

23 March 2021

Senior Planner, Planning Department, Laois County Council, Aras an Chontae, JFL Avenue, Portlaoise, Co Laois

Re: Draft Laois County Development Plan 2021 – 2027

A Chara,

Thank you for your authority's work in preparing the Draft Laois County Development Plan 2021- 2027 (the Draft Plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable work your authority has undertaken in the preparation of the Draft Plan against the backdrop of an evolving national and regional planning policy and regulatory context. In particular, the Office commends the preparation of a Housing Need Demand Assessment (HNDA) (dated November 2020) to inform the Core Strategy and Housing Strategy in Appendix 3.

More recently, you will have been 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*. The planning authority will, therefore, be required to review the Draft Plan, and in particular the Core Strategy, in the context of this guidance which issued subsequent to the Draft Plan. Further advice in relation to this matter is provided below. As your authority will be aware, one of the key functions of the Office includes strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. In this regard, the Office has evaluated and assessed the Draft Plan, under the provisions of sections 31AM(1) and (2) of the Planning and Development Act 2000, (as amended) (the Act).

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. The planning authority is required to implement or address recommendation(s) made by the Office.

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 Draft Plan is being prepared at a crucial time following the preparation of the National Planning Framework (NPF) and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) which seek to promote the rebalancing of regional development in a sustainable manner. The Draft Plan has proactively embraced many of the challenges and opportunities identified in the NPF and the RSES through the identification of opportunity / regeneration sites in the county's settlements and the promotion of economic initiatives such as the J17 National Enterprise Park and the CUBE as a Low Carbon Centre of Excellence in Portlaoise. Other measures including those addressing climate change, which are promoted throughout the Draft Plan, are welcomed.

The Office commends the planning authority for the visual quality and comprehensive nature of the Core Strategy map and settlement plans which translate a number of the key policy objectives contains in the Draft Plan.

The Office supports the overall intended strategic approach of the Draft Plan in terms of population and economic growth which is supported with strong policy commitments for the regeneration and renewal of the county's towns and villages, and a more integrated transport system.

The planning authority will be aware that the Office's evaluation of the plan is required under section 31AM(2)(a) to address, in particular, matters within the scope of section 10(2)(n) of the Act in relation to climate change. In this regard, the planning authority is commended for the approach used to integrate climate action into the Draft Plan, which identifies the local county targets in the context of national targets for climate action under four action areas. Notwithstanding, the Office has identified specific matters below that will need to be addressed including the absence of a county target for potential wind energy generation and the inclusion of a requirement for separation (setback) distances in the Wind Energy Strategy, which is contained in an appendix to the Draft Plan and not translated into a policy objective or development management standard in the written statement. Further, the Office raises concern with the adequacy of the Strategic Flood Risk Assessment which underpins the policies and zoning maps in the Draft Plan.

Themes	Recommendation	Observation
Core strategy and settlement strategy	Recommendation 1, 2, 3, 4	Observation 1
Compact growth, regeneration and tiered approach to zoning	Recommendation 5, 6	Observation 2
Rural housing and regeneration	Recommendation 7	Observation 3

The submission below sets out 15 recommendations and 7 observations under following themes:

Economic development and employment	Recommendation	
	8	
Sustainable transport	Recommendation	
	9, 10, 11	
Climate action and renewable energy	Recommendation	Observation 4,
	12, 13, 14, 15	5
Environment, Heritage and Amenities		Observation 6
Other matters – Traveller Accommodation		Observation 7

1.0 CORE STRATEGY AND SETTLEMENT STRATEGY

1.1. Core Strategy

Subsequent to the publication of the Draft Plan, you will have been 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*. Notwithstanding that the plan review process has commenced for County Laois, the Guidelines specify that it will be necessary to demonstrate the manner in which the Core Strategy and other elements of the plan are consistent with the NPF 50:50 City housing demand projection scenario identified by the ERSI (Appendix 1 Table 9) subject to the methodology set out in Section 4.0 of the Guidelines and adjusted for your plan period.

You will also note that the Circular makes specific provision for local authorities, such as County Laois, where recent completed housing levels are significantly lower that the NPF projected annual average targets, to plan to increase housing provision up to 2026 in order to facilitate convergence with the NPF (adjustment 'E'). This adjustment must, however, be justified in terms of the ability of the planning authority to deliver against these increased targets in a manner that is consistent with the NPF and RSES in terms of settlement hierarchy, compact growth and sustainable transport, and the physical and social infrastructural capacity to accommodate this level of development.

While the planning authority is commended for the extent of information provided in Core Strategy Table 2.15 which includes estimates for housing to be delivered on infill / brownfield sites, it is considered that there is merit in also providing forecast of population figures for 2031.

Further information is also required to provide greater clarity and transparency regarding the potential quantity of land required to meet the housing supply targets in each settlement, to satisfy legislative requirements under Section 10(2A)(c) & (d) of the Act and to demonstrate consistency with the ESRI housing targets. This exercise may require an adjustment in the level of growth from that set out in the Draft Plan in order to ensure consistency with the NPF 50:50 scenario.

Recommendation 1 – Core strategy

In accordance with Sections 10(2B) and 10(2A)(c) & (d) of the Planning and Development Act 2000, (as amended) and having regard to the Guidance Note on Core Strategies 2010, and the Section 28 Guidelines: Housing Supply Target Methodology for Development Planning, the Planning Authority is required to:

- a. Review the proposed Core Strategy (including settlement strategy and associated identification of development potential and zoning exercises) and HNDA and to revise as necessary to comply with the requirements of the Section 28 Guidelines: Housing Supply Target Methodology for Development Planning and Appendix 1 of the accompanying Ministerial Circular.
- b. Amend Core Strategy Table 2.15 to provide the quantity in hectares of existing and proposed residential zoned land and land zoned for a mix of residential and other uses which are permitted to accommodate residential use in the Draft Plan for each settlement. The total figures for the county should align with the housing supply targets generated in response to Recommendation 1a above.

