommended in said future guidelines.

The Office acknowledges that Athlone and Mullingar provide the greatest opportunities to deliver regeneration and higher density development and that both will be subject to future statutory land use plans.

While the Office notes that the draft development plan does refer to the *Urban Development and Building Heights Guidelines for Planning Authorities* (2018) at policy CPO 16.2, it does not refer to Specific Planning Policy Requirements (SPPRs) 1 - 4 (inclusive) contained in the guidelines or demonstrate consistency with same.

The Office notes that 4.9 of the written statement states 'proposals for residential schemes shall have regard to the following statutory guidelines', e.g. Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018). As with the guidelines on building height above, the draft development plan does not refer to SPPRs 1 – 9 (inclusive) of the guidelines for apartments.

Recommendation 2:

In accordance with section 10(2A)(a), the planning authority is requested to amend the proposed development plan and housing strategy (as relevant) to make reference to the specific planning policy requirements (SPPRs) specified in the 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018) and the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).

In this regard, section 2.9 (Regional Growth Centre – Athlone), section 2.10 (Key Town – Mullingar) and Policy objective CPO 7.28 could include reference to SPPR 1 from the guidelines on building height. Section 3.6 (Apartment Development), section 3.9 (Housing Strategy Objectives/Recommendations) and the Development Management Standards in Chapter 16 could refer to the SPPRs in the guidelines on apartments regarding apartment mix, minimum apartment sizes, etc.

1.3 Section 10(2A)(c) and Section 10(2A)(d)

In accordance with the statutory requirements above and in respect of the area in the development plan <u>already</u> zoned for residential use or a mixture of residential and other uses, but is as yet undeveloped or with capacity for additional development, the Core Strategy must include details of:

- (i) the size of the area in hectares, and
- (ii) the proposed number of housing units to be included in the area

This information is necessary to enable the Office, or other parties to determine change in land use zoning between the current and proposed draft plan, and to determine the change in capacity of zoned lands to accommodate residential units, having regard to the implementation of the national policy objectives and regional policy objectives of the NPF and RSES, respectively.

The draft plan is also required to measure the extent of lands proposed to be zoned for residential use or for a mixture of residential and other uses under the development plan and to provide details of how the zoning proposals accord with national and regional policy objectives.

It is noted that table 2.8 provides details of the area provided in respect of the zoning objective Proposed Residential and Consolidation Site for each settlement. However, the required information in respect of Mixed Use and Expanded Settlement Centre zoned lands in particular will be important in demonstrating consistency between the extent of lands zoned and the population growth proposed under the Core Strategy. This issue is also addressed at **Recommendation 9** below.

2. Consistency with national and regional policy

The Office considers that the draft plan is generally consistent with the policies in the NPF and RSES for the Eastern and Midland Regional Assembly area regarding compact growth, regeneration and the regional growth centre of Athlone.

However, in respect of the overall growth projections for the county to 2026 and the county settlement hierarchy, the Office considers that the Core Strategy does not align sufficiently with the NPF and RSES respectively, and makes the following observations and recommendations.

2.1 NPF Implementation Roadmap (2018)

In the case of County Westmeath, the NPF Implementation Roadmap provides for a 25% additional headroom (2,375 people) on top of the NPF high allocation figure of 9,500 to 2026 or up to a county population of 100,875 by 2026. The Office's assessment of the Core strategy and specifically tables

2.6 and 2.8 concludes that the assumptions informing the planning authority's population projections for 2026 and 2031 in respect of the additional 25% headroom allowed in the NPF's Implementation Roadmap appear to be inconsistent with the Implications and Safeguards set out in part 3(a). The population projection for the county to 2026 of 104,213 exceeds the NPF high figure (plus 25% additional headroom) by approximately 3,330 people.

Recommendation 3:

The NPF Implementation Roadmap provides transitional population projections, which are reflected in RSES Appendix B, and with which the Core Strategy should demonstrate consistency. It would appear that the Housing Strategy and Core Strategy exceed the population projections in the Roadmap, with resulting implications for the requirement for zoned land. The planning authority is required to amend its Housing Strategy and Core Strategy and Core Strategy to align with the NPF Implementation Roadmap including the section on Implications and Safeguards and to amended the quantum of zoned land accordingly

2.3 Settlement Hierarchy

The Office is satisfied that the proposed Settlement Hierarchy is appropriate and generally consistent with the RSES, in particular Regional Policy Objective 4.1. However, having regard to the approach outlined in RPO 4.1, the Office considers that there is insufficient justification to designate Kilbeggan as a Self-Sustaining Growth Town.

