

3<sup>rd</sup> December 2021

Forward Planning Section,  
Galway County Council,  
Prospect Hill,  
Galway.

**Re: Draft Ballinasloe Local Area Plan 2022-2028**

A chara,

Thank you for your authority's work on preparing the Draft Ballinasloe Local Area Plan 2022 - 2028 (the draft LAP).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the draft LAP against the backdrop of an evolving national and regional planning policy and regulatory context and the need to balance competing pressures within an increasingly complex system. In particular, the Office strongly welcomes the preparation of a Local Transport Plan (LTP) to inform the draft LAP.

The Office also commends the planning authority for the wide ranging methods of public engagement undertaken during the local area plan public consultation stage. In particular the offering of in-person or remote consultation meetings as well as hosting an evening webinar made the process extremely accessible to all interested parties.

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft LAP under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000* (as amended) (the Act) and this submission has been prepared accordingly.

The Office's evaluation and assessment has had regard to the current county development plan, the draft Galway County Development Plan 2022 – 2028 (draft GCDP), the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Region 2020 – 2032, and relevant section 28 guidelines.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission 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.

The Office has identified a number of areas which require further consideration in order to fully align the development framework for the town with the current national and regional policy context. In particular the Office considers that the local area plan would benefit in some areas from a clearer focus on the priorities for the plan area with respect to compact growth, regeneration and sustainable transport improvements.

It is within this context the submission below sets out four recommendations and eight observations under the following ten themes.

<b>Key theme</b>	<b>Recommendation</b>	<b>Observation</b>
<a href="#"><u>Consistency with the Regional Spatial and Economic Strategy</u></a>	-	-
<a href="#"><u>Consistency with Development Plan and Core Strategy</u></a>	-	1
<a href="#"><u>Compact growth and tiered approach to zoning</u></a>	1 and 2	2
<a href="#"><u>Urban regeneration</u></a>	3	3
<a href="#"><u>Economic development and employment (including retail)</u></a>	-	4

<a href="#">Sustainable transport and accessibility</a>	4	-
<a href="#">Climate action</a>	-	5
<a href="#">Flood Risk Management</a>	-	6
<a href="#">Environment, heritage and amenities</a>	-	7 and 8
<a href="#">General and procedural matters</a>	-	-

## 1. Consistency with the Regional Spatial and Economic Strategy

Section 19(2) of the Act requires that a LAP shall be consistent with any RSES that applies to the area of the plan.

The RSES for the Northern and Western Region designates Ballinasloe as a Key Town. Key Towns are those regionally strategic employment centres of significant scale that can act as regional drivers that complement and support the higher-order urban areas within the settlement hierarchy. The key future priorities for Ballinasloe in the RSES include providing for compact growth, enhancing the town as a place of employment, promoting the town’s heritage as a market town and sustainable land use and transport solutions.

Section 3.4 of the NWRA RSES sets out the implementation of the NPF Roadmap population projections and therein targets growth of at least 30% relative to the 2016 CSO populations for key towns to 2040. The draft LAP, however, seeks to realise this level of growth over the 6-year plan period (2022 – 2028) which is ambitious and will require significant focus and the allocation of resources needed to achieve this level of growth.

Notwithstanding, the Office considers that the draft LAP is broadly consistent with the RSES and is in general compliance with section 19(2) of the Act. Further consideration of the growth target for the plan period is undertaken in the analysis of the draft LAP’s approach to achieving compact growth.

## 2. Consistency with Development Plan and Core Strategy

The draft GCDP identifies Ballinasloe as a key town at tier 2 of the settlement hierarchy. In respect of the economic development role of key towns in the county, the draft GCDP states “Key Towns...will act as regionally strategic employment centres of significant

*scale that can act as regional drivers that complement and support the higher-order urban areas within the settlement hierarchy (i.e. Regional Growth Centres and Galway Metropolitan Area)."*

The Core Strategy of the draft GCDP allocates 11% of the new population growth over the plan period to Ballinasloe with a housing target of c.800 additional units to be developed to 2028. The Office is satisfied that the draft LAP is consistent with the emerging Core Strategy.

It is further noted that a recommendation was included in the OPR's submission to the draft GCDP in relation to the density assumptions applied to the estimation of the requirement for residential zoned land. As such, the application of a density target consistent with the *Sustainable Residential Development in Urban Area Guidelines (2009)* in the draft LAP is welcomed.