1.2. Settlement Hierarchy and distribution of growth

The Office is generally satisfied that the positioning of settlements within the county settlement hierarchy is consistent with policies and guidance in the RSES including the asset based approach.

The distribution of the county's anticipated population growth across the six tiers of the settlement hierarchy is also considered to be generally consistent with the NPF and RSES objectives for sustainable growth. There are, however, a small number of anomalies where some smaller settlements have been provided with growth rates that are significantly higher than for larger settlements, and there is a need to rebalance the growth allocation to ensure that lower tier settlements do not grow at a faster rate that the tier 1 key towns and that there is consistency with NPO 9.

In this regard, the current allocations would provide for growth rates of over 20% of the 2016 population in Portarlington (tier 2), Abbeyliex (tier 3), Stradbally (tier 3) and Ballylinan (tier 4) in contrast to 13% population growth in the tier 1 key town of Portlaoise.

Recommendation 2 – Settlement hierarchy and distribution of growth

Having regard to Regional Policy Objective 4.26 of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region and National Policy Objective 9, the planning authority is required to rebalance the overall allocation of population growth and housing supply targets across the settlement hierarchy to achieve a more sustainable distribution of growth and which prevents lower tier settlements growing at faster rates than the tier 1 key towns. In particular, the planning authority is required to:

- a. Increase the proportion of the Core Strategy's population/ housing allocation for Portlaoise in the Core Strategy consistent with its designation as a Key Town and capacity to act as a 'regional driver' consistent with section 4.6 of the RSES.
- b. Reduce the proportion of the Core Strategy's population/ housing allocation to the settlements of Portarlington, Abbeyleix, Stradbally, Ballylinan and

Ballyroan (in light of its wastewater treatment capacity constraints), and redistribute to the tier 1 key towns, in particular Portlaoise.

1.3. Residential Land Supply

While the Core Strategy Table 2.15 provides a useful indication of the infill and brownfield potential within each settlement and the overall contribution of such land to compact growth, it would benefit from inclusion of information on the quantity in hectares of existing residential zoned land and land zoned for a mix of residential and other uses which are permitted to accommodate residential use. This issue is addressed under Recommendation 1(b) above.

Notwithstanding the above, the Office considers that the amount of land zoned for residential development or strategic reserve is generally appropriate in the majority of settlements. In respect of Abbeyleix, Stradbally and Rathdowney, the planning authority is advised to provide justification and to consider reducing the quantum of land zoned for Strategic Reserve commensurate with their position in the settlement hierarchy and growth allocation in the core strategy.

The Draft Plan zones approximately 45 ha of land for Strategic Reserve in Abbeyleix. It is considered that some of this land is not sequentially preferable, in particular the land to the north (outside CSO settlement boundary) and may lead to pressure for further road infrastructure around the periphery of the town.

In Stradbally, there is land zoned for Residential 2 and Strategic Reserve which is close to the town centre and would contribute to sequential growth. However, there is an apparent surplus of land zoned for Strategic Reserve to the northwest and southeast of the settlement close to or outside the CSO settlement boundary.

In Rathdowney, an apparent surplus of land zoned for Strategic Reserve to the northwest is outside the CSO settlement boundary and in close proximity to Flood Zone A. It is also noted that there is a significant site zoned for General Business which appears undeveloped, is closer to the town centre and sequentially preferable to the land zoned for Residential 2 at the western edge of the settlement and also outside the CSO settlement boundary.

In respect of Ballylinan, it is noted that the land zoned for Residential 2 to the south and fronting the N78 is outside the CSO settlement boundary and more remote from the town centre. Should the planning authority reduce the growth allocation to Ballylinan in response to Recommendation 2 above, the zoning of this land for Residential 2 should be reconsidered.

Recommendation 3 - Residential land supply

Having regard to National Policy Objectives promoting compact and sequential growth, in particular NPO 3(c) and 72 (a-c), and the location of certain lands zoned for Strategic Reserve relative to CSO boundaries and areas of flood risk, the planning authority is required to:

- Provide justification for the extent of land zoned for Strategic Reserve in Abbeyleix, Stradbally and Rathdowney and the extent of land zoned for Residential 2 in Ballylinan.
- b. Review the quantity of land zoned for Strategic Reserve, in particular at the periphery of Abbeyleix, Stradbally and Rathdowney to reflect the longer term Housing Supply Targets (refer to Recommendation 1) and their position in the settlement hierarchy, and reduce the extent of land zoned for strategic reserve having regard to policies in the National Planning Framework promoting compact and sequential growth.
- *c.* Review the quantity of land zoned for Residential 2 in Ballylinan in the context of a potentially reduced growth allocation (Recommendations 1 and 2) and to promote compact and sequential growth within the settlement.

1.4. Development Approach

The Office commends the planning authority for the visual quality and the extent of information provided on the zoning maps / settlement plans which includes, inter alia, opportunity sites, infrastructure, flooding and amenities. This provides for a high degree of transparency regarding the policy objectives contained in the written statement.

Notwithstanding, the Office considers that there is scope to enhance the approach by including information to define the core retail areas and to address the specific issues regarding flood risk, road infrastructure and employment land in addition Recommendation 3 above.

