OPR Ref: MA-033-22



6th April 2022

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

Re: Material Alterations to Draft Ballinasloe Local Area Plan 2022 - 2028

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft Ballinasloe Local Area Plan 2022 – 2028 (the Mas to the draft LAP).

As your authority is aware, a core function of the Office of the Planning Regulator (the Office) is the strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. This includes a requirement to make submissions on statutory plans, including any observations or recommendations the Office considers necessary to ensure the effective co-ordination of national, regional and local planning requirements.

The Office has evaluated and assessed the proposed material alterations under the provisions of sections 31AO (1) and 31AO (2) of the *Planning and Development Act 2000*, as amended (the Act), and within the context of the Office's earlier observations.

As outlined in the submission of the Office to the draft LAP, the Office considered the draft LAP 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 the NPF Implementation Roadmap, the *Local Area Plan – Guidelines for Planning Authorities (2013)* and *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009).



The planning authority is advised that section 20 (3) (q) of the Act provides the members of the planning authority with scope to make a further modification to a material alteration subject to the limitations set out in subsection 3 (q) 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.

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

Overall, the Office considers that the draft LAP provides a strong framework for development in Ballinasloe with a high level of consistency with the national and regional policy frameworks and the emerging county development plan.

The Office particularly commends the planning authority for the presentation of amendments in a systematic and coherent manner, which allows all parties to access and understand the proposed amendments.

Furthermore, the Office considers that many of the material amendments will strengthen the LAP by delivering on the national and regional policy framework to achieve compact growth and revitalise the town centre of Ballinasloe.



In respect of Recommendations 1 and 3 made by the Office in its submission to the draft LAP, the Office welcomes the proposed material alterations made in response to these recommendations. In respect of Recommendation 2, the Office accepts the rationale provided in the Chief Executive's Report (CE Report) with regard to the provision of social infrastructure and welcomes the inclusion of additional policy objectives in this regard.

While the Office welcomes the inclusion of the key actions from the Local Transport Plan (LTP) into the LAP in response to Recommendation 4, it is considered that monitoring the implementation of these transport actions is important, particularly as the CE Report has outlined why location specific mode targets cannot be provided.

The planning authority is advised that the material amendments introduced by the elected members which propose to zone land for residential development outside the LAP boundary are inconsistent with national and regional policies for compact and sequential growth. In this regard, it is considered that there are three related material amendments supporting land use zoning changes that would undermine other objectives in the LAP promoting compact growth and regeneration of the town centre.

Finally, some further consideration needs to be given to the potential of the LAP to promote the integration of environmental considerations into the local area planning context.

These matters are examined further in the submission below and the reasons and considerations of the Office have been set out.

It is within this context the submission below sets out 2 recommendations and 2 observations under the following five themes:

Key theme	MA Recommendation	MA Observation
Core strategy and zoning for	MA Recommendation	-
residential use	1	
Sustainable Development	MA Recommendation	-
	2	



Sustainable Transport and	-	MA Observation 1
<u>Accessibility</u>		
Climate Action	-	MA Observation 2
Land Use Zones	-	-

1. Core Strategy and zoning for residential use

The Office notes that there are no material amendments proposed to the core strategy table, and commends the planning authority for managing this as part of the process to reconsider a number of residential land use zoning changes. Furthermore, the Office considers that the additonal text proposed in section 2.4 under material amendment MA 1 supports the rationale for the settlement strategy in that the 'infill residential' sites referred to as 'gap sites' are more likely to be developed for single houses as an alternative to rural one off houses.

The Office has, however, concerns regarding material amendments MA 37 and MA 41 introduced by the elected members, both of which propose to extend the plan boundary at the town's periphery in order to zone further land for residential phase 1, and MA 40 which proposes to amend the zoning of land that is serviced and more preferably located relative to the services and amenities of the town centre.

The lands referred to in MA 37 and MA 41 are more than 2 km from the edge of the town centre and would result in leapfrogging to a remote location removed from services inconsistent with section 4.19 of the *Development Plans, Guidelines for Planning Authorities (2007)*. Further, these proposed amendments are unjustified given that there are sufficient serviced lands zoned which are more suitably located to provide for consolidated plan led growth in Ballinasloe in accordance with national and regional policy objectives.

Furthermore, the Office notes that material amendment MA 40 proposes to zone 1.5 hectares of serviced more sequential land from '*Residential Phase 1*' to '*Residential Phase 2*' in order to facilitate MA 37 and MA 41 within the core strategy.



MA Recommendation 1 – Land Use Zoning for Residential Use

Having regard to national and regional policy objectives NPO 3c, NPO 18a, NPO 11, RPO 3.1 and RPO 3.2, section 4.19 of the *Development Plans, Guidelines for Planning Authorities (2007)* and the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (August 2021),* and the peripheral location of the lands the subject of rezoning amendments MA 37 and MA 41, the planning authority is required to make the Local Area Plan without the following material amendments:

- (i) MA 37 as the proposed rezoning is inconsistent with national and regional policy objectives promoting compact growth and the sequential approach to development.
- (ii) MA 41 as the proposed rezoning is inconsistent with national and regional policy objectives promoting compact growth and the sequential approach to development.
- (iii) <u>In association</u> with (i) and (ii) above, MA 40 as these lands are more sequential to the town centre and should be included as Residential Phase 1.

