

12th May 2021

Pre-Draft Public Consultation,
Ballina Town and Environs Local Area Plan 2021-2027,
Forward Planning Department,
Mayo County Council,
Áras an Chontae,
The Mall,
Castlebar,
Co. Mayo,
F23 WF90.

Re: Issues Paper for the Ballina Town & Environs Local Area Plan 2021-2027

A chara,

Thank you for your authority's work in preparing the Issues Paper for the Ballina Town and Environs Local Area Plan 2021-2027 (the LAP). The Office of the Planning Regulator (the Office) acknowledges and welcomes the timing of the publication of the Issues Paper and its role in informing the preparation of the LAP.

The preparation of the LAP comes at an opportune time to complement the policy objectives in the forthcoming Mayo County Development Plan 2021-2027.

The planning authority will be aware that the Office made a submission on 16th March 2021 in respect of the draft Mayo County Development Plan 2021 – 2027 (the draft Plan). A number of the recommendations in that submission are referred to below, where considered relevant.

In accordance with the provisions of Section 31AO of the *Planning and Development Act 2000*, as amended, (the Act), the Office is obliged to evaluate and assess local area plans in the context of certain parameters including:

- Matters generally within the scope of section 19;

- consistency with the objectives of the relevant development plan, its core strategy, the regional spatial and economic strategy (RSES) that applies to the area and the transport strategy of the National Transport Authority (NTA);
- Ministerial guidelines under section 28;
- Ministerial policy directives issued under section 29;
- such other matters as the Minister may prescribe under section 262, or otherwise prescribe.

The Office has set out some comments for your authority to consider in formulating the draft LAP, under the following headings:

1. [Regional Spatial and Economic Strategy \(RSES\)](#)
2. [Core Strategy](#)
3. [Residential Land Zoning and Compact Growth](#)
4. [Regeneration and Development](#)
5. [Economic Development](#)
6. [Retail](#)
7. [Transport and Mobility](#)
 - [Local Transport Plan](#)
 - [Road Design for Urban Areas](#)
 - [Existing and Proposed Road Infrastructure](#)
8. [Climate Action and Strategic Flood Risk Assessment](#)
9. [Appropriate Assessment](#)
10. [Strategic Environmental Assessment \(SEA\)](#)

These comments are offered without prejudice to any observations and recommendations as may be forthcoming from the Office at future stages of the plan making process, and do not affect the obligation on your planning authority to comply with the relevant legislative requirements, or to be consistent with the fullness of the detailed policy context of the higher order plans and strategies and Ministerial guidelines.

1. Regional Spatial and Economic Strategy (RSES)

Ballina is designated as a key town in the RSES and it is important that it is referred to as such in the LAP to ensure consistency with section 3.8 (Key Towns) of the RSES. This issue was addressed under Recommendation 2 of the OPR's submission on the draft Plan.

The town centre is identified as having significant potential for regeneration and the Office notes that the council was successful in obtaining funding for the Ballina Innovation Quarter through the Urban Regeneration and Development Fund.

Ballina has a high ratio of jobs to resident workers and there is capacity in the business parks and industrial estates to expand existing businesses and attract new industries and enterprises.

The RSES recognises Ballina's current and future roles both as a stand-alone economic driver and also integrating as part of the network of other key population centres and economic drivers along this section of the Atlantic Economic Corridor.

2. Core Strategy

Under section 19(2) of the Act, the LAP must be consistent with the core strategy set out in the development plan. In relation to the development plan, the core strategy is currently under review as part of the preparation of the Mayo County Development Plan 2021 - 2027.

As outlined in the Office's submission to the draft Plan, a review of the draft core strategy and settlement strategy will be required to ensure consistency with the requirements of the section 28 guidelines: *Housing Supply Target Methodology for Development Planning* and Appendix One of the accompanying Ministerial Circular. This issue was addressed under Recommendation 1 of the OPR's submission on the draft Plan.

Page 2 of the Issues Paper states:

'The Core Strategy of the Draft Mayo County Development Plan 2021-2027 provides for a population allocation of 1,979 persons for Ballina over the plan period, which equates to approximately 773 new houses.'

Recommendation 3(a) of the OPR's submission to the draft Plan requires the planning authority to alter the population growth rate for Ballina so that it has a higher proportion of

the core strategy population/ housing growth in recognition of its role as a key driver supporting the higher-order centres. This will be important if the town is to develop in line with the 'place-based' approach set out in section 3.3 (Placemaking) of the RSES.

3. Residential land zoning and compact growth

The review of the core strategy for the draft Plan will inform the requirement for land zoned for residential and a mix of residential and other uses. In undertaking this exercise it is important that the basis upon which the land requirement is calculated applies densities consistent with the *Sustainable Residential Development in Urban Areas Guidelines* (2009).

While it is reasonable for the LAP to provide a tailored approach to the consideration of residential densities, it is nonetheless important that residential densities within the ranges advised in the aforementioned Guidelines are applied to support national and regional policy objectives for compact growth, which can be more effectively served by social and physical infrastructure and facilitate active mobility across the town. In this regard, the planning authority should refer to the recent Circular Letter: NRUP 02/2021 regarding Residential Densities in Towns and Villages, as set out in *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009).

The LAP should also adopt a clear sequential approach to the zoning of lands that seeks to consolidate the physical extent of the town, so that lands identified for residential development in proximity to the town core are prioritised over land more removed from the town core, promoting compact growth in accordance with NPO 3 and RPO 3.2. The principles of the tiered approach to zoning will also be important in term of consistency with NPO 72 and to ensure that zoned land can be serviced within the life of the LAP.

The Office notes that the Ballina Town and Environs Development Plan 2009 – 2015 contains sufficient zoned land to increase the town's 2016 census population of 10,171 people by at least 70%. In respect of zoning for residential use, section 1.5.3 of the aforementioned Plan states:

'There is currently a total of 148 hectares of undeveloped residentially zoned lands in Ballina resulting in a potential housing yield of 2960 units (assuming an average density of 20 units per hectare). This land is capable of housing an additional population of 7104 persons.'

Acknowledging that the census only recorded a slight increase in Ballina's population between 2011 and 2016, the Office advises that the extent of land zoned for residential development will be a key issue to address in the context of national policies promoting compact and sequential development and Regional Policy Objective (RPO) 3.1 of the RSES.

The Office also notes that the Ballina Town and Environs Development Plan 2009 – 2015 contains residential lands that are quite removed from the town centre. The specific role of any lands identified as Phase 2 should also be clear, focussing on the evidence-based future needs of the town to accommodate growth beyond the life of the LAP.

4. Regeneration and Development

Both the NPF (NPO 4 and 6) and RSES (section 3.3) provide a strong emphasis on the opportunities for urban regeneration, creating attractive, liveable, well designed, high quality urban places that provide for a high quality of life and well-being.

In this regard, the Office agrees with the statement in the Issues Paper that 'the potential for regeneration within the town core has the potential to bring about transformative change in Ballina' and notes that regeneration within the town core is one of the key future priorities¹ identified for the town in the RSES.

In addition to the regeneration proposals for the former Military Barracks, the LAP provides an opportunity to put in place a strong policy framework to support the utilisation of existing buildings, brownfield/infill sites, and derelict and underutilised sites, including land activation measures such as the use of compulsory purchase and derelict site orders.

It will also be important that the LAP provides for monitoring and evaluation of the success of the LAP in respect of clear and measurable targets in this area.

5. Economic Development

As outlined in the Issues Paper, Ballina is an important service centre for North Mayo with a range of industrial / enterprise businesses and has further potential to develop its tourism industry as a key economic sector for the town.

¹ Page 123 of the RSES for the NWRA

The Ballina Town and Environs Development Plan 2009-2015 includes large areas of land zoned for industrial and commercial uses. The LAP will need to review the extent and location of industrial / commercial land use zonings in order to provide a more integrated and sustainable pattern of development consistent with the Guidance Note on Core Strategies published by the DoECLG (2010).

It is noted that the draft Plan includes an objective (MTO1) to prepare a Local Transport Plan (LTP) for Ballina, which is welcomed. While this is not referenced in the Issues Paper, the findings and objectives of the LTP for Ballina should inform the evaluation of lands zoned for employment uses and should be incorporated into the draft LAP.

The RSES identifies Ballina as a 'Key Destination Town' of the Wild Atlantic Way and the LAP's policies should seek to further contribute to the achievement of Ballina's tourism potential while promoting national and regional policies.

6. Retail

Ballina is identified as a Tier 1 town within the County Retail Strategy². The Office notes the statement on page 5 of the Issues Paper:

'The role of the town centre over past decades has changed substantially leading with the emergence of on-line retailing and the significant decline of residential function.'

The Office notes that the RSES includes Ballina on a list of prominent towns with commercial vacancy rates above 20%³.

It is important therefore, that the retail approach is evidence-based and reflects the emerging challenges affecting the retail sector and its implications for the vibrancy and vitality of the town centre, consistent with the section 28 *Retail Planning Guidelines for Planning Authorities* (2012). This issue is addressed under Recommendation 13 of the OPR's submission on the draft Plan.

