



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

20 January 2021

Administrative Officer,
Forward Planning,
Westmeath County Council,
Civic Offices,
Mount Street,
Mullingar,
Co. Westmeath,
N91 FH4N

Re: Material alterations to Draft Westmeath County Development Plan 2021-2027

A chara,

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

As your authority will be aware, one of the key functions of the Office of the Planning Regulator (the Office) includes strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the material alterations to the draft plan under the provisions of sections 31AM(1) and (2) of the Planning and Development Act, 2000, as amended, and within the context of the Office's earlier recommendations and observations.

As outlined in the submission of the Office to the draft plan, the Office considered the draft plan to be generally consistent with policies in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area, and recommended changes to enhance its alignment with national and regional policies in the aforementioned, and for consistency with, inter alia, the NPF Implementation Roadmap, *The Wind Energy Development Guidelines, Planning Guidelines (2006), the Interim Guidelines for Planning*

Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), and The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

While it is acknowledged that the material alterations have addressed some of the issues raised in the Office's submission, your authority is advised that there remains significant areas of policy conflict between the amended draft development plan and national policies promoting compact and sequential development, renewable energy, and sustainable rural settlements in particular. In this regard, the Office acknowledges that the Chief Executive's (CE's) report on submissions accepted the majority of recommendations and observations of the Office and recommended changes in response to the issues raised, but that these were not accepted by elected members.

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

The submission below sets out recommendations under following four key themes:

1. Core strategy and National Planning Framework;
2. Wind energy;
3. Rural housing;
4. Compact growth and sequential development.

Recently, your authority was notified of the Ministerial Circular relating to *Structural Housing Demand in Ireland and Housing Supply Targets*, and the associated Section 28 Guidelines: *Housing Supply Target Methodology for Development Planning*. This is addressed under the section dealing with the Core Strategy and National Planning Framework (NPF).

1. Core strategy and National Planning Framework

1.1 Recent revisions to policy context

The Ministerial Circular relating to *Structural Housing Demand in Ireland and Housing Supply Targets*, identifies a pressing need to increase the supply of housing across Ireland to 33,000 new households per annum from 2020-2031. Disaggregated figures have been provided for each local authority area to provide an annual average housing supply target to 2031, set out in Appendix 1 to the circular, underpinned by the Section 28 Guidelines: *Housing Supply Target Methodology for Development Planning*.

Notwithstanding that the plan review process has commenced for Westmeath, the guidelines specify that it will be necessary to demonstrate general consistency with the NPF and Economic Social and Research Institute (ESRI) NPF housing demand scenario, including at CE's report and at material alterations stages. A methodology is set out in section 4.0 of these guidelines, and within the parameters of potential adjustment to 2026.

While it is accepted that the process of review of the Westmeath County Development Plan is well advanced and already at material alterations stage, the Office notes that figures in table 12 of Appendix 1 (of the Circular) exceed the planning authority's assessment of housing requirements over the plan period (in table 9 of the housing strategy).

1.2 Core Strategy and NPF Implementation Roadmap

It is considered that the planning authority has not addressed the key issue in the Office's Recommendation 3 to the draft plan, which is that the Core Strategy provides for population growth to 2026 and 2031 at levels that exceed the transitional population projections in the NPF Implementation Roadmap even when the 25% additional headroom to 2026 is factored in consistent with the implications and safeguards in section 3(a).

The planning authority is advised that misalignment between the projected housing requirements in table 9 of the housing strategy and the ESRI's housing demand figures for 2020-2031 set out in Table 12 in Appendix 1 of the Ministerial Circular relating to Structural Housing Demand in Ireland and Housing Supply Targets referred to above, provides further evidence of the need to amend the overall growth projections for the county. In responding to this matter, the Office advises the planning authority that although the overall population targets should be reduced, the integrity of the current settlement strategy and distribution of growth is consistent with the national and regional policy framework and should be retained. In particular for the Regional Growth Centre of Athlone and Key Town of Mullingar, and commensurate with the role and function of settlements at the different tiers of the settlement hierarchy.

MA Recommendation 1:

The planning authority is required to amend the county population projections for 2026 and 2031 so that they fully align with the NPF Implementation Roadmap (transitional population projections) set out in Appendix 2 and taking account of the Implications and Safeguards set out in section 3(a). The planning authority is advised that there is no policy or regulatory basis

for exceeding the transitional population projections under the NPF Implementation Roadmap in the manner presented in the core strategy.

2. Renewable Energy and Climate Action

The Office notes that the elected members rejected the CE's recommendation to delete policy objective CPO 10.132 which was requested in response to Recommendation 6 of the Office.

Furthermore, the material alterations to policy objective CPO 10.132 introduce a more restrictive policy than the version included at draft plan stage and subject to Recommendation 6 of the Office.

The Office has undertaken analysis of the implications of the policy using separation distances of 1,500 metres and 2,000 metres from residential development. The Office's analysis concludes that it would not be possible to progress a wind energy project with a wind turbine tip height of over 100 metres or over 150 metres in the vast majority of the county including the only area of the county identified as being of medium capacity¹ for wind farm development (map 48 of draft development plan).