2. Sustainable Development

The Office notes that material amendment MA 28 introduced by the elected members proposes to change the land use zoning of 5 hectares of land from *'Business and Enterprise'* to *'Commercial Mixed Use'*. This change in land use zoning will, in principle, allow for a broader mix of uses, including retail, to be considered at this edge of centre location south of the traditional town centre.

The Office considers that this amendment has the potential to undermine and detract from the revitalisation of the town centre contrary to NPO 6 and RPO 3.1, and would be inconsistent with the strategic aims of the LAP which seek to provide for sustainable compact growth and policy BKT9 that sets out to ensure that "Ballinasloe Town Centre will remain the primary focus for the location of new retail and



commercial development" and that the LAP "will protect and enhance the vitality and viability of the town centre by ensuring that it remains the primary retail, commercial and mixed use centre of Ballinasloe".

MA Recommendation 2 – Commercial Land Use Zoning

In order to ensure the effective delivery of compact growth for Ballinasloe having regard to National Strategic Outcome 1 and NPO 6 of the National Planning Framework and Regional Policy Objective 3.1 of the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly area, as well as to ensure consistency with the strategic aim of the Ballinasloe Local Area Plan to provide for sustainable compact growth and to support the regeneration of the town centre, and policy objective BKT 9 which seeks to ensure that the town centre will remain the primary focus for the location of new retail and commercial development, the planning authority is required to make the Local Area Plan without proposed amendment MA 28.

3. Sustainable Transport and Accessibility

The Office notes that the CE Report recommended no change in relation to Observation 5 of this Office's submission to the draft LAP, which requested the inclusion of mode share targets in the final LAP. The planning authority will be well aware that sustainable transport considerations are a critical element in the overall pattern of development within any settlement and the reduction in transport emissions are necessary to address climate change and section 10(2)(n) of the Act.

Having regard to the strength of national, regional and local policy support for increased permeability and providing more sustainable mobility options for communities, and in particular the excellent work undertaken by your authority to prepare a Local Transport Plan (LTP) and identify key actions with respect to improved permeability in and around the town, the Office considers there is merit in the planning authority giving consideration to the inclusion of a minor modification to



provide for the monitoring of the implementation of the actions of the LTP and LAP with respect to sustainable transport objectives.

MA Observation 1 – Local Transport Plan Actions

Arising from the planning authority's response to Recommendation 4 of the Office's submission to the draft Local Area Plan (LAP), which included incorporating the key actions of the Local Transport Plan (LTP) into the LAP, and Observation 5 which advocated for the inclusion of modal share targets to assist in measuring the outcomes of infrastructure measures promoting sustainable transport in the town, and having regard to the requirements under section 10(2)(n) of the *Planning and Development Act 2000*, (as amended), the planning authority is advised to consider including a minor amendment to policy BKT 31 that provides for the monitoring of the implementation of the actions of the LTP and LAP.

4. Climate Action

The Office notes the comments set out in the CE report¹ in relation to Observation 8 of the Office's submission to the draft LAP. Notwithstanding, the Office notes that Policy GBI 1² within the draft Galway County Development Plan 2022 - 2028 <u>only</u> applies to proposals for new large scale developments. Given that Ballinasloe is a designated Key Town and having regard to RPO 3.5, the Office considers that there is scope to include such a strategy at a local level, and that provision for this should be specifically outlined in the final LAP to ensure the conservation and enhancement of green resources that will assist with climate change mitigation and adaptation at a local level.

¹ Page 23 of Chief Executive's Report for draft Ballinasloe Local Area Plan 2022-2028

² Policy Objectives Green and Blue Infrastructure, Page 207 draft Galway County Development Plan 2022-2028



MA Observation 2 – Green Infrastructure Strategy

Arising from Observation 8 of the Office's submission on the draft Local Area Plan, and having regard to RPO 3.5 of the Regional Spatial and Economic Strategy, the planning authority is advised to give further consideration to incorporating a minor modification to Policy BKT 40 Climate Change to include for the preparation of a green infrastructure strategy, which includes for an initial inventory of green resources, to ensure the conservation and enhancement of green resources for the plan area are safeguarded, rather than only at a large scale development level, as provided for in policy objective GBI 1 of the draft Galway County Development Plan 2022 - 2028.

5. Land Use Zones

Section 1.6 of the LAP sets out the policy objective and description of each of the land use zones with section 1.6.1 containing the land use matrix table.

The Office notes that section 1.6 does not include a policy objective and description for the Business and Technology land use, notwithstanding that it is included in the land use matrix table (with BT reference) and zoning maps³.

The Office advises the planning authority to consider including a minor modification to section 1.6 to include a policy objective and description for the Business and Technology land use.

Summary

The Office requests that your authority address 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 20 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 Material

³ Lands fronting Creagh Road are zoned Business and Technology



Alterations to the draft LAP. 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 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.

Is mise le meas,

AM C'Onne

Anne Marie O'Connor Deputy Regulator and Director of Plans Evaluations