## **2.1 Residential Land Supply**

The draft LAP Table 1 sets out that a housing land requirement of 23 hectares is required over the plan period and these lands are identified as '*Residential Phase 1*' on the land use zoning map. However, the land use zoning map also identifies a significant number of sites as '*residential infill*' whereby small scale limited infill housing development will be considered which appears to be in addition to the 23 hectares zoned for Residential Phase 1.

Furthermore, the potential housing yield from town centre/commercial zoned lands does not appear to have been taken into account. Although it is acknowledged that only a portion of the lands zoned as 'town centre' and 'mixed use commercial' is likely to be used for residential purposes, a reasonable estimate of the housing yield from land zoned 'residential infill' and various mixed use zonings should be factored into the residential land supply capacity analysis.

## **Observation 1**

### **Observation 1 – Residential Land Supply**

In accordance with section 19 (2) of the *Planning and Development Act 2000* (as amended) and having regard to the *Guidance Note on Core Strategies* (2010), the planning authority is requested to:

- (i) Amend the core strategy table to include the area and potential housing yield of both residential zoned lands and other lands zoned for a mixture of residential and others uses;
- (ii) Clarify the role and function of the sites identified as ‘residential infill’ within the settlement strategy.

### **3. Compact Growth and Tiered Approach to Zoning**

It is an objective (NPO 3c) of the NPF that 30% of all new homes are to be delivered within the existing built up footprint of settlements. This is supported by several other objectives under the NPF, including, inter alia: NPO 6 and NPO 7. These objectives are refined and elaborated upon in the RSES (RPO 3.1 and RPO 3.2).

It is evident that the draft LAP seeks to consolidate the existing established residential areas of Ballinasloe, with the majority of the Residential (Phase 1) lands zoned to the south and east of the town close to jobs and services.

However, a number of sites identified as ‘infill’ are of limited size and are located on the edge of the town near the plan boundary and there is a concern that even if these sites are serviced, they will only provide for low density housing thereby making the target to deliver 350 units on infill/brownfield sites difficult to achieve.

Further, the draft LAP does not provide evidence to demonstrate that a tiered approach to zoning has been applied and no settlement capacity analysis has been included. The preparation of a settlement capacity analysis as part of the process to prepare the draft LAP should be utilised and included as part of the draft LAP to clearly identify the lands that are able to connect to existing services i.e. road, footpath, public lighting, foul sewer drainage, surface water drainage and water supply and identify what lands have the potential to become serviced over the plan period and that a phased sequential development approach is being applied.

## **Recommendation 1**

### **Recommendation 1 - Tiered Approach to Zoning and Compact Growth**

Having regard to NPO 72 (a, b & c) and NPO 3c, the planning authority is required to:

- (i) provide a settlement capacity analysis, as necessary, to establish the evidence base and the status of all lands proposed to be zoned under the plan in accordance with the methodology for a tiered approach to land zoning under Appendix 3 of the NPF, relating to existing development services, i.e. road and footpath access including public lighting, foul sewer drainage, surface water drainage, water supply and/or additional service capacity. The written analysis is required to determine which lands are tier 1 serviced zoned lands and which lands are tier 2 serviceable zoned land (i.e. they can feasibly be serviced during the plan period to accommodate development). Lands which cannot be serviced during the period should not be zoned or taken into account in the core strategy for calculation purposes; and
- (ii) include an objective to deliver a minimum of 30% of residential units within the existing built up footprint and provide for the monitoring of same.

### **3.1 Social Infrastructure Capacity**

The Office notes that the draft LAP outlines that extra school provision for both primary and post primary levels will be required over the plan period if the population growth outlined takes place. It is further noted that the Department of Education outlined in their submission to the draft GCDP with respect to Ballinasloe that *“at primary level, the indicative increase is of a level that there could possibly be a need to establish a new primary school”* and *“in order to cater for this possibility it is recommended that an additional primary school site be zoned to cater for a possible future need”*. While it is acknowledged that section 2.7 of the draft LAP sets out the range of community facilities which exist within Ballinasloe and that there are substantial lands zoned for community facilities within the LAP, it is considered that an audit or assessment of the suitability of these lands for the provision of a new school for the town, which should include an assessment of accessibility by walking and cycling consistent with the LTP, should be carried out in consultation with the Department of Education.

## Recommendation 2

### Recommendation 2 - Social Infrastructure Provision

Having regard to NPO 28 and section 6.3 of the *Local Area Plan – Guidelines for Planning Authorities* (2013), the planning authority is required to undertake a ‘Social Infrastructure Assessment’ that provides an analysis of the availability and capacity of social infrastructure in the town to accommodate existing and projected population growth. Further, the planning authority is required, in consultation with the Department of Education, to demonstrate that there are appropriate lands zoned to provide for future primary and secondary school place requirements based on the anticipated population growth and consistent with the principles of sustainable travel set out in the Local Transport Plan.

