



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

14th January 2022

Senior Planner,
Planning Department,
Roscommon County Council,
Aras an Chontae,
Roscommon

Re: Material amendments to Roscommon County Development Plan 2021- 2027

A chara,

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

The Office of the Planning Regulator (the Office) would like to congratulate the local authority on its recent success in securing funding through the *Rural Regeneration and Development Fund* (RRDF) for substantial projects at Monksland and Strokestown, both of which demonstrate the council's commitment to the regeneration and revitalisation of towns in County Roscommon.

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

As outlined in the submission of the Office to the draft Plan, the Office considered the draft Plan to be generally consistent with policies in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly area, and recommended changes to enhance its alignment with national and regional policies in the aforementioned, and for consistency with, inter alia, the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities*

(2009), the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* (2017), and *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009).

Overview

With the exception of the matters raised below, the Office is generally satisfied that the material alterations to the draft Plan have responded in a positive manner to the Office's recommendations and observations on the draft Plan.

In particular, the Office strongly commends the planning authority for the preparation of the Planning and Infrastructure Assessment, and acknowledges the work that was involved in amending the population allocations within the Core Strategy. The information provided on baseline modal share and the inclusion of mode share targets is also a welcome addition both in terms of climate action and in support of improved cycle and walking infrastructure for use by the community.

The Office has, however, identified a significant breach of national policy in respect of the draft Plan's renewable energy policy, including setback distances from wind turbines and biomass/bioenergy projects introduced as material amendments¹ (MA Recommendations 1 and 2).

The Office has also identified zoning amendments in Castlerea that are inconsistent with national policies or Ministerial Guidelines under section 28, and a small number of proposed amendments that are inconsistent with national and regional policy relating to the extension of settlement plan boundaries in Athleague, Hodson Bay/Barrymore and Taghmaconnell (MA Recommendations 3 and 4).

With the exception of these provisions, the Office considers that the draft Plan provides a sound basis for sustainable development within County Roscommon with a high level of consistency with the national and regional policy frameworks. The matters raised below are, however, important in terms of the statutory requirements for making a development plan and will require careful and meaningful consideration.

¹ Material amendments MA50, MA51, MA172 and MA173

In this context, the planning authority is advised that section 12(10) of the Act provides the members of the planning authority with scope to make a further modification to the alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

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.

The submission below sets out five recommendations and three observations under following five key themes:

Key theme	Recommendation	Observation
Renewable Energy	1 and 2	-
Core Strategy	-	1
Zoning Amendments	3 and 4	2 and 3
Flood Risk Management	5	
Other Matters	-	-

1. Renewable Energy

The Office notes that following motions from the elected members, material amendments MA50, MA51, MA172 and MA173 propose to include policy objectives that require separation distances from residential development for wind energy projects and biomass/bioenergy projects. It is further noted that the Strategic Environmental Assessment (SEA) Environmental Report on the proposed material alterations to the Draft Plan states that “...*these alterations would not provide the most evidence based framework for development and has the potential to undermine and negate practical measures to reduce*

greenhouse gas emissions climate change in compliance with high level climate action policy; and restrict the potential for renewable energy development in the County, which is contrary to national energy policy that supports reductions in the reliance on fossil fuels and the development of renewable energy resources”².

The Office has undertaken analysis of the implications of the policy using separation distances of 1,500 metres from residential development. The Office’s analysis concludes that it would not be possible to progress a wind energy project or a biomass/bioenergy project with a 1,500 metres setback distance across all but extremely limited parts of the county’s area (see map included as Appendix A).

The result of the above is to significantly undermine the contribution of the development plan to meeting national renewable energy targets under the *Climate Action Plan 2021*, contrary to the Specific Planning Policy Requirement contained in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)*.

Having regard to the above, the Office reminds your authority of the statutory obligation to ensure that the development plan is consistent with specific planning policy requirements in section 28 guidelines (under section 12(18) of the Act), and the further requirement to comply with specific planning policy requirements under section 28(1)(c).

The Office also considers that the extent of the limitations placed on wind energy, biomass and bioenergy projects through the setback distances would result in conflicting policy objectives in the Roscommon County Development Plan, which includes climate mitigation objectives promoting renewable energy developments such as CAEE 8.2 and CAEE 8.3 and the overarching Strategic Aim No 1 which outlines the County’s commitment to climate action. In addition, this approach may have implications for the implementation of your plan, including the decisions of An Bord Pleanála in the context of section 37(2)(b) of the Act.