The 1,500 metres separation distance has the effect of limiting the potential for wind farm development to a small number of peatland areas with low capacity for wind farm development, an island in the River Shannon designated as a High Amenity Area and traversed by a Special Area of Conservation (SAC) and a Special Protection Area (SPA), and a rural area designated as a SPA and a Flood Zone. The 2,000 metres separation distance has the effect of limiting the potential for wind farm development to a single area of peatland in the southeast of the county that another provision of the plan then states has low capacity for wind farm development.

Material alteration BOM 36 proposes to change Map 48 – Wind Capacity to Change Area 7 from medium energy capacity to low wind energy capacity. The Office notes that this area is identified as having medium capacity for wind energy in the current development plan. There would appear to be no evidence or policy based rationale for this change.

The mapping change proposed as part of material alteration BOM 36 would result in the entire county being designated as having low capacity for wind farm development, except for Area 9 (Hill of Uisneach) which is designated as having no capacity.

¹ Material alteration BOM36 proposes to change the entire area identified as having medium capacity for wind energy development to low capacity.

The result of the above is to significantly undermine the contribution of the development plan to meeting national renewable energy targets under the Climate Action Plan, which the Specific Planning Policy Requirement contained in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change requires the plan to identify as specific targets in megawatts. This matter was raised under Recommendation 7 of the Office's submission.

The Office also notes that the elected members rejected the CE's recommendation to delete policy objective CPO 10.135 which was requested in response to Recommendation 8 of the Office. The Office also advises that the material alterations to CPO 10.135 do not address the issues raised in the Office's Recommendation 8.

Having regard to the above, the Office considers that the extent of the limitations placed on wind energy through the separation distances and designation of capacity for wind energy would result in conflicting policies in the Westmeath County Development Plan which includes policy objectives promoting wind farm development in the development plan such as CPO 10.131 and CPO 10.133, and Section 11 of the draft plan which outlines the County's commitment to climate action. This may have implications for the implementation of your plan, including the decisions of An Bord Pleanála in the context of Section 37(2)(b) of the Act. The planning authority is further advised of the need to work with neighbouring planning authorities in respect of its wind energy policies and the need for consistency in respect of landscape character designations as expressed in NPO 61.

MA Recommendation 2:

Having regard to the government's commitment in the Climate Action Plan to achieve 70% of electricity from renewable sources by 2030 (adding 12GW of renewable energy capacity nationally), National Policy Objective 55 which promotes renewable energy use and generation to meet national targets, and section 28 guidelines Wind Energy Development Guidelines (2006) and the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), the planning authority is required to:

- a. Remove amended 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 severely 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 energy development.*

- b. *Remove material alteration BOM 36 to Change Area 7 from medium energy capacity to low wind energy capacity which is not evidence based and would undermine other policy objectives promoting wind farm development in the development plan such as CPO 10.131 and CPO 10.133*
- c. *Amend policy objective CPO 10.135 to delete the definition for industrial scale / large-scale wind energy production projects as 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.*
- d. *Indicate how the development plan will contribute to meeting national renewable energy targets, including specific targets in megawatts for wind energy potential in the county, in order to fully implement the Specific Planning Policy Requirement contained in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change and in accordance with the provisions of section 28(1C) of the Act.*

3. Rural settlement policy

The Office notes that the elected members rejected the CE's recommendations in respect of policies CPO 9.1 (Areas Under Strong Urban Influence), CPO 9.21 (residential development in water catchment areas) and CPO 9.22 (high amenity areas) which were made in response to Recommendations 10, 11 and 12 of the Office.

The Office considers that the material alterations to policy objectives CPO 9.1, CPO 9.21 and CPO 9.22 which includes pre-draft alterations introduce further conflicts with national policies, in particular NPO 19. It is noted that no changes have been made to CPO 9.2 (structurally weak areas) in response to recommendation 10.

It is noted that the elected members resolved to reinstate the deletion made to the High Amenity Area at Lough Lene together with the deletion made to the High Amenity Area to the west of Lough Derravaragh. The deletions to the north and east of Lough Derravaragh High Amenity Area remain unchanged from the Draft Plan. Therefore, recommendation 12 has only been partially addressed.

It is noted that it is proposed to add a new policy CPO – *'In line with Circular Letter PL 2/2017, review rural housing policy in line with Development Plan or other relevant Guidelines issued by the Minister in this area having regard to NPO 19' to section 9.4 – Rural Settlement Strategy.* While the inclusion of this CPO is welcomed, it does not address the key issues raised in the Office's submission.

MA Recommendation 3:

Having regard to the material alterations to policy objectives CPO 9.1 – Areas Under Strong Urban Influence, CPO 9.21 – Water Catchment Areas and CPO 9.22 – Areas of High Amenity including the pre-draft alterations, the planning authority is required to delete aspects of the aforementioned policies that are not consistent and 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 as set out in National Policy Objective 19. The planning authority is advised that this includes, inter alia references to bloodline / family ties, and landownership periods as policy support for applications for rural housing. Further, 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.