Observation 3:

Having regard to Kilbeggan's current designation as a Tier 3 'Service Town' in the Westmeath Settlement Hierarchy (table 2.3), its 2016 population, the absence of a train station serving the town, and its position at tier 3 of the County Retail Hierarchy, the planning authority is requested to reconsider the positioning of and justification for the settlement as a self-sustaining growth town within the settlement hierarchy. The approach required under RPO 4.1 would suggest that the settlement would fall within the scope of a self-sustaining town where the focus would be on driving investment in services, employment growth and infrastructure and balancing housing delivery.

2.4 Land Use and Transport Plans for Athlone and Mullingar

The Office is satisfied that the policies in the draft plan regarding the Regional Growth Centre of Athlone and Key Town of Mullingar are generally consistent with the NPF and RSES.

Since the Core Strategy will direct over 50% of the anticipated future population growth over the next development plan period to these two settlements, it is important that the respective statutory

land use plans are prioritised for delivery while recognising the need to prepare a Local Transport Plan to inform the former. In this regard, the Office make the following observations.

Observation 4:

The Office considers that the policy objectives supporting the preparation of a joint Urban Area Plan (UAP) for Athlone should clarify that the UAP will incorporate the existing action / local area plan areas affecting the wider town environs into one overall planning framework for the Regional Growth Centre, and that the preparation of the UAP will be informed by a local transport plan and prioritised in the planning authority's work programme with a specified timeframe for delivery.

Observation 5:

The Office considers that the policy objectives supporting the preparation of a local area plan for Mullingar should clarify that the local area plan will be informed by a local / area-based transport plan and that the LAP will be prioritised in the planning authority's work programme with a specified timeframe for delivery.

2.5 Glasson

Glasson is identified as a 'rural (serviced)' settlement at tier VI of the county settlement hierarchy and is therefore not identified for significant growth over the plan period.

The Office notes that the elected members made changes to the draft plan to zone land outside the development boundary of Glasson which the SEA Environmental Report considers would have potential for significant negative environmental effects. The Office considers that there is no planning justification for zoning this land for Proposed Residential and makes the following recommendation.

Recommendation 4:

Having regard to the quantum of land zoned for Proposed Residential in Glasson, opportunities for infill development inside the current development boundary, its position in the county settlement hierarchy, its projected growth to 2027, and noting the content of the SEA Environmental Report, the Office considers that there is no justification for rezoning further land Proposed Residential outside the development boundary of Glasson. The planning authority is required to remove the Proposed Residential zoning outside the current development boundary on the southern approach road to Glasson.

2.6 Compact Growth and Regeneration

While the Office commends the planning authority for the progress it has made in securing funding for regeneration under the Urban Regeneration Development Fund and Rural Regeneration Development Fund, and for the emphasis on compact growth, regeneration and renewal in the draft plan, the following observations are recommended to ensure that the draft plan contains sufficient implementation measures to achieve an appropriate balance between brownfield / back land and greenfield sites. The Office also acknowledges the draft plan's policies supporting active land management and the planning authority's commitment to monitor and review the operation and implementation of its plan.

Observation 6:

The planning authority is requested to provide details of how it proposes to balance the development of greenfield sites and rural housing in the open countryside with brownfield / infill and back land sites, to ensure that the development plan satisfies the requirements of the NPF in particular NPO 3. This should include mechanisms such as the preparation of site development briefs, use of compulsory acquisition and development incentives. Measures to monitor the development of greenfield land and rural housing in the open countryside versus brownfield / infill and back land development over the plan period should also be included.

In order to achieve the national and regional policy objectives in respect of compact growth, it is essential that the development plan facilitates the implementation of residential development at densities appropriate to the size of the settlement concerned and appropriate to the location of the site within that settlement, cognisant of, inter alia, the proximity to public transport facilities and to services and amenities and subject to appropriate safeguards.