² Page 102 of the SEA Environmental Report for the material alterations to the draft Plan

MA Recommendation 1

MA Recommendation 1 – Setback Distances for Wind and Biomass Projects

In accordance with the provisions of section 12(18) and section 28(1)(c) of the Planning and Development Act 2000 (as amended), and having regard to:

- (i) the government’s commitment in the Climate Action Plan 2021, which sets a target of increasing the share of electricity demand generated from renewable sources up to 80% by 2030;
- (ii) National Policy Objective 55 which promotes renewable energy use and generation to meet national targets;
- (iii) the section 28 *Wind Energy Development Guidelines (2006)*; and
- (iv) the specific planning policy requirement set out in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)*,

the planning authority is required to omit the setback distances introduced as material amendments to the draft Plan and Renewable Energy Strategy for wind energy and biomass energy.

Material amendments MA50, MA172, MA51 and MA173 refer.

Material amendment MA174 proposes additional text regarding the potential for 262 MW to be produced within the County in response to Recommendation 11 of the Office’s submission to the draft Plan. The text is proposed for inclusion in the Renewable Energy Strategy (RES) rather than the draft Plan. While the inclusion of the above text in the RES is welcomed, the Specific Planning Policy Requirement (SPPR) in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)* requires that the planning authority:

‘Indicate how the implementation of the relevant development plan or local area plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts); and..’

The identification of renewable energy targets at a county level are key to meeting the national target as set out in the *Climate Action Plan 2019*. Notwithstanding the commitment provided for in the text proposed by MA174, the SPPR requires that such a target for County Roscommon is included within the development plan, and that wind energy production is also specified. In this regard the following recommendation is warranted.

MA Recommendation 2

MA Recommendation 2 – Renewable Energy Targets

In accordance with the provisions of section 12(18) and section 28(1)(c) of the *Planning and Development Act 2000* (as amended), and having regard to:

- (i) the government’s commitment in the *Climate Action Plan 2021*, which sets a target of increasing the share of electricity demand generated from renewable sources up to 80% by 2030;
- (ii) National Policy Objective 55 which promotes renewable energy use and generation to meet national targets;
- (iii) the section 28 *Wind Energy Development Guidelines* (2006), and
- (iv) the specific planning policy requirement set out in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* (2017),

the planning authority is required to include specific targets based on relevant and meaningful metrics, for how County Roscommon will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts).

2. Core Strategy

Material amendment MA1 replaces the Core Strategy table (Table 2.2) to include population figures for 2031, whilst MA2, MA3 and MA4 include amendments with respect to population allocations and details regarding density and residential land supply. The County’s housing target has been apportioned across the settlement hierarchy to generally reflect the projected population growth envisaged up until the end of the plan period, and

the quantum of 'New Residential' land use zoning required to accommodate the projected housing growth has been identified. The Office welcomes this transparent approach.

2.1 Local Area Plans

The Office welcomes proposed amendments MA10, MA11 and MA12 which set out Strategic Objectives for Athlone, Roscommon Town and Boyle respectively, which demonstrate how they will assist in the delivery of the Core Strategy objectives in advance of the adoption of new Local Area Plans (LAPs) for each town. Further, the Office notes the timeline detailed in the chief executive's report with respect to the preparation of LAPs for Roscommon Town and Boyle.

The planning authority will be aware of the requirements of section 19(2b) of the Act that where any objective of an LAP is no longer consistent with the county development plan, the planning authority must as soon as may be (and no later than one year after the making of the development plan) amend the LAP to make it consistent.

The Office considers that the Strategic Objectives in Section 2.7 for Athlone³, Roscommon Town and Boyle could be strengthened to provide greater clarity and certainty for the public.

MA Observation 1

MA Observation 1 – Local Area Plans

Having regard to the provisions of section 19(2b) of the *Planning and Development Act 2000*, as amended (the Act), concerning the time limit for ensuring consistency between existing Local Area Plans and the development plan, the planning authority is advised to provide greater clarity and certainty for the public by introducing a minor modification to amend the wording proposed in material amendments MA11 and MA12 (Section 2.7 of the draft Plan) to make clear that where any objective of an LAP is no longer consistent with the development plan, the planning authority will as soon as may be (and no later than one year after the making of the development plan) amend the LAP to make it consistent.

³ Which incorporates the area the subject of the existing Monksland / Bellanamullia Local Area Plan

3. Zoning Amendments

The Office commends the planning authority for proactively reviewing the land use zonings of the tier 4 settlement plans, and by proposing a number of material amendments which significantly reduce the extent of town core, outer core and unzoned lands, along with the inclusion of footnotes to the land use zoning matrix to provide further clarity.