Local Areas Plans

The Office welcomes the intention to prepare local area plans for the larger settlements in the county as outlined in the settlement strategy and policy objectives CS 08, CS 09 and CS 10 within the core strategy. It is considered, however, that the following matters could be further clarified:

- The status of the local areas plans once the new county development plan is adopted is unclear to members of the public from the wording of policy objectives CS 08 and CS 10 which is also contained in sections 2.1 Portlaoise, 3.1 Portarlington and 4.1 Mountmellick of the settlement strategy. For example, policy objective CS 08 states that, inter alia, zoning objectives shall apply while policy CS 10 does not.
- Policy objective CS 09 requires the preparation of a joint LAP for Carlow-Graiguecullen and the footnote on page 28 of the Core Strategy provides clarity on some specific requirements for the joint LAP such as defining a plan boundary. While it is considered reasonable not to include a zoning map for Graiguecullen given the date of the current joint LAP and the extent of regional policy objectives supporting the preparation of a new joint LAP, it is considered that policy objective CS 09 should be strengthened to prioritise the preparation of a cross boundary LAP having regard to Regional Policy Objective (RPO) 4.75 from the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly, RPO 11 and RPO 14 from the RSES for the Southern Regional Assembly.
- The relevant part of the zoning map from the existing joint LAP for the County Laois side of Portarlington should be included in the development plan consistent with the approach for Portlaoise and Mountmellick, and CS 10 amended to reflect this.

Observation 1 – Local area plans and settlement maps

The planning authority is requested to review policy objectives CS 08, CS 09, and CS 10 and sections 2.1 – Portlaoise, 3.1 – Portarlington and 4.1 – Mountmellick of the settlement strategy to:

- a. Provide greater clarity with respect to the status of existing statutory local area plans for the aforementioned settlements, which were adopted in 2018 and will not expire until 2024.
- b. Amend policy objective CS 09 in the Core Strategy to emphasise that the planning authority will prioritise the preparation of the joint Carlow-Graiguecullen local area plan and that the plan will be informed by a local transport plan prepared in consultation with the National Transport Authority and Transport Infrastructure Ireland.
- *c.* Include a zoning map for that part of the settlement of Portarlington which is within the functional area of County Laois consistent with the approach for Portlaoise and Mountmellick, and to amend policy objective CS 10 to reflect this change.
- *d.* Include two settlement maps for Mountmellick consistent with the approach for the other settlements.
- *e.* Identify Core Retail areas for larger tier 1-3 settlements and amend the relevant settlement maps in Volume 2 accordingly.

Local Transport Plans

RPO 8.6 of the RSES requires the preparation of a local transport plan for certain selected settlements including Portlaoise. The RSES states *'The policies, objectives and measures which emerge from the LTPs shall be incorporated into the relevant statutory land use plans pertaining to each settlement.'*

The Office considers, therefore, that the review and preparation of a new LAP for Portlaoise should be informed by a local transport plan and that this should be referred to in policy objective CS 08.

Recommendation 4 - Portlaoise Local Transport Plan

Having regard to Regional Policy Objective 8.6 from the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly, the planning authority is required to amend policy objective CS 08 in the Core Strategy to state that the review of the local area plan for Portlaoise will be informed by a local transport plan prepared in consultation with the National Transport Authority and Transport Infrastructure Ireland.

2.0 COMPACT GROWTH, REGENERATION AND TIERED APPROACH TO ZONING

2.1. Compact Growth and Regeneration

The Office welcomes the approach in the Draft Plan regarding the promotion of compact growth and regeneration across the county's settlements and for the planning authority's recent regeneration initiatives such as the "*Portlaoise Public Realm Strategy "2040 And Beyond: A Vision For Portlaoise*".

The Core Strategy Table 2.15 provides clear information on residential units to be delivered on infill / brownfield land within each settlement and figures for units to be delivered on greenfield sites, and it is forecasted that 33% of the required housing units could be delivered on infill / brownfield lands over the plan period.

The Office also welcomes the inclusion of a development and regeneration strategy for the towns, villages and rural settlements in the settlement strategy and for the clarity provided on opportunity sites within the overall Draft Plan.

Overall, the Office considers that the Draft Plan provides a clear strategy for where and how 30% of future housing requirements within the existing built up footprint of all settlements can be delivered in accordance with NPO 3c, and to support the regeneration of towns and villages.

2.2. Density and Development Management Standards

The section 28 guidelines on Sustainable Residential Development in Urban Areas (2009) set out the policy framework for residential development in urban area in accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores. Specific Planning Policy Requirement SPPR 1 requires that statutory plans identify areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development. SPPR 4 requires that planning authorities must secure: the minimum densities set out in the Sustainable Residential Development in Urban Areas Guidelines (2007).

The Office acknowledges that the densities set out in the Table 13.4 are generally consistent with the Guidelines, and that policies CS 15, CS 20 and CS 24 generally promote higher densities in Portlaoise, Graiguecullen and Portarlington respectively. The Draft Plan does not, however, explicitly state that these densities will be applied as development standards and greater clarity is therefore required to demonstrate consistency with the aforementioned Guidelines.

Having regard to the above and policy objectives SS 2, SS 3 and UD 5, it is also considered that there is scope for a greater clarity in respect of the minimum density on town/village centre sites and infill/brownfield land, and greater consistency in terms of the actual densities promoted in the lower tiers (4 & 5). In this regard, there is also scope for confusion between the densities specified in Table 2.15 and Table 13.4.

Recommendation 5 – Residential density

Having regard to the recommended residential densities in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2012) and National Policy Objectives 6 and 35, the planning authority is required to provide greater clarity and consistency regarding the residential densities promoted in the development plan. In this regard, the planning authority is required to address the following:

- Review the anticipated densities set out in Core Strategy Table 2.15 and Table 13.4 – Residential Density to ensure that they are consistent with each other and the Sustainable Residential Development in Urban Areas Guidelines, in particular for tiers 4 (towns) and 5 (villages).
- b. Provide clarity on the expected minimum density for town/village centre and infill/brownfield sites acknowledging that these will be determined on a site specific basis.