Observation 7:

The planning authority is requested to provide further information to demonstrate that the draft development plan can achieve the national and regional policy objectives in respect of compact growth and the residential densities envisaged for Self-Sustaining Growth Towns and Self-Sustaining Towns in particular. Reference should be made to the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2012) where appropriate.

Page 80 of the draft plan states 'The Council is committed to delivering compact growth through active land management together with the positive regeneration of urban areas'.¹ In this regard, the

¹ Council's commitment to active land management is also outlined in section 7.6.1 – Compact Urban Centres and policy objective CPO 7.27.

Office welcomes the identification of opportunity and consolidation sites and policies supporting regeneration across the county's settlements.

It is noted that the plan contains policies supporting sequential growth as part of its policies for urban regeneration and sustainable development and that this is consistent with the RSES². However, the Office notes that many of the county's settlements appear to contain ample opportunities for back land and infill development which could provide for new housing development and consolidation of settlements without the requirement for the extent of zoning as Consolidation Site.

The Office also notes that many of the sites proposed for zoning to Consolidation Site are 'greenfield' in nature and are either partially or substantially outside the current development boundaries, notwithstanding the policy objective (CPO 15.5) to strengthen and consolidate existing settlements by encouraging the development of infill and brownfield lands.

Observation 8:

Having regard to Recommendations 3 and 9 in this submission, the projected need for land to accommodate future housing in the Core Strategy, and the NPF's policies on compact growth, the planning authority is requested to provide justification for:

- (i) increasing the quantum of land zoned Consolidation Site or extending same outside the current development boundaries where there is undeveloped land zoned for Expanded Settlement Centre and other infill opportunities closer to the town / village centre, e.g. Kilbeggan and Castlepollard.
- (ii) zoning additional land to Proposed Residential at the edge or outside current development boundaries, including inter alia, in Castlepollard, Clonmellon, Collinstown, Delvin and Rochfortbridge.

2.7 Tiered approach to zoning

NPO 72a of the NPF states 'Planning authorities will be required to apply a standardised, tiered approach to differentiate between i) zoned land that is serviced and ii) zoned land that is serviceable within the life of the plan.'

The Office notes that the draft development plan and accompanying documents do not refer to the tiered approach to zoning (TAZ) as required by the NPF. It appears that an analysis of all undeveloped zoned lands in each settlement has not been carried out to identify any potential

² Refer to policy objective CPO 7.26

infrastructural constraints that would inhibit the development of those lands. While the Office notes that section 4.11.2.2 Waste Water Infrastructure of the SEA Environmental Report states *'Headroom is identified as being available in all but one of the settlements, Ballymore'*, it does not indicate where potential capacity constraints may exist in other settlements.

Further, there is no infrastructural assessment report accompanying the draft plan. It is therefore not evident from the plans which lands are already serviced or can connect to services, and which lands are fully serviceable within the life of the plan. The methodology for the TAZ is appended to the NPF (appendix 3) and comprises a written infrastructural assessment.

Recommendation 5:

Having regarding to NPO 72 (a-c) of the NPF, the planning authority is requested to provide an infrastructural assessment report and consult with the relevant infrastructure and services providers, including concerning infrastructural and capacity constraints for the key settlements and the availability of services on specific proposed zoned lands, or the realistic potential to provide (and cost of providing) services to specific proposed zoned lands, with a particular emphasis on wastewater and water services. Taking account of NPO 72c, lands that are unlikely to be serviced within the life of the plan should not be zoned for development in key settlements.

3. Section 28 Guidelines

3.1 Wind Energy Development Guidelines

The Office's assessment of the draft plan and policies on wind energy development contained within has taken into account the following:

- Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (July 2017)
- Wind Energy Development Guidelines, Planning Guidelines (2006)
- Draft Revised Wind Energy Development Guidelines (2019)

The Specific Planning Policy Requirements (SPPR) within the Interim Guidelines on Statutory Plans, Renewable Energy and Climate Change issued under Section 28 states that development plans must indicate how the implementation of the plan will contribute to realising the overall national targets on renewable energy and climate change mitigation and, in particular, wind energy production and the potential wind energy resource in megawatts. Furthermore, the plan must demonstrate detailed compliance with this requirement in any proposal to introduce or vary mandatory setback distances for wind turbines from specified land uses or class of land uses.