The Office has, however, concerns regarding the following material amendments proposed in Castlerea:

- a) Zoning amendment MA117, which proposes to zone circa 1.9 hectares as '*New Residential*' in a location that will extend the development area beyond the CSO boundary, is inconsistent with national and regional policies promoting compact growth and sequential development. Further, it would result in a total of 7 hectares being zoned for '*New Residential*' which exceeds the land requirement specified in the Core Strategy of the draft Plan for Castlerea. Having regard to national policies supporting compact and sequential development, in particular NPO 3c and NPO 18a, the extension of the settlement boundary in this manner is unjustified.
- b) Zoning amendment MA120 which proposes to zone circa 2.9 hectares of land as '*Strategic Industrial/Enterprise Zone*' in a location that is unserviced and outside the established footprint of Castlerea. These lands have not been included in the infrastructure assessment submitted and the proposed zoning amendment would result in leapfrogging to a peripheral location beyond the existing development boundary and CSO boundary. Having regard to section 10(2)(n) of the Act, and NPO 11 which supports the location of employment activity within existing towns, the extension of the settlement boundary to accommodate these lands is unwarranted.

MA Recommendation 3

MA Recommendation 3 - Zoning Amendments (Castlerea)

Having regard to national and regional policy objectives NPO 3c, NPO 18a, NPO 11 and RPO 3.2, section 4.19 of the section 28 *Development Plans Guidelines for Planning Authorities (2007)* in respect of the sequential approach, and section 10 (2)(n) of the *Planning and Development Act 2000 (as amended)*, and the requirement for zoned land (in hectares) as set out in the Core Strategy, the peripheral location, outside the CSO settlement boundary, of the lands subject of rezoning amendments MA117 and MA120, the planning authority is required to omit the following zoning amendments from the draft Plan:

- (i) MA117 Castlerea as the proposed rezoning would be inconsistent with national and regional policy objectives promoting compact growth, proportionate growth, and sequential development; and
- (ii) MA120 Castlerea as the proposed rezoning would be inconsistent with national and regional policy objectives promoting development within existing towns and villages, sequential development, and sustainable land use and transportation.

3.1 Settlement Boundary

A number of amendments extend the settlement boundary of the tier 5 and 6 villages. While some of the settlement boundary changes are acceptable such as MA163 (Knockcroghery) and MA165 (Termonbarry), the Office is concerned that boundary changes outlined below would result in leapfrogging of development to peripheral locations remote from services and undermine national and regional policy objectives promoting compact growth (NPO 3c) and to support the proportionate growth of rural towns and villages (NPO 18a).

Furthermore, the amendments would be contrary to Core Strategy policy objectives CS2.14 and CS 2.15 of the draft Plan which state that the future growth of these settlements should be incremental and balanced. The Office considers that the following amendments should be reconsidered:

Athleague

- a) Zoning amendment MA160 which proposes to increase the developable area within the village settlement boundary by circa 4 hectares at a peripheral and backland location that is not fully serviced. The extension of the village boundary in the manner proposed is unjustified having regard to the extent of existing undeveloped lands already included within the settlement boundary.

Taghmaconnell

- b) Zoning amendment MA164 proposes to increase the developable area within the village settlement boundary by circa 4 hectares in an unserviced location removed from the main village core. The extension of the village boundary in the manner proposed is unjustified having regard to the extent of existing undeveloped lands already included within the settlement boundary and is contrary to policy objective CS2.3 which seeks to direct growth towards designated settlements which have the availability of required infrastructure.

Hodson Bay/Barrymore

- c) Zoning amendment MA167 proposes to substantially increase the area plan boundary by circa 10 hectares (incorporating c. 7 hectares of undeveloped land) further south. The inclusion of such a substantial boundary extension within a Tier 5 settlement is unjustified having regard to the lack of social and community services⁴ and NPO 15 which supports '*...the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence...*' The subject lands are located in a rural area under strong urban influence that is experiencing population growth⁵.