While the resolution to reinstate the deletion made to the High Amenity Area at Lough Lene together with the deletion made to the High Amenity Area to the west of Lough Derravaragh is welcomed, they do not address the concerns raised in the SEA about the piecemeal erosion of important High Amenity designations and the potential to undermine the long-term protection of these important assets. The deletions to the north and east of Lough Derravaragh High Amenity Area remain unchanged from the draft plan.

MA Recommendation 4:

Having regard to NPO 60 of the NPF and the concerns raised in the SEA Environmental Report about the piecemeal erosion and potential to undermine the long-term protection of important High Amenity designations through housing and further subdivision of these areas, the planning authority is required to retain the current High Amenity designations affecting the Lough Derravaragh High Amenity Area.

4. Compact growth and sequential development

The Office notes that the planning authority has introduced a number of material alterations which propose to rezone land at the edge of settlements remote from infrastructure and services or would result in policy conflicts with other policies in the development plan.

The section 28 *Development Plan Guidelines for Planning Authorities (2007)* contain factors in determining zoning including the sequential approach where ‘zoning should extend outwards from the

centre of an urban area, with undeveloped lands closest to the core and public transport routes being given 35 preference (i.e. 'leapfrogging' to more remote areas should be avoided)'.²

In this regard, the Office notes that a number of material alterations propose to zone further land for residential development that would result in 'leapfrogging' to more remote areas, in particular material alterations BOM 1, BOM 13, BOM 16 and BOM 29 affecting land in Castlepollard, Killucan Rathwire, Rochfortbridge, Glasson respectively.

In respect of proposed material alteration BOM 14 affecting land between the settlements of Killucan and Rathwire, it is considered that further residential development at this location would be contrary to policy objective CPO 8.164 of the development plan which states '*Ensure that the landscape setting between Killucan and Rathwire is maintained in order to protect the distinct identity, character and form of both settlements (See Map 11)*'. The proposal would rezone land from Open Space to allow residential development in an area that forms part of the physical and visual buffer between the two settlements.

BOM 23 proposes to zone unzoned land for residential purposes in Ballymore in a location removed from the main village centre and inconsistent with policy objectives at section 8.6.2 Ballymore Village of the development plan which support consolidating development in close proximity to the village centre. The Office notes that the anticipated growth rate for Ballymore and requirement for residential land over the development plan period does not support this rezoning change. Further, there is an absence of headroom in the wastewater treatment plant (reference page 38 of the SEA Environmental Report) to support further residential development.

The Office also notes that there is no infrastructural assessment supporting residential development at the above locations and the need for further residential land in these settlements is not supported by the anticipated population growth rates and consequent requirements for further residential zoned land in the core strategy.

In summary, the Office considers that the above material alterations would undermine other policy objectives of the development plan supporting compact and sequential growth and regeneration such as CPO 2.15, CPO 7.25, CPO 8.15, CPO 8.159 and CPO 8.188. Further, the aforementioned

² Section 4.19 (pages 35 and 36) of the Development Plan Guidelines for Planning Authorities (2007)

proposed material alterations are not consistent with national policy objectives supporting compact growth and sequential development, in particular NPOs 3c, 16 and 72a.

MA Recommendation 5:

Having regard to national policy objectives supporting compact and sequential development in particular NPO 3c, NPO 16 and NPO 72a, and the anticipated population growth and requirement for zoned land in Castlepollard, Killucan Rathwire, Rochfortbridge, Glasson and Ballymore as set out in the core strategy, the Office considers that the proposed material alterations seeking to zone further land for residential development in these settlements are not justified and would result in leapfrogging of development to more remote areas removed from services / infrastructure or would be in conflict with other policy objectives in the draft county development plan. To address the issues raised, the planning authority is required to remove the following zoning changes from the development plan:

- a) BOM 1 – change zoning from unzoned to Proposed Residential in Castlepollard;*
- b) BOM 13 – change zoning from unzoned to Proposed Residential in Killucan Rathwire;*
- c) BOM 14 - change from Open Space to Proposed Residential in Killucan Rathwire*
- d) BOM 16 – change zoning from unzoned to Proposed Residential in Rochfortbridge;*
- e) BOM 23 - change from unzoned to Proposed Residential in Ballymore;*
- f) BOM 29 – change zoning from unzoned to Proposed Residential in Glasson.*

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 material alterations to 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.

The planning authority is strongly advised that the recommendations relate to significant breaches of policy and failure to address the matters raised in the manner outlined prior to adoption of the

county development plan may lead to the Office to determine that the plan fails to set out an overall strategy for proper planning and sustainable development of the area concerned.

The Office acknowledges that meeting the requirements of the above recommendations will require a lot of work. That work is required and should be prioritised to ensure that this Office can conclude that its adoption is in alignment with your authority's wider statutory obligations.

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.

Yours sincerely,

A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive, slightly slanted style.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