The Office has undertaken an assessment of the implications of policy objective CPO 10.132 for potential future wind farm development and also having regard to other policy objectives in the plan which support or constrain wind farm development in particular areas of the county.

The Office notes that the SEA Environmental Report (Potential for Likely Significant Negative Environmental Effects) states the following in relation to the inclusion of policy objective CPO 10.132:

'This is not consistent with the approach in the Draft Statutory Guidelines on Wind Energy Development and would not provide the most evidence-based framework for development. This amendment has the potential to:

- <u>Undermine and negate</u> practical measures to reduce greenhouse gas emissions climate change in compliance with high-level climate action policy; and
- <u>Restrict the potential for wind energy development in the County, which is contrary to</u> <u>national energy policy</u> that supports reductions in the reliance on fossil fuels and the development of renewable energy resources including wind energy infrastructure.' (Emphasis added)

While it is acknowledged that the draft plan contains broad policy support for renewable energy use and generation, the Office considers policy objective CPO 10.132 to be contrary to government policy on wind energy development having regard to Ministerial guidance on wind farm development and in particular the inclusion of onerous separation distances between wind turbines and residential dwellings.

Recommendation 6:

The planning authority is required to remove policy objective CPO 10.132 in its entirety from Chapter 10 of the draft development plan as the inclusion of such mandatory separation distances between wind turbines and residential dwellings would restrict the potential for wind farm development in the county, would undermine other policy objectives supporting wind farm development and be contrary to national policy and Ministerial guidance on wind farm development.

The Office's assessment notes that the draft plan does not outline how the implementation of the plan will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource. This

requirement is contained in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change and Wind Energy Development.

Recommendation 7:

The planning authority is required to indicate how the implementation of the development plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts).

The Office notes that the planning authority has included a definition for industrial scale / large-scale wind energy production projects in CPO 10.135, without there being any accepted national definition of such a category of development.

While the Office supports the policy intent in CPO 10.135 (under the planning authority's wind energy policy objectives), it recommends that the definition included for industrial scale / large-scale energy production projects be deleted in the absence of national definition of such developments.

Recommendation 8:

The relevant guidelines do not provide a basis for the inclusion of a definition for industrial scale / large scale energy projects or for an alternative policy framework that would apply in such cases. The planning authority is required to amend policy objective CPO 10.135 to delete the definition for industrial scale / large-scale wind energy production projects.

3.2 Guidance Note on Core Strategies (November 2010)

The Office has reviewed the estimated requirements for residential land in each settlement (table 2.8) against the zoning maps for each settlement and concludes that further information is required to provide greater clarity and transparency regarding the potential quantum of residential development that could be developed in each settlement and to ensure consistency with the Guidance Note on Core Strategies.

The planning authority should review the population allocations in table 2.8 and provide further justification on the quantum of land zoned that can accommodate housing across the various settlements. As part of this process, further clarity will be required in respect of the potential housing yield from Mixed Use, Expanded Settlement Centre and Established Residential land use zoning consistent with the Guidance Note on Core Strategies. This will enable the Office to determine if the extent of land zoned is warranted and appropriately located.

Recommendation 9:

Having regard to the Guidance Note on Core Strategies (November 2010), the Office requests that the planning authority provide the following information in table 2.8:

- The quantum in hectares of proposed zoned land for Mixed Use and Expanded Settlement Centre for each settlement and figures for the estimated housing yield that may arise from the redevelopment or infill of these areas. Refer to page 6 of the Guidance Note on Core Strategies.
- The quantity in hectares and the estimated housing yield in respect of further infill development on land zoned Established Residential.
- The quantum in hectares of land zoned in the previous development plan exclusively or primarily for housing. Refer to Appendix 2 on page 14 of the Guidance Note on Core Strategies.
- Figures for the anticipated housing requirement (using the relevant occupancy rates from the housing strategy) should be provided for each settlement over the plan period.
- Clarification that the figures in the column 'Land for residential in this plan up to 2027 (Ha)' relate to the zoning objective Proposed Residential.
- Clarification that the figures for infill and brownfield land within each settlement form part of the overall figures for 'Land for residential in this plan up to 2027 (Ha)' and do not provide supplementary land for residential development.