### 3.2 Age Friendly Housing

The RSES aims to make the Northern and Western Region an Age-Friendly region (RPO 7.13) and specifically RPO 7.14 requires the designation of lands in development plans for nursing homes and sheltered housing. While it is acknowledged that there is general policy support for this specialist housing, and there are number of existing facilities within the town, the planning authority should consider providing a more focussed policy in accordance with RPO 7.14.

### Observation 2

#### Observation 2 – Age Friendly Housing

The planning authority is requested to include a clear strategy in relation to the provision of nursing homes and sheltered housing in order to ensure consistency with RPO 7.14.

## 4. Urban Regeneration

Notwithstanding the need to acknowledge that the current development plan does not identify strategic brownfield and infill sites within Ballinasloe, as identified above, the Office welcomes and supports the identification of the two opportunity sites within the draft LAP at the former Hayden’s Hotel and the St. Brigid’s Campus<sup>1</sup>, as well as the

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<sup>1</sup> Objective BKT 11

inclusion of a policy objective “to encourage and support the appropriate and sustainable development or redevelopment where appropriate of lands identified as development opportunity sites within the land use zoning map”. However it is considered that the draft LAP could support the regeneration of these sites further by providing an indicative framework approach to outline at a high-level the constraints and opportunities of the two sites and how they could contribute to regeneration and compact growth. This would also assist in any future funding applications which may be sought. The draft Mayo County Development Plan 2021 – 2027 (Ballinrobe & Ballyhaunis) may provide a useful reference and illustrative example for the presentation of this information in the final LAP.

The planning authority is also advised that the land use zoning map only identifies the Hayden’s Hotel as an opportunity site within the LAP (reference OPT – BKT 1) and the St. Brigid’s Campus site should be similarly identified.

### **Observation 3**

#### **Observation 3 - Opportunity Sites**

Having regard to NPO 6 of the NPF, RPO 3.9 and the key future priorities for Ballinasloe in the RSES and section 5.7 of the publication Local Area Plans – Guidelines for Planning Authorities 2013, the planning authority is requested to:

- (i) set out a high-level site strategy/development framework for the key opportunity sites to outline the constraints and opportunities of each site and how they could contribute to regeneration and compact growth; and
- (ii) clearly identify the boundaries of all key opportunity sites including a reference to the relevant local area plan objective on the land use zoning maps.

RPO 3.6 of the RSES supports a coherent and consistent approach in the identification and monitoring of the scale of housing vacancy within the region, identifying vacancy hotspots and informing the setting of actions, objectives and targets in Action Plans and to identify how these might be best achieved. The Office notes that the scale of housing vacancy within the plan area is unclear, particularly within the town core area. In addition, RPO 7.20 of the RSES seeks to increase the population living within settlements through a range of measures including reduction in vacancy, re-use of existing buildings, infill development schemes, area or site based regeneration and serviced site provision.



While it is acknowledged that the draft LAP identifies specific infill and regeneration sites, there is no evidence to indicate that existing vacant property will be actively targeted to meet housing demand.

### **Recommendation 3**

#### **Recommendation 3 - Regeneration and Vacancy**

Having regard to NPO 6 and RPO 3.2, RPO 3.6 and RPO 7.20 of the RSES which promote compact growth, regeneration, brownfield / infill development and reducing vacancy, the planning authority is required to set out its approach as to how active land management could be implemented for the Ballinasloe Local Area Plan in order to address town centre vacancy and deliver on the requirements of the aforementioned regional policy objectives of the RSES for the Northern and Western Region.

### **5. Economic development and Employment (including retail)**

The Office notes that economic activity is identified at the outset of the draft LAP as one of plan's key challenges, and it's importance to Ballinasloe's role as one of the primary centres for industry, technology and business in the east of County Galway by maximising any opportunities presented by the town's location.

Ballinasloe is identified as a Level 3 District/Sub County town in the Retail Hierarchy of the draft GCDP and the Office welcomes the strong retail policies set out in the draft LAP stating that the town centre is the primary focus for the location of new retail and commercial development.