The Draft Plan also makes reference to a number of Development Management Standards applicable to development projects and which support the overall objectives in the Draft Plan, including the objective to achieve greater compact growth. However, the Office has a number of concerns relating to specific guidelines and standards as follows:

- While it is noted that the Draft Plan does refer to the *Urban Development and Building Heights Guidelines for Planning Authorities (2018)*, it does not identify areas where increased building height will be actively pursued as required by Specific Planning Policy Requirement (SPPR) 1.
- Policy DM HS 2 states Applications for apartments will be assessed against the design criteria set out in the Sustainable Urban Housing: A Design Guide for New Apartments –Guidelines for Planning Authorities (DHPLG, 2018).
 While this is acknowledged, the development management standards only make reference to minimum floor areas requirements and minimum depth for private amenity space (in Appendix 1) and do not adequately address the requirements of the other Specific Planning Policy Requirements, as relevant.
- The NPF signals a move away from rigidly applied, blanket planning standards in relation to building height, garden size and car parking in favour of performance based standards (NPO 13) where appropriate. There are a number of prescriptive standards promoted within the Draft Plan which could militate against the principle of promoting appropriate density and compact

growth in the higher order tier settlements, in particular. In this regard, the Office notes the inclusion of the following standards:

- Private open space for 1 and 2 bedroom 60 sqm
- Private open space for 3, 4 and 5 75 sqm
- In general, a minimum distance of 22m should be achieved between opposing first floor windows at the rear of dwellings.
- In general, it is encouraged that a 15m rear garden is provided, with innovative design and layout a lesser requirement may be considered.
- Table 10.3 in Chapter 10 Infrastructure does not state that the parking standards contained therein are maximum parking standards.

Observation 2 – Specific guidelines and standards

The planning authority is requested to:

- Provide relevant information to show that the Draft Plan and Housing Strategy are consistent with the specific planning policy requirements (SPPRs) specified in the 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018) by explicitly addressing SPPR 1, SPPR 2, SPPR 3 and SPPR 4.
- Amend policy DM HS 2 regarding residential apartment development to make reference to the SPPRs contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018), as relevant.
- c. Review the minimum separation distances between opposing windows, minimum private open space provision and minimum garden depth for houses and instead focus on assessing individual development proposals on performance based criteria dependent on location and individual site characteristics in accordance with the provisions of NPO 13.
- d. Review the car parking standards in table 10.3 in consultation with the National Transportation Authority and clarify that the standards (which may be revised) are maximum.

2.3. Tiered approach to zoning

The Office notes that information from Water Services and Irish Water has been used to inform the growth of settlements and that the settlement strategy contains specific information on water and wastewater in respect of each settlement except those that have a statutory local area plan. Notwithstanding that the core strategy sets outs the planning authority's approach in respect of the Tiered Approach to Zoning (TAZ), the office considers that further clarity is required consistent with National Policy Objective 72(a-c).

Recommendation 6 – Tiered approach to zoning

The planning authority is required to clarify that the tiered approach to zoning required under the National Planning Framework (policies NPO72a, NPO72b and NPO72c refer) has been applied, which should have regard to the provisions of an Infrastructural Assessment Report, details of which must be included in the Development Plan, all in accordance with the methodology set out in Appendix 3 of the NPF.

3.0 RURAL HOUSING AND REGENERATION

The Office welcomes the statement in the plan that the rural development strategy is based on promoting sustainable rural development aimed at maintaining vibrant and viable rural communities while also seeking to transition to a low carbon society and protect the amenity, recreational and heritage value of the rural landscapes and countryside of the county. This focus will be critical in terms of supporting the National Strategic Outcomes of compact growth, sustainable mobility, transition to a low carbon and climate resilient society and sustainable management of environmental resources.

The Office considers that the allocation to the open countryside in the Core Strategy is consistent with national and regional policy objectives seeking to manage the pressure for urban generated rural housing particularly in locations in proximity to larger towns. The planning authority is also to be commended for its proactive

approach to providing an alternative to housing in the open countryside through the provision of serviced sites in villages.

Consistent with NPO 19, the planning authority identifies two rural area typologies, areas under strong urban influence and structurally weak areas. The Office also notes that the 'Local Needs Criteria for Areas Under Strong Urban Influence' also apply to the part of the county designated as Areas of Sensitivity.

The Draft Plan includes a designated 'other rural area' situated to the east of the county along the Kildare boundary (Vicarstown area), north of Mountmellick, and south along the Kilkenny boundary (along the national road network). These areas have good accessibility to urban centres, both within and beyond the county boundaries, along the road network and it is considered that the areas may need to be revisited within the context of its rural area classification.

In relation to the areas under urban influence, the Office notes that the criteria contain requirements for family ties and land ownership periods.

The Office also notes that transport policies TRANS 19¹, 21 and 23 also provide policy support regarding the permitting of access to the national / regional road network based on land ownership of family ties, which raises issues of consistency with Section 2.6 Exceptional Circumstances of the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* and guidance for regional roads in Section 1.6.

¹ Access to national roads for replacement dwellings

Recommendation 7 – Rural housing

The planning authority is required to revise the following policies relating to rural housing:

- a. Revisit, in an evidence-based approach, the inclusion of the areas to the east of the county along the Kildare boundary (Vicarstown area), north of Mountmellick, and south along the Kilkenny boundary (along the national road network) within the designated 'other rural areas' as defined in Map 4.1 in the Draft Plan to ensure consistency with national and regional objectives to regenerate and reverse the decline of small towns and villages (NPOs 6, 16, 18a and 18b).
- b. Amend Section 4.6.2.3 on Areas under Strong Urban Influence to ensure that the specific criterion for consideration is linked to demonstrable social or economic 'need' to live in a rural area and siting and design criteria for rural housing having regard to National Policy Objective 19 and the Sustainable Rural Housing Guidelines for Planning Authorities (2005).
- c. Reconsider the provisions in transport policies TRANS 19, 21 and 23 which provide policy support for access to the national / regional road network based on land ownership of family ties having regard to the requirement to agree exceptional circumstances under Section 2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and guidance for regional roads in Section 1.6.