² Mayo County Retail Strategy 2008

³ Commercial Profile, Page 18 of the RSES for the NWRA

7. Transport and Mobility

Local Transport Plan

As previously referenced, the Office notes the objective in the draft Plan (MTO 1) to prepare a LTP for the larger towns, including Ballina.

The Office is strongly of the view that a LTP should be prepared to inform zoning decisions for the LAP and to ensure that both existing and future development can be served by sustainable transport, and in particular active mobility such as walking and cycling.

In this regard, the Office advises consultation with the NTA and Transport Infrastructure Ireland in relation to the use of Area Based Transport Assessments (ABTA). The planning authority's attention is drawn to the recent use of this approach by Kildare County Council in the preparation of the draft Athy Local Area Plan.

Road design for urban areas

Commitment to the proactive implementation of the Design Manual for Urban Roads and Streets (revised 2019) in the LAP, consistent with RPO 6.26, will also assist sustainable and active transport modes, in addition to improvement of the street environment and the overall quality of life for the local community.

Existing and Proposed Road Infrastructure

The planning authority's attention is also drawn to Section 2.7 of the section 28 *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012). This is particularly important in terms of protecting existing and future public investment in upgrading the N26.

8. Climate Action and Strategic Flood Risk Assessment

The Office welcomes the emphasis placed on climate action and flooding in the Issues Paper and endorses the statement on page 5:

‘Management of areas prone to flooding and the coastal zone must be addressed in the new Local Area Plan along with measures to adapt to climate change by transitioning to a low carbon and climate resilient town, with an emphasis on reduction in energy demand and greenhouse gas emissions.’

The issue of modal shift targets for the county as a whole, and the major settlements including Ballina, was addressed under Recommendation 14 of the OPR's submission on the draft Plan. Having regard to the provisions of section 10(2)(n) of the Act and to national targets for greenhouse gas emission reductions (NPO 54), it will be critical that the overall strategy set out in the LAP reflects and supports the achievement of these targets.

The planning authority will be aware of the need to prepare a Strategic Flood Risk Assessment (SFRA) as part of the forthcoming draft LAP, consistent with The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

Under section 4.23 of these 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). It is not sufficient that a justification test is left solely to be undertaken at a 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.

Further advice in relation to the above and other matters relating to the SFRA can be obtained from the Office of Public Works (OPW), and the Office would advise direct consultation with the OPW in advance of the publication of the draft LAP.

The Office would also advise that flood maps should be overlaid on proposed zoning maps to provide clarity and transparency for members of the public.

9. Appropriate Assessment

The Habitats Directive Assessment of plans or projects as outlined in Article 6 (3) and (4) of the *European Communities (1992) Council Directive 92/43/EEC* on the conservation of natural habitats require that a Screening for Appropriate Assessment is prepared for the LAP, and in the case following the screening process, it is found that the LAP is likely to have significant impact on areas designated as Natura 2000 sites, a full Appropriate Assessment (Natura Impact Report) must be carried out.

10. Strategic Environmental Assessment (SEA)

Under the provisions of the *Planning and Development (Strategic Environmental Assessment) Regulations 2011*, SEA is mandatory for plans for areas with a population of 5,000 persons or more. Ballina has a population of over 10,000 as per the last census (2016) and therefore SEA is required for the LAP.

Summary

In summary, the Office commends your authority for the preparation of this Issues Paper. The Office advises your authority to pay particular attention to the following issues in the preparation of the draft LAP:

- The alignment of the quantity of land zoned for residential and mixed residential and other uses with the proportion of the County's housing supply targets allocated to Ballina.
- Sequential approach to residential zoning focusing on compact growth and consolidation of the physical extent of the town, so that future homes can be served by sustainable and active travel modes such as walking and cycling.
- The extent of land zoned for residential development in particular Phase 2 residential lands in the Ballina Town and Environs Development Plan 2009 – 2015.
- Preparation of a Local Transport Plan to inform zoning decisions for the LAP and in order to ensure consistency with RSES Objective RPO 6.27.
- Review of land zoned for employment, industrial and other commercial uses having regard to the creation of an overall strategy for sustainable land use and transport.
- Preparation of the statutory environmental reports to support the draft LAP.

The Office looks forward to reviewing the forthcoming draft LAP and is committed to continued positive engagement with your authority in implementation of national and regional policies at the county and local level.

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,

A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive style with a diagonal slash at the end of the name.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