⁴ Page 155, Section 4.1, Volume II Draft Roscommon County Development Plan 2021-2027

⁵ Page 6 of the Roscommon County Development Plan 2021 – 2027 Issues Paper

MA Recommendation 4

MA Recommendation 4 – Extension of Settlement Boundaries

Having regard to national and regional policy objectives which support compact growth, the sustainable development of rural areas and promote the proportionate growth of rural towns, namely NPO 3c, NPO 15, and NPO 18a, and section 4.19 of the Section 28 Development Plans Guidelines for Planning Authorities (2007) in respect of the sequential approach, the planning authority is required to omit the following zoning amendments from the draft Plan:

- (i) MA160 Athleague, as the proposed settlement boundary extension would promote leapfrogging of development to a peripheral location removed from services and be inconsistent with national and regional policy objectives promoting sequential development and proportionate growth of rural towns and villages;
- (ii) MA164 Taghmaconnell, as the proposed settlement boundary extension is unwarranted in view of the extent of undeveloped lands already included in the boundary and the unserviced nature of the settlement and would be inconsistent with national and regional policy objectives promoting sequential development and proportionate growth of rural towns; and
- (iii) MA167 Hodson Bay/Barrymore, as the proposed settlement boundary extension would promote further unsustainable low density residential development in a location under strong urban influence where there is a lack of social and community services.

3.2 Land Use Zoning Objectives

The Office notes that the chief executive's report (CE Report) on submissions to the draft Plan provided justification for the inclusion of 'unzoned lands' within the settlement boundaries and this is considered reasonable. It further notes that the CE Report considered it appropriate to include an additional policy objective to provide additional clarity on the 'unzoned' land use zoning objective, namely that developments proposed will not be acceptable where they are considered to adversely impact the town centre, that large scale residential and commercial development will not be acceptable on unzoned lands and that such lands are primarily intended to accommodate small numbers of

individually proposed dwellings, at a low density, as a viable alternative to one-off rural housing. However, this policy objective has not been included in the material alterations on public display.

MA Observation 2

MA Observation 2 – Land Use Zoning Objective

Having regard to national and regional policy objectives promoting compact growth, in particular NPO 3(c) and RPO 3.1, the planning authority is requested to make a minor modification by including a footnote to the land use zoning matrix to clarify that the land use objective for ‘unzoned land’ in the Tier 4 settlements is as specified in the chief executive’s report on submissions to the draft Plan.

3.3 Tiered Approach to Zoning

The Office welcomes material amendment MA74 to include a Planning and Infrastructure Assessment for the tier 4 settlements which is based on infrastructural requirements and land use criteria in accordance with NPO 72a of the NPF. However, the Office considers that this assessment would benefit from the inclusion of a map to cross reference the location of the sites listed in the assessment. The Office also notes that the findings state that all sites are ‘tier 1’ whilst in section 3 several sites receive a score of 2. This aspect should be clarified.

MA Observation 3

MA Observation 3 – Tiered Approach to Zoning

The planning authority is requested to make a minor modification to include maps to accompany the Planning and Infrastructure Assessment Report provided under material amendment MA74 in order to demonstrate that the spatial priorities for development are based on evidence, and to outline in a user friendly manner the methodology applied in the assessment. The Office notes that a number of sites are considered to contribute to compact growth but the methodology for this conclusion is not entirely clear. Further, the report’s findings state that all sites are ‘tier 1’ whilst in section 3 several sites receive a score of 2. The planning authority is advised to provide clarity on these points.

4. Flood Risk Management

The Office notes that the Planning Authority has updated the Strategic Flood Risk Assessment (SFRA) and included a number of material amendments in response to the issues raised in submissions received from the OPR and the Office of Public Works. However, it is noted that section 4.3 of the SFRA accompanying the draft Plan outlined a number of provisions to be integrated into the draft Plan at material alteration stage and these have not been included. Furthermore, it is noted that the CE Report recommended seven amendments but not all of these have been translated into the material alterations on public display.

MA Recommendation 5

MA Recommendation 5 – Flood Risk Management

Having regard to NPO 57 and the detailed requirements of section 28 guidelines *The Planning System and Flood Risk Management, Guidelines for Planning Authorities* (2009), the planning authority is required to make a minor modification to ensure that all of the recommendations set out in the chief executive’s report on submissions to the draft Plan (Recommendations 70 – 77) and those provisions relating to flood risk management set out in section 4.3 of the Strategic Flood Risk Assessment (SFRA) for the draft Plan are integrated into the adopted Plan.

5. Other Matters

In respect of the Strategic Environmental Assessment (Section 8.8), the planning authority is advised to ensure that all of the relevant proposed amendments are included in this detailed evaluation and any discrepancies are corrected.

The Office notes that the Stage 2 Appropriate Assessment of the draft Plan recommends the following text addition to Policy Objective ED 6.20 “*where such activities do not negatively impact the ecological integrity of European sites*”. This wording does not, however, appear to be included in the proposed material amendments.

Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, 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.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority 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, 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.

Is mise le meas,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations

Appendix A

GIS Analysis of Proposed Wind and Biomass Setback