Observation 3 – Monitoring of rural housing

Having regard to the National Policy Objectives contained in Chapter 5 – Planning for diverse rural plans of the National Planning Framework, in particular NPOs 15, 16 and 18(a), the planning authority is requested to also include provisions for monitoring residential development permitted (separately) in rural villages and as single rural houses in open countryside over the plan period.

4.0 ECONOMIC DEVELOPMENT AND EMPLOYMENT

The Office notes the strong policy support for economic development and employment which is expressed in the Draft Plan's objectives, strategic aims, and economic development policy objectives. In this regard, the Office commends the planning authority for the inclusion of key strategic employment initiatives and strategic employment sites in Chapter 6.

One of the key strategic sites is the J17 National Enterprise Park, which is located to the southwest of Portlaoise and is the subject of masterplan prepared in 2018. It is noted that the masterplan identifies that further development will require an upgrade of the junction with the Abbeyleix Road (N77). Having regard to the scale of the site and its proximity to the national road network, and Regional Policy Objective 8.6 of the RSES, it is prudent that the review of the local area plan is informed by a local transport plan which considers the transport demands arising from the masterplan area. This is addressed in Recommendation 4 above.

The Office notes that the Draft Plan provides for c. 15 hectares of Enterprise and Employment zoned land in Stradbally², c. 21 hectares of Industrial zoned land in Rathdowney, and c. 14 hectares of Industrial zoned land in Borris-in-Ossory³, which in ease case is close to or outside the CSO settlement boundary. Having regard to the settlement hierarchy and the current and projected population of Stradbally, Rathdowney and Borris-in-Ossory, and the location of land zoned for Enterprise / Employment / Industrial in each settlement, it is considered that justification is required for the extent of land zoned for such development in each.

² The Enterprise and Employment land to the northwest is in close proximity to the N80

³ Adjoins R435 link to the M7 motorway

Recommendation 8 - Employment land use zonings

Having regard to Spatial Planning and National Road Guidelines for Planning Authorities (2012), and the settlement hierarchy designation of Stradbally (tier 3), Rathdowney (tier 4) and Borris-in-Ossory (tier 5), and their anticipated population growth over the plan period, the planning authority is required to provide an evidence-based justification for the quantity and location of all employment generating land use zonings (or for a reduced area zoned for such uses in the absence of a robust justification).

5.0 SUSTAINABLE TRANSPORT

The Office notes the strong policy support for a more sustainable and integrated transport system which is expressed in the Draft Plan's objectives, strategic aims, and transportation policy objectives. In this regard, the Office commends the planning authority for the inclusion of local county targets and a range of supporting climate mitigation and adaptation objectives under Action Area 1 – Sustainable Transport in Chapter 3 (Climate Action and Energy).

The Office notes that 'It is the aim of Laois County Council to facilitate a modal shift in transportation from car based modes to more sustainable forms of integrated public transport' and policy objective ES 39 states 'Encourage more sustainable modes of transport and a more balanced modal spilt to reduce carbon emissions'.

In this regard, the Office considers that the Draft Plan would benefit from the inclusion of a stronger and more explicit policy objective regarding the need to achieve a modal shift. To enhance Chapter 3 and the local county targets under Action Area 1 – Sustainable Transport, the Office advises the planning authority to include baseline information on modal share for the county and targets for modal shift to be achieved over the development plan period.

Recommendation 9 - Sustainable transport and modal shift

In order to ensure the effective planning, implementation and monitoring of the development plan requirements under section 10(2)(n) of the Act, the planning authority is required, in consultation with the National Transport Authority (and Transport Infrastructure Ireland), as appropriate, to:

- a. Include a stronger and more explicit policy objective regarding the need to achieve a modal shift.
- b. Enhance section 3.4 Integrating Climate Action into the Plan of the Draft Plan to include existing baseline figures for modal share for the overall county and modal share targets for the plan period. It is recommended that this could best be provided at individual settlement level for the larger settlements, and at aggregate level for rural towns and villages and the open countryside.
- c. Provide an effective monitoring regime for the implementation of the planning authority's sustainable transport strategy and the modal share targets in particular.

5.1. Proposed road infrastructure

The Office notes the extent of approved roads / roads objectives included on the zoning maps for Abbeyleix, Mountrath, Stradbally and Durrow which provide for significant road infrastructure development around the periphery of these settlements.

Having regard to the settlement hierarchy and the growth projections set out in the Draft Plan for the aforementioned settlements and section 10(2)(n) of the Act, the planning authority is advised to review the need for and extent of road infrastructure proposed in consultation with the National Transport Authority and Transport Infrastructure Ireland.

Recommendation 10 - Road infrastructure

Having regard to section 10(2)(n) of the Planning and Development Act 2000 (as amended) and the need to promote more sustainable transport patterns and reduce greenhouse gas emissions from transport, the planning authority is required to review the need for and extent of road infrastructure proposed in the settlements of Abbeyleix, Mountrath, Stradbally and Durrow in consultation with the National Transport Authority and Transport Infrastructure Ireland.