3.3 Sustainable Rural Housing Guidelines for Planning Authorities (2005)

The Office supports the principle of not zoning land for specific uses in the unserviced rural settlements and rural nodes. However, the Office notes that development boundaries applied to the unserviced rural settlements and rural nodes often does not reflect the extent of established settlement on the ground.

Observation 9:

Development boundaries applied to un-serviced rural settlements and nodes should reflect the extent of the established settlement and avoid ribbon development consistent with the guidance in Sustainable Rural Housing Guidelines for Planning Authorities (2005). Further, the Office advises the planning authority to consider alternative ways to graphically represent the actual rural node and areas where rural consultation would be supported.

The Office notes that policy objectives CPO 9.1 – Areas Under Strong Urban Influence, CPO 9.21 – Water Catchment Areas and CPO 9.22 – Areas of High Amenity all provide policy support for

applications for rural housing for persons with family ties to the land in question. The Office considers that the inclusion of such policy statements is inconsistent with the findings from the Flemish Decree ECJ case and NPO 19 of the NPF.

Recommendation 10:

Having regard to the findings from Flemish Decree ECJ case and the provisions of NPO 19 of the NPF, the planning authority is requested to amend policy objectives CPO 9.1 – Areas Under Strong Urban Influence, CPO 9.21 – Water Catchment Areas and CPO 9.22 – Areas of High Amenity to remove the references to bloodline and family ties as policy support for applications for rural housing and to derive a policy framework that is instead broadly consistent with NPO 19.

In addition, the Office considers that there is a need to amend the rural housing policy objectives in Chapter 9, to ensure they are consistent with national policies in the NPF and that the proposed changes to CPO 9.1 and CPO 9.22 (including proposed mapping changes) in particular, do not undermine the overall policy intent for 'areas under strong urban influence' and 'high amenity areas' respectively.

In respect of areas under urban influence, NPO 19 states 'In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'

Further, the Office notes that no reference is made to siting and design criteria for rural housing referred to in NPO 19 in respect of policy objectives CPO 9.1 and 9.2.

The Office also notes the comments in the SEA Environmental Report (table 8.3) regarding the potential for more housing in areas under strong urban influence arising from the proposed changes and associated potential for likely significant adverse environmental effects including landscape, biodiversity, surface and ground water, human health and emissions from transport.

Recommendation 11:

The planning authority is required to amend policy objectives CPO 9.1 - Areas Under Strong Urban Influence and CPO 9.2 – Structurally Weak Areas to ensure they are consistent with NPO 19 and the Sustainable Rural Housing Guidelines for Planning Authorities (2005) and that the proposed changes to CPO 9.1 are consistent with the core consideration of demonstrable economic or social need to live in a rural area. Policy objectives CPO 9.1 and 9.2 should also include requirements in respect of appropriate design criteria for rural housing and the viability of smaller towns and rural settlements.

The Office considers that there is insufficient justification to support the proposed changes to policy objective CPO 9.22 and the proposed deletion of areas designated as high amenity areas in the vicinity of Lough Lene, Lough Derravaragh, Castlepollard and Multyfarnham.

Further, the Office notes the comments in the SEA Environmental Report (table 8.3) that the proposed changes would encourage more housing in high amenity areas and ultimately result in adverse effects upon the factors for which these areas of landscape have been designated. Furthermore, the piecemeal erosion of important High Amenity designations would reduce the protection of the overall landscape and undermine the long-term protection of these important assets.

Recommendation 12:

The planning authority is required to amend policy objective CPO 9.22 to ensure the overall policy intent for high amenity areas is not undermined and retain the current designations of high amenity areas and remove the proposed deletions from the draft development plan in light of the issues raised in the SEA Environmental Report.

3.4 Urban Development and Building Heights Guidelines for Planning Authorities (2018)

The Office acknowledges that the Regional Growth Centre of Athlone and Key Town of Mullingar have the greatest potential for increased building heights and that both settlements will be subject to future local / urban area plans. The Office notes that the planning authority will apply flexibility to support performance outcomes.