It is noted that substantial greenfield lands are zoned within the plan area for employment uses, although it is not apparent whether all of these lands are serviced (tier 1) or can feasibly be fully serviced within the plan period (tier 2) consistent with the tiered approach to zoning. Furthermore, the planning authority should demonstrate that a focussed and evidence based approach to zonings has been followed in order to maximise investment of infrastructure.

## **Observation 4**

### **Observation 4 – Tiered Approach to Zoning for Employment Land**

Having regard to National Strategic Outcome for Compact Growth and the requirement to implement a Tiered Approach to Zoning under NPO 72 a-c of the NPF, the planning authority is requested to demonstrate that the approach to zoning of lands for employment within the plan area, has had regard to the requirement to mitigate climate change through sustainable settlement and transport strategies including future-proofing through more compact forms of development and the prioritisation of locations that are served, or that over the lifetime of the Plan, will be served by the public transport and active travel networks necessary to facilitate sustainable travel. The planning authority may wish to consider prioritisation of these lands in order to provide a focused approach to the delivery of development.

## **6. Sustainable Transport and Accessibility**

The planning authority is commended for the preparation of a Local Transport Plan (LTP) as required by RPO 6.27 of the RSES. The LTP has addressed the need to incorporate national and regional transport policies and objectives into local level land use plans and significant development areas. Moreover, it demonstrates an acknowledgment and appropriate response pursuant to the climate action objectives set out in the draft GCDP and sections 19(2) and 27 (1) of the Act.

The Office notes that the LTP proposes a series of interlinked measures which are designed to address key “*desire routes*” within and through the town, to connect the town centre with the rail station, key education and health services, employment areas and residential areas of the town which could be brought forward as key projects within the plan period to make a significant contribution to the accessibility of the town by sustainable modes of transport.

However these key measures have not been clearly translated into the draft LAP, for example the identification of the four key routes outlined, and this is necessary in order to establish the key priorities with respect to improved permeability in and around the town and to support key planning objectives in the LAP. It is imperative that the draft LAP reflects the guiding principles of the LTP to ensure that a cohesive overall land use strategy for the town is set out.

## **Recommendation 4**

### **Recommendation 4 - Local Transport Plan**

Having regard to NPO 27 and RPO 6.29 which seek to prioritise walking and cycling, and RPO 6.28 which requires policies, objectives and measures emerging from local transport plans to be incorporated into the local area plans, the planning authority is required to include specific actions in the written statement of the Local Area Plan with respect to the key actions identified in the Local Transport Plan in order to clearly outline the guiding principles for improved permeability and sustainable land use and transportation management for Ballinasloe and to ensure that a cohesive land use strategy for the town is clearly set out.

## **7. Climate Action**

The Office welcomes that considerations regarding climate mitigation and adaptation are integrated in the draft LAP and the inclusion of specific policy objectives to support and encourage sustainable compact growth and settlement patterns, integrate land use and transportation and maximise opportunities through development location and design to secure climate resilience.

Furthermore, the Office acknowledges the preparation of the Strategic Flood Risk Assessment (SFRA), promotion of more sustainable modes of travel through the LTP and the policy approach to implement Sustainable Urban Drainage Solutions (SuDs), which will contribute to developing plan-led sustainable development.

Notwithstanding the completion of the review of the Galway County Development Plan, additional targets and specific measures may need to be included in the LAP. In particular, the Office would welcome the incorporation of modal share targets based on the implementation of the road and street network objectives set out in the LTP. This would provide a means of monitoring the progress of actions and connectivity measures as set out in the LAP, and assist in meeting the town's land use, regeneration, and related sustainability objectives.

## **Observation 5**

### **Observation 5 – Modal Share Targets**

Having regard to the transport objectives and implementation measures set out in the Local Area Plan and Local Transport Plan, the planning authority is requested to include modal share targets which will assist in measuring the outcomes of infrastructure measures promoting sustainable transport in the town.

## **8. Flood Risk Management**

Flood risk is a key issue for Ballinasloe and the draft LAP has recognised the increasing risk of flooding due to climate change and the need to achieve resilience and mitigate the effects of same. The Office welcomes the approach regarding the draft LAP's flood risk strategy, which is informed by a SFRA.

The Office also supports the policy objectives included in the draft LAP to ensure the implementation of the *Flood Risk Management Guidelines (2009)* and associated circulars and the application of the plan led Justification Test in the SFRA.