5.2. Spatial Planning and National Roads Guidelines

The Office has reviewed the policy objectives for national roads contained in Chapter 10 of the Draft 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
- Provisions with reference to 'exceptional circumstances' as per Section 2.6 of the guidelines
- Access to national roads where speed limits over 60kph apply in respect of land zoned for employment uses and Policy Objective TRANS 19 – access to national roads for replacement dwellings
- The presumption against large out of town retail centres adjoining national roads

Recommendation 11 - Spatial planning and national roads guidelines

Having regard to the provisions of section 2.5 – Required Development Plan Policy on Access to National Roads and section 2.6 – Exceptional Circumstances of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012), the planning authority is required to strengthen and expand on the policy objectives for national roads and review the zoning of land for employment purposes in proximity to national roads (Recommendation 8) to ensure that the draft development plan is consistent with the Guidelines, 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. In this regard the planning authority should consult with Transport Infrastructure Ireland.

6.0 CLIMATE ACTION AND RENEWABLE ENERGY

The Office notes the strong policy support for climate action which is expressed in the Draft Plan's objectives, strategic aims, and climate adaptation and mitigation policy objectives. In this regard, the Office commends the planning authority for the approach of integrating climate adaptation and mitigation policy objectives into the various chapter of the Draft Plan where relevant.

Notwithstanding the otherwise strong commitment to climate action in terms of sustainable settlement and transport patterns and general policy, the Office has number of significant concerns regarding the plan's consistency with national policy in relation to climate mitigation and adaptation in the areas of renewable energy and flood risk management. The planning authority is strongly advised that these matters should be addressed in full to demonstrate that the plan is consistent with national policy.

6.1. Renewable Energy

Contribution to National Targets

Having regard to the national targets for reduction in greenhouse gas emissions, Specific Planning Policy Requirement (SPPR) in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017) requires that development plans set out how the county will contribute to realising national climate change and renewable energy targets including specific targets in megawatts for wind energy potential in the county. While there are specific references to national targets under Action Area 4 – Energy, there is no specific local county target. The following is stated in respect of solar and wind energy:

'Support the development of solar energy that has been permitted to date within the county by 2030'

'Support the development of wind energy that has been permitted to date within the county by 2030'

Therefore, the Draft Plan does not specifically identify how the county will contribute to realising national climate change and renewable energy targets including specific targets in megawatts for wind energy potential in the county as required by the Specific Planning Policy Requirement (SPPR).

Recommendation 12 - National renewable energy targets

In accordance with the provisions of section 28(1C) of the Act, the planning authority is required to amend Chapter 3 in the Draft Plan 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. This will require the planning authority to indicate how the designation of areas for renewables development under the policies and objectives of the plan will contribute to meeting national renewable energy targets including specific targets in megawatts for wind energy potential in the county. In the absence of any nationally determined targets for County Laois specifically, you are advised to demonstrate appropriate metrics in this regard, which could include Laois's share of estimates of additional national renewable electricity target (4GW) as defined by the % of national land area represented by the county, linked back to the cumulative renewable energy production potential of the areas designated for renewables development.

Separation Distances

Section 6 of the planning authority's wind energy strategy is included in appendix 5 and contains 'Development Control Standards for Wind Farms in County Laois'. In respect of the development control standards for wind farm development, the following is noted:

'6.1 Buffer Zones - Ensure a setback distance of 1.5 kms of wind turbines from schools, dwellings, community centres and all public roads in all areas open for consideration for windfarm development.'

No evidence-based approach is provided for the 1.5km separation distance, and it has no basis in national or regional policy. Crucially, the result of the separation distance to dwellings 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.

The extent of the limitations placed on wind energy through the separation distances would result in conflicting policies in the Development Plan which includes policy objectives promoting wind farm development in the development plan such as CM RE 2, CM RE 5 and CM RE 7, and Chapter 3 of the Draft Plan which outlines the County's commitment to climate action. In particular, it appears to directly conflict with objective CM RE 6 which references setback distances as per the Guidelines for Planning Authorities on Wind Energy Development (Department of Housing, Planning and Local Government). It is also noted that the 1.5km separation distances for wind energy development is not considered in the SEA in terms of its likely significant effects on climate.

The Office advises that the inclusion of the above standard to ensure a setback distance is considered to be contrary to national guidelines on wind farm development.

Recommendation 13 – Wind energy strategy

The planning authority is required to delete development control standard 6.1 – Buffer Zones in its entirety from the council's wind energy strategy in appendix 5 of the draft development plan as the inclusion of a requirement for such a separation distance between wind turbines and schools, dwellings, community centres and public roads would restrict the potential for wind farm development in the county (areas open for consideration), would undermine other policy objectives supporting wind farm development and be contrary to national policy and Ministerial guidance on wind farm development.

Coordination of objectives with neighbouring authorities

Section 9(4) of the Act requires that a planning authority shall, in making a development plan, have regard to the development plans of adjoining authorities and shall co-ordinate the objectives in the development plan with those of neighbouring authorities except where the planning authorities considers it inappropriate or not feasible to do so.

It would appear that the Wind Energy Strategy incorporated into the Draft Plan does not take appropriate account of the strategies of neighbouring planning authorities as there are conflicts between the Draft Laois County Development Plan (2021 - 2027), Draft Kilkenny County Development Plan (2021 - 2027) and Draft Offaly County Development Plan (2021 - 2027).

Some of the land north of Mountmellick (along the county boundary with County Offaly) is shown as *'areas open for consideration'* in Map 3.2 from the Draft Laois County Development Plan, whereas Map 10 from the County Offaly Wind Energy Strategy identifies this as *'areas not deemed suitable for wind energy development'*.

Further, the wind energy map from the Draft Kilkenny County Development Plan identifies land along the county boundary with Laois as '*acceptable in principle*' for wind farm development, whereas Map 3.2 from the Draft Laois County Development Plan identifies the land as '*areas not open for consideration*' for wind energy development.