Aside from what is outlined in policy objectives CPO 7.28 and CPO 16.2, the draft plan contains limited policy direction or locations where increased building height would be supported. There may be merit in the development plan including an explicit policy objective that locations for increased building height will be identified as part of the UAP and LAP to be prepared for Athlone and Mullingar respectively. Recommendation 2 above regarding SPPRs 1 - 4 (inclusive) also applies in this context.

Observation 10:

The Office notes the broad policy support for higher densities and increased building height contained in the draft development plan and that the settlements of Athlone and Mullingar will be subject to future local / urban area plans. Having regarding to section 28 guidelines on apartment development and building height in particular, and Regional Policy Objective 3.3, the Office considers that there is an opportunity to include a more explicit policy objective that locations for increased building height will be identified as part of the Urban Area Plan and Local Area Plan to be prepared for Athlone and Mullingar respectively.

The Office notes that the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly area supports the preparation of a building heights study for Athlone (reference RPO 3.7.17).

3.5 The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)

The Office considers that the planning authority should review the Strategic Flood Risk Assessment (SFRA) in Volume 5 of the draft development plan and the assumptions informing and conclusion comment and consequential zoning decisions for each settlement. In this regard, the consultants appear to have inappropriately relied on information from the Preliminary Flood Risk Assessment (PFRA) and benefitting lands to inform the SFRA.

Recommendation 13:

The planning authority is requested to determine if there is sufficient information to inform the land use zoning decisions in each settlement or if further detailed analysis is required. If any land area is to be zoned where there may be a risk of flooding, the justification test must be correctly applied and supplied within the Strategic Flood Risk Assessment. The Office of Public Works should be consulted in relation to the matters raised in this recommendation.

The Office notes that the SFRA indicates that a site-specific flood risk assessment will be required for specific land and zonings in Castlepollard (e.g. undeveloped Enterprise & Employment lands to the east); Clonmellon (Enterprise & Employment lands to the south); Collinstown (Enterprise & Employment lands to the south); Kilbeggan (western drain); Moate (Community, Educational & Institutional land to the south); Milltownpass (Proposed Residential to the west); Glasson (extended Mixed Use lands); Killucan / Rathwire (Community, Educational & Institutional land to the south); Kinnegad (Proposed Residential land to the west); and, Rochfortbridge (e.g. land adjoining watercourse).

However, the draft development plan only includes a requirement for site specific food risk assessment in some instances e.g. CPO 8.130 and CPO 8.186³. Given the extent of locations where a site specific flood risk assessment is recommended, the draft plan should be reviewed for consistency with the SFRA.

Observation 11:

The planning authority is advised to review the policy objectives requiring a site specific flood risk assessment in the written statement to ensure that all locations requiring site specific flood risk assessment are included as specific policy objectives consistent with what is recommended in the Strategic Flood Risk Assessment in Volume 5 of the draft plan.

The Office notes that it is proposed to zone additional land for Mixed Use to the north of the settlement boundary of Glasson. This land is currently unzoned and partly affected by the fluvial 100-year event.

Part of the land identified for Proposed Residential to the southeast of the centre of Rochfortbridge is also affected by the fluvial 100-year flood event. This land is currently zoned Open Space.

Observation 12:

The planning authority is requested to clarify whether any land proposed for rezoning for sensitive uses is affected by the 1:100 flood risk, for example land at the northern end of Glasson or the Proposed Residential zoning southeast of Rochfortbridge.

3.6 Spatial Planning and National Roads Guidelines for Planning Authorities (2012)

The Office has reviewed the policy objectives for national roads contained in Chapter 10 of the draft development plan. Having regard to the Spatial Planning and National Roads - Guidelines for Planning Authorities 2012, the Office considers that there is scope to strengthen and expand on the policy objectives for national roads in respect of the following matters:

- Protection of the strategic function of national roads
- Use of the terms 'inappropriate access' and 'except in exceptional circumstances'
- Access to national roads where speed limits over 60kph apply
- The location of large scale retail development.

³ The Office notes that the plan contains a policy objective CPO 8.186 which requires a site specific flood risk assessment regarding the enterprise land to the southeast of the Rochfortbridge. The Office suggests including reference to CPO 8.186 on Objective Map 13.

Recommendation 14

The planning authority is requested to strengthen and expand on the policy objectives for national roads to ensure that the draft development plan is consistent with the Spatial Planning and National Roads Guidelines for Planning Authorities (2012), and in particular the principles of protecting the strategic function of national roads and the presumption against large out of town retail centres located adjacent or close to existing, new or planned national roads/motorways, and the policies contained in section 2.5 – Required Development Plan Policy on Access to National Roads and section 2.6 – Exceptional Circumstances of the said guidelines. The planning authority should consult with Transport Infrastructure Ireland.

4. Other pertinent matters

4.1 Kinnegad – policy for link road bypass

The Office notes that the elected members made changes to the draft plan to include policy objective CPO 8.103 for a link road bypass in Kinnegad which the SEA Environmental Report considers would have potential for significant negative environmental effects.

The Office notes that CPO 8.103 relates to land in the vicinity of the western development boundary of Kinnegad where it is proposed to zone further land for Enterprise & Employment and Proposed Residential inside the development boundary. The Office considers that there is no planning justification for including policy objective CPO 8.103 and makes the following recommendation.

Recommendation 15:

The planning authority is requested to provide strategic justification for the inclusion of policy objective CPO 8.103 which supports the construction of a link road / bypass linking the Killucan Road with the R446 in Kinnegad which should also take account of the proposed increase in land zoned for Enterprise & Employment at this location. In this regard, the Office notes that the SEA Environmental Report states that there is no planning justification for the link road.

4.2 Tyrrellspass Natural Heritage Area

The Office notes that the western development boundary and zoned land inside same are in close proximity to an existing Natural Heritage Area (NHA) which relates to an area of raised bog to the west of the settlement. It appears from zoning map 18 that the planning authority is seeking to

provide zoned land for further residential, community / educational / institutional uses on the western edge of Tyrrellspass close to the boundary of the NHA.

Observation 13

The planning authority is requested to review the proposed land use zonings and development boundary on the western side of Tyrrellspass to ensure that it does not encroach on of have implications for the existing Natural Heritage Area to the west of the settlement. The planning authority should consult with the National Parks and Wildlife Service in respect of this observation.

4.3 Superseded / outdated terminology

The Office notes a number of references to the superseded term 'Linked Gateway' in the various documents and appendices that accompany and form part of the draft development plan including:

- Page 314 of the Written Statement
- Table 7.1 of the County Retail Strategy
- Page 25 of the SEA report
- Page 8 of the SFRA report

The Office also notes a minor inconsistency between table 6.1 of the RSES and table 7.1 of the County Retail Strategy. The County Retail Strategy uses the term Key Service Town rather than Key Service Centre. Further, table 6.1 does not contain the terms Service Town or Local Service Town.

Observation 14:

The planning authority is requested to remove the references to the superseded term 'Linked Gateway' from the Written Statement, County Retail Strategy and environmental reports (Volumes 3-5). The planning authority is also requested to review table 7.1 of the County Retail Strategy against table 6.1 of the RSES (Retail Hierarchy for the Region) to ensure that the classifications used for the various centres are consistent with those used in the RSES.

4.4 Graphical presentation of draft plan

The Office has suggestions for improvements to the way information is presented in the draft plan to enhance transparency and provide for greater consistency with commonly accepted practice. In this regard, the Office would like to make two observations for the planning authority to consider.

Observation 15:

The planning authority is advised to consider overlaying the flood risk maps on the zoning maps for each settlement. The Office considers that this would provide for greater transparency regarding flood risk and the need for site specific flood risk assessments outlined in the SFRA in Volume 5.

Observation 16:

The planning authority is advised to consider using alternative colours for the land use zoning objectives on the settlement plans that are more consistent with commonly accepted practice, i.e. yellow for residential, red for town centre etc.

5. Policy directives issued under section 29

No issues arise in this regard.

6. Other legislative and policy matters as the Minister may communicate

No issues arise in this regard.

Summary

The Office requests that your authority addresses the recommendations outlined above. The report of the Chief Executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed.

Your authority is required to notify this Office within five working days of the decision in relation to the draft plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the Chief Executive shall inform the Office and give reasons for this decision.

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 the undersigned or at plans@opr.ie.

Yours sincerely,

AM C'Gnue.

Anne Marie O'Connor

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