Notwithstanding, clarity is required with respect to the policies and tables of the LAP which do not align with those set out in the SFRA. The SFRA includes a plan-led Justification Test for the relevant sites which are zoned in the LAP, and states that less vulnerable development is appropriate in Flood Zone B. This is inconsistent with policy objective BKT 42 of the LAP which specifies that development within the constrained land use zone is limited to minor development of existing buildings. Further, Table 3 of the draft LAP states that less vulnerable development in Flood Zone B is deemed inappropriate due to climate change which is inconsistent with Table 3-3 of the SFRA and a number of the Justification Tests which state that vulnerable development is appropriate in Flood Zone B. In the interests of clarity, the planning authority should review consistency between the draft LAP and the SFRA.

## **Observation 6**

### **Observation 6 – Flood Risk Management**

Having regard to the detailed requirements of *The Planning System and Flood Risk Management, Guidelines for Planning Authorities* (DECLG and DECHLG, 2009), section 28 guidelines, the planning authority is requested to review the draft LAP and the SFRA to ensure consistency between the two documents and to amend policy objective BKT 42 to provide a stronger clarification that future development within the constrained land use zone is limited to extensions, rebuilds and renovations.

## **9. Environment, Heritage and Amenity**

The Office acknowledges the preparation of an Environmental Report (SEA) and Natura Impact Report (AA) for the draft LAP.

Whilst it is noted that the draft LAP acknowledges that the built and cultural heritage is an intrinsic part of a town's heritage and two designated Architectural Conservation Areas (ACAs) are identified on the land use zoning maps, the protected structures, recorded monuments and zones of archaeological potential are not identified on the maps and there are no policy objectives set out for the protection of archaeological heritage.

## **Observation 7**

### **Observation 7 – Built Heritage**

Having regard to NPO 17 which seeks to enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets, the planning authority is requested to include a policy for the protection of archaeological heritage and maps which identify the zones of archaeological potential, national monuments and properties included in the record of protected structures in order to ensure their continued conservation and preservation and to provide clarity for members of the public.

RPO 3.5 of the RSES seeks to identify and develop quality green infrastructure, within and adjacent to City, Regional Growth Centres and Key Towns. It is acknowledged that there are a number of policy objectives included to protect and retain natural features

such as trees, hedgerows, watercourses and riparian strips. Notwithstanding and having regard to RPO 3.5 and Section 5.4 of the *Local Area Plan – Guidelines for Planning Authorities* (2013), it is considered that the plan would benefit from the inclusion of a green infrastructure approach to ensure that natural features are protected, enhanced and managed in an integrated and coherent manner. The integration and incorporation of a green infrastructure approach, including an initial inventory of green resources, into the local area plan process can contribute greatly to the quality of the environment in the area covered by the local area plan, to the conservation and enhancement of green resources over a wider area and to climate change mitigation and adaptation.

### **Observation 8**

#### **Observation 8 – Green Infrastructure**

Having regard to NPO 58, RPO 3.5 and section 5.4 of the *Local Area Plan – Guidelines for Planning Authorities* (2013), the planning authority is requested to provide a green infrastructure approach to the local area plan, including an inventory of green resources.

## **10. General and procedural matters**

While the Office commends the planning authority on the relative conciseness of the draft LAP which is presented in a standardised format, there is scope to improve the usability of the final Plan. For example, a table of contents and the use of additional map images and visuals within the written statement would provide a more user-friendly document and result in a plan that provides greater focus on the key objectives for the plan period.

The Office notes a number of small inaccuracies with regard to the written statement that the planning authority may consider clarifying. The land use zoning matrix includes a number of asterisks within the different categories, but the general notes on the land use zoning matrix do not clearly indicate what a 'double asterisk' relates to. Further the land use management table 2 would benefit from including detail on the total lands developed and undeveloped in order to clearly establish the extent of lands serviced and available over the plan period in each category. Finally, policy objective BKT 31 refers to 'Section 3' but it is unclear what this reference pertains to.

Notwithstanding the above, the Office acknowledges that the chapters are presented in a format that is easily followed and understood.

## **Summary**

The Office requests that your authority addresses the recommendations and observations outlined above which are made in the context of the provisions of section 31AO(3)(a) of the Act, and to enhance the local area plan's consistency with relevant national and regional policy obligations, guidelines and legislative requirements.

Your authority is required to notify this Office within five working days of the making of the local area plan and send a copy of the written statement and maps as made, in accordance with section 31AO(5) of the Act. Please note that this statutory timeline differs from the requirement for other consultees and must be complied with.

Where the planning authority does not to comply with any recommendations made by the Office, or otherwise makes the plan in such a manner as to be inconsistent with any recommendation of the Office, the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through [plans@opr.ie](mailto:plans@opr.ie).

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**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

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