Recommendation 14 - Coordination of objectives for wind energy

Having regard to the requirements of section 9(4) of the Act, the Planning Authority is required to coordinate the objectives for wind energy development in the development plan, with those of the neighbouring counties, to ensure a coordinated Wind Energy Strategy across the region. Particular coordination shall be required with Kilkenny County Council and Offaly County Council where current conflicts arise in the identification of preferable locations in the consideration of their recently published Draft Development Plans.

6.2. Future guidelines and policy

The manner of addressing climate change in statutory development plans is the subject of ongoing policy development. Accordingly, it would be prudent to include an objective in the Draft Plan to the effect that an assessment will be undertaken in relation to the implications of the introduction of such future policy mechanisms, with a view to varying the plan as made to ensure consistency with relevant climate assessment and development plan guidelines.

Observation 4 – Consistency with guidelines

Given the importance attributed to climate action by Government, as evidenced by, inter alia, the recent Climate Action and Low Carbon Development Bill (October, 2020) and the Climate Action Plan 2019, the planning authority is advised that section 2.4 should also 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 or any other relevant guidelines.

6.3. Flood Risk Assessment

The Office welcomes the commitment to SuDS and Green Infrastructure in the Draft Plan, which are key factors in terms of flood mitigation and climate action. The Strategic Flood Risk Assessment (SFRA) at section 7.6, also importantly considers Mid-Range and High-End climate change future scenarios. The Office further welcomes reference to the section 28 *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (DEHLG & OPW, November 2009), and the inclusion of a number of policy objectives such as CA-ST 1, 3 & 4.

Notwithstanding the above, the Office has concerns regarding the adequacy of the SFRA in terms of the data sources used to inform it and the consequential implications for zoning decisions, and consistency with the aforementioned Guidelines and the associated Department of Environment, Community and Local Government Circular PL 2/2014.

In terms of defining Flood Zone areas A and B, it would appear that in a number of settlements, including Arles, Ballacolla, Ballybrittas, Ballylynan, Clough, Emo, Newtown-Doonane and Vicarstown, the flood zone data used is from Office of Public Work's (OPW) Preliminary Flood Risk Assessment (PFRA) and PFRA Fluvial, without any confirmation that that this has been validated through further investigations. It should be noted that the PFRA maps are preliminary assessments and should not be relied upon to inform zoning decisions. In addition, a number of flood event reports submitted to the OPW by Laois County Council not yet shown on www.floodinfo.ie, have not been referenced in SFRA including lands at Ballacolla, Durrow, Mountrath, Portlaoise, and Rathdowney.

In light of the above, the Office considers that the SFRA requires review and examination against the zoning maps in the Draft Plan to determine if there is sufficient information to inform zoning decisions or if further more detailed analysis is required.

Under section 4.23 of the Guidelines, where a planning authority is considering (in the plan) the future development of areas at risk of flooding, that would generally be inappropriate under the sequential approach (section 3.2), the planning authority must be satisfied that it can clearly demonstrate on a solid evidence base that the zoning will satisfy the Justification Test for the plan making stage (Box 4.1).

The settlement zoning maps include proposed land use zoning objectives, some of which are classified as highly vulnerable development in the Guidelines within Flood Zones A and B, and it is not clear that the sequential approach has been applied and

the Justification Test has been satisfied as required under sections 3.2 and 4.23 of the Guidelines respectively. The Office specifically draws your attention to proposed zoning which could include highly vulnerable uses in Flood Zone A and/or B for Ballyroan, Camross, Clonaslee, Durrow, Killeen, Killeshin, Mountmellick, Mountrath, Portlaoise, Rathdowney, Rosenallis, Stradbally, The Swan, and Timahoe. Zoning for less vulnerable uses for Flood Zone A is also proposed for Borris-in-Ossory, Durrow, Portlaoise, Rathdowney, Stradbally, and The Swan.

It is important to note that the Guidelines specifically require that the Justification Test for these zonings be undertaken at plan making stage, and not left to the planning application stage. Your authority's attention is also drawn to the Department of Environment, Community and Local Government Circular PL 2/2014 which clarifies that the application of the justification test also applies to existing developed areas of towns and cities located in Flood Zone A and B.

The SFRA also states that the lands in Flood Zones A and B within the large Enterprise & Employment lands to the south west of Portlaoise have been proposed for flood plain storage, and the lands zoned as Town Centre to the west of St Peter & St Paul's church, have been described in the SFRA as providing important flood plain storage. If these lands from part of the flood risk management for the area, their zoning should either be amended to reflect this, or a policy objective be attached to the zoning to provide clarity and certainty.

Recommendation 15 - Flood risk management

Having regard to the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG & OPW, November 2009) and the Department of Environment, Community and Local Government Circular PL 2/2014, the planning authority is required, in consultation with the OPW, to revisit the Strategic Flood Risk Assessment to demonstrate that:

a. The SFRA has been carried out on the basis of sufficient information to inform zoning decisions or to undertake further more detailed analysis as required.

- b. The sequential approach has been carried out for each proposed zoning in accordance with the aforementioned Guidelines and Circular, inclusive of the Justification Test, as appropriate.
- c. Omit or amend proposed zonings that cannot meet the Justification Test in accordance with the provisions of Guidelines and Circular.

Observation 5 – Strategic Flood Risk Assessment (SFRA)

The Office advises that the following matters should be clarified to ensure consistency between the Plan and the Strategic Flood Risk Assessment:

- a. The status of lands in Portlaoise referenced in the SFRA as flood plain storage within the Enterprise & Employment lands to the south west of the town, and zoned Town Centre to the west of St Peter & St Paul's church, should be clarified. This may require an amended zoning or policy objective for the purposes of the flood risk management of the area.
- b. Land in Ballybrittas shown as new residential on zoning maps is shown as existing residential on SFRA the map. The recommendation above in respect of sequential development and the justification test apply.
- c. Land in Killeen shown as new residential on zoning maps does not match the flood zones on SFRA the map.

7.0 ENVIRONMENT, HERITAGE & AMENITIES

Chapter 12 of the Draft Plan addresses mandatory objectives in relation to protected structures, architectural conservation areas (ACA's) for the county, and archaeological heritage. Chapter 11 includes objectives for natural heritage, including protected habitats and species designated for nature conservation, and green infrastructure. The proactive approach to peatlands in the context of the transition away from commercial peat production is also to be commended.

The Office acknowledges that Chapter 11 includes objectives for public rights of way, and that six public rights of way are indicated on map 11.6 and listed in Table 11.5.

The Draft Plan also includes an objective, objective BNH 39, to bring forward proposals for the creation of further public rights of way.

The Office would conclude that the Draft Plan addresses the mandatory objectives in relation to environment, heritage and amenities.

7.1. Environmental Reports

The Office notes that the environmental report (SEA) concludes that no significant residual adverse impacts are identified in the SEA taking into account the detailed mitigation which has been integrated into the plan. As noted above, it would appear that the SEA has not considered the 1.5km separation distances for wind energy development in terms of its likely significant effects on climate, and refers solely to objective CM RE 6 which references setback distances in accordance with the Guidelines.

The Natura Impact Report concludes that, having incorporated mitigation measures, the draft Plan is not foreseen to give rise to any significant effects on designated European sites, along or in combination with other plans or projects, and that the AA process is ongoing and will inform and be concluded with the adoption of the plan. In relation to this conclusion, the planning authority is advised that the test for appropriate assessment is that the plan would not adversely affect the integrity of any European site rather than give rise to any significant effects.

The role of this Office is not as an environmental authority under article 6(4) of the SEA directive, however within the context of the section 28 guidelines it is appropriate and relevant to comment upon the environmental reporting. In this respect, the Office considers it important that there is scope to enhance the integration between environmental reporting and the Draft Plan preparation process. For instance, the environmental report does not include any detailed analysis or discussion of the council's deliberations of the Draft Plan prepared by the executive or any analysis of the directions or motions of the elected members in the process of the Draft Plan for public display.

Observation 6 – Environmental reporting

The planning authority is advised that in order to give full meaning to the strategic environmental assessment process as set out in the directive, it should ensure that as/when material amendments stage arise, the environmental reporting is iterative and transparent with the decision-making process at that stage.

8.0 OTHER MATTERS

8.1. Traveller Accommodation

The Office welcomes the inclusion of policy objectives HPO 30 and HPO 35 which supports housing for groups with specific planning needs such as the travelling community and implementation of the Laois County Council Traveller Accommodation Programme (TAP) 2019-2024.

Section 2.3.7 of the Housing Strategy contains information on the Laois County Council Traveller Accommodation Programme (TAP) 2019-2024. It states the following:

'The current Programme also provides an assessment of the existing travellers' accommodation needs, and a projection of the anticipated needs over the Programme period. It also includes a policy statement regarding Traveller accommodation and strategy for the implementation of the accommodation programme. According to this Programme, 'it is estimated that there is a projected need for 238 households during the duration of the programme. Whilst it has not been possible to establish the accommodation preferences of these 238 individuals, it is envisaged based on the housing applicants' strong preference for standard social housing, that the majority would consider standard accommodation'.

However, it is noted that section 5 of the council's adopted TAP states the following regarding halting site accommodation:

'Four applicants requested traveller halting site bays. There will be a capacity increase for Oakpark halting site in Portlaoise from its current one bay to four bays to accommodate the extended family of the existing residents of the halting site. Further need for halting sites in Laois will be reviewed during the programme.'

Observation 7 – Traveller accommodation

The planning authority is advised to include a policy objective in Chapter 4 – Housing to review the need to extend the existing halting site facilities in Portlaoise in relation to potential need identified in the council's Traveller Accommodation Programme or subsequent revision.

9.0 GENERAL AND PROCEDURAL MATTERS

The Written Statement of the Draft Plan is well structured, and of an appropriate length, with the chapters presented in a standardised format that is easily followed and understood. The accessibility of the individual chapters in the online version also make it easier for the public to access the relevant information. As previously referenced, the visual quality and comprehensive nature of the Core Strategy map and settlement plans is extremely high and, indeed provides an example of best practice for other authorities to follow.

There was a good level of public engagement activity held to support the public consultation of the Draft Plan. This included several webinars and informative videos about the development plan and how to make an on-line submission. It was also helpful to have the webinars available on-line, as this can assist in improving the accessibility of the Plan and reaching a wider audience.

The Office in reviewing the Draft Plan has identified a small number of inconsistencies, as follows:

 In respect of section 7.3.3 Assessment of Tier 3: Alternatives for Population Allocations of the Strategic Environmental Assessment, it is noted that the selected Tier 3 Alternative chosen is option A - Provide additional growth to Graiguecullen, however option B - Provide additional extent of growth to Portarlington is selected in Table 7.4.

- Section 3.5 AA Screening Conclusion states, inter alia, 'On the basis of the findings of this Screening for AA, it is concluded that the Plan: May, if unmitigated, have significant effects on 11 (no.) European Sites.' However, the signed determination (dated 12 November 2020) included in Figure 3.3 and Stage 2 AA relate to 12 European sites.
- The land use zoning map for Mountmellick appears to be missing from the settlement maps in Volume 2
- The spelling of Killeen on Map 7.5 (B)

IN 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.

The Office acknowledges that meeting the requirements of the above recommendations and observations 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,

AM C'Onne.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations