

23rd March 2023

Forward Planning Section Galway County Council Prospect Hill Galway H91 H6KX

Re: Draft Tuam Local Area Plan 2023 -2029

A chara,

Thank you for your authority's work on preparing the Draft Tuam Local Area Plan 2023 – 2029 (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.

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 Regional Spatial and Economic Strategy (RSES) for the Northern and Western Region 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.

OPR Ref: DP-007-23

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 considers that the draft LAP sets out a positive, evidence-based, planning strategy to guide the development of Tuam over the 6 year plan period. In particular, the plan provides a clear shared vision for the town, and a framework as to how that can be achieved. The coordination with the Tuam Regeneration Masterplan also means that strategic site development and urban improvements proposals for the town are plan-led and can be prioritised.

The Office also welcomes the inclusion of an LTP to inform the preparation of the draft LAP. The proposed upgrades to the local infrastructure including enhancements to the pedestrian and cycle network to improve connectivity is supported by the Office in line with national policy.

Further the Office welcomes the inclusion of zoning for enterprise and employment to ensure the settlement becomes more self-sustaining and facilitates people to work near where they live. However, the Office is not satisfied that the location of the lands zoned for such uses in the draft LAP is consistent with an integrated approach to land use and transport planning, or with the Government's *Town Centre First: A Policy Approach for lrish Towns* (2022) (TCF) approach.

It is within this context the submission below sets out three (3) recommendations and three (3) observations under the following nine (9) themes:

Key theme	Recommendation	Observation
Consistency with Regional, Spatial and Economic Strategy	-	-
Consistency with Development Plan and Core Strategy	-	-
Residential Development - compact growth, sequential approach and infrastructure capacity	-	Observation 1
Town Centre and Regeneration	Recommendation 1	-
Transport and Accessibility	-	-
Climate Action and Flood Risk Management	Recommendation 2	Observation 2
Economy and Employment	Recommendation 3	-
Environment, Heritage and Amenity	-	-
Implementation and Monitoring	-	Observation 3

1. Consistency with Regional, Spatial and Economic Strategy

The Office is satisfied that the provisions of the draft LAP are broadly consistent with the RSES for the Northern and Western Region.

2. Consistency with Development Plan and Core Strategy

The Office considers the housing targets, the overall land use zoning objectives and the policies and objectives of the draft LAP to be generally consistent with the Galway County Development Plan 2022 – 2028 (the Development Plan) and its core strategy, except where otherwise specified below.

3. Residential Development - compact growth, sequential approach and infrastructure capacity

It is evident that the draft LAP seeks to consolidate the existing established residential areas of Tuam, with the majority of the Residential (Phase 1) lands located within a 15 minute walking distance of the town centre. This is consistent with national and regional objectives for compact growth – NPO 3c, RPO 3.1 and RPO 3.2.

The Office is also satisfied that the proposed zoned lands for Residential (Phase 1) and Residential Infill are generally in accordance with the core strategy of the Development Plan and the principles of sequential development.

It is noted that the land-use zoning matrix classifies Apartments as Open for Consideration in Residential zoned lands. It is essential that the planning authority ensure a range of housing types are provided within the plan area in order to ensure housing variety is provided for all life cycles and age groups. The Office considers that a policy objective should be included which provides an appropriate mix of housing type, tenure, density and size in all new residential areas, including apartment units.

Observation 1 – Mix of Housing Type

The planning authority is advised to include a policy objective to require that an appropriate mix of housing type, tenure, density and size is provided in all new residential areas and in appropriate brownfield/infill areas to meet the needs of the population of Tuam, including the provision of special needs housing which includes housing for older people, people with disabilities, social housing, affordable housing and accommodation for the travelling community.

4. Town Centre and Regeneration

The Office welcomes the inclusion of a number of policy objectives to regenerate and revitalise the town centre, and in particular, the identification of four Opportunity Sites, all of which are centrally located to allow the planning authority to plan strategically for the sustainable growth of the town in a coordinated manner. The sites, by reason of their location and character, have the potential to deliver quality mixed use development close to all amenities that Tuam has to offer.

In particular, the Office notes policy objective TKT 9 to prepare a town centre management plan that will take into account a number of public realm enhancements consistent with TCF, which recognises the transformational role of the public realm improvements in driving the regeneration of town centres, in tandem with, among others, active land management and support for retail / commercial operators.

Notwithstanding, the Office notes the high vacancy rates identified in Tuam¹ in the *Northern & Western Regional Assembly Regional Vacancy and Dereliction Analysis* (2022). It is therefore important that the draft LAP also identifies the critical measures and/or actions the planning authority will implement, having regard to public funding available under, among others, the Urban Regeneration and Development Fund and TCF funds (e.g. Croí Cónaithe). In order to demonstrate the effectiveness of the planning authority's approach, the draft LAP should include measurable targets for the resolution of vacancy and proposals for the monitoring of same.

Recommendation 1 – Town Centre Regeneration (vacancy)

Having regard to:

- RPO 3.7.26;
- NPO 6 and NPO 7; and
- Town Centre First: A Policy Approach for Irish Towns (2022),

the planning authority is required to include;

- specific active land management objectives, policies and measures or actions tailored to address building and site vacancy; and
- (ii) measurable targets for the reduction of vacancy for the plan period and a strategy for the monitoring of same.

5. Transport and Accessibility

The Office welcomes the LTP, as required by RPO 6.27, prepared by the planning authority having regard to the Area Based Transport Assessment approach, and which informs the draft LAP.

¹ Report identifies a commercial vacancy rate of 17.4% and a residential vacancy rate of 3.5% in Tuam.

This has the potential to deliver an integrated approach to land use planning for Tuam and, in tandem with compact growth, to help it achieve a shift from private car transport to active sustainable modes (walking and cycling) and to public transport, consistent with RPO 6.30. A significant shift to active and sustainable modes will be necessary to enable Ireland to achieve its mandatory climate action targets under the *Climate Action and Low Carbon Development (Amendment) Act 2021* to reduce greenhouse gas (GHG) emissions by 51% by 2030, with a commitment to achieving carbon neutrality by 2050.

The use of the Accessibility to Opportunities and Services (ATOS) tool to illustrate access levels to services such as employment, schools, GP surgeries and supermarkets, which illustrates the before and after scenarios for the various facilities for both walking and cycling, is welcomed.

The draft LAP includes policy provision which supports the implementation of the LTP and facilitate improvements to pedestrian and cycling networks thus reducing the need to travel by private car in accordance with NPO 64.

The Office acknowledges and supports the outcomes of the LTP in relation to proposed infrastructural upgrades to improve the accessibility of the town by sustainable modes of travel.

6. Climate Action and Flood Risk Management

The Office welcomes that considerations regarding climate mitigation and adaption are integrated in the draft LAP and the inclusion of policy objective TKT 39 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.

Separately the Office notes that district heating and combined heat and power systems are dependent on spatial and urban planning factors and such local renewable energy systems are supported under the *Climate Action Plan 2023*. The Sustainable Energy

Authority of Ireland provides supports / funding to communities in mapping their energy demands and potential energy resources in an Energy Master Plan.

These measures are important in terms of the objective to reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for GHG emissions reductions (NPO 54).

While the Office welcomes climate mitigation and adaption in the draft LAP overall, it is considered that there is scope to provide a more detailed policy framework in relation to delivering low carbon and sustainable energy communities.

Observation 2 – Low Carbon and Sustainable Energy Communities

Having regard to NPO 54 and the integration of climate action into the planning system, the planning authority is requested to include a robust policy framework in relation to the identification and use of local renewable energy sources.

6.1 Flood Risk Management

The Office welcomes the preparation of an SFRA to inform the draft LAP. The SFRA identifies lands within Flood Zone A and Flood Zone B, referred to as Constrained Land Uses in the draft LAP.

The Office notes that there are undeveloped sites within the Constrained Land Use area, zoned Industry, Existing Residential and Agriculture, which would accommodate development / uses that are highly vulnerable and vulnerable to flooding. According to *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines), lands within Flood Zone A or B should not be zoned for development / uses that are vulnerable or highly vulnerable, respectively, unless they follow the sequential approach and pass the plan-making Justification Test. In these circumstances, future development should be limited to water compatible development only, in accordance with the Flood Guidelines.

Notwithstanding the inclusion of General Note 7 on the Land Use Zoning Matrix and policy objective TKT 41, the plan making Justification Test has not been carried out for

the above-mentioned areas as per the Flood Guidelines. It will, therefore, be necessary to amend the draft LAP to zone lands within Flood Zone A for water compatible uses and to zone lands within Flood Zone B for less vulnerable uses only, unless the subject lands pass the plan-making Justification Tests. This is to ensure the adopted LAP has had regard to the Flood Guidelines and is consistent with NPO 57, and policy objective FL1 and FL2 of the Development Plan.

Furthermore, the LAP should include a policy provision clarifying that future development is limited to minor development where plan-making justification has not been undertaken to ensure consistency with NPO 57, the Flood Guidelines and Circular PL 2/2014 Flooding Guidelines.

Recommendation 2 – Flood Risk Management

Having regard to:

- NPO 57; and
- the provisions of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009)

the planning authority is required to amend the draft LAP to:

(i) zone lands within Flood Zone A for water compatible uses only, and to zone lands within Flood Zone B for less vulnerable uses only;

unless the subject zoning objectives have passed the plan-making Justification Test.

The planning authority is advised to consult with the OPW in addressing this recommendation.

7. Economy and Employment

The RSES recognises the potential of Tuam to develop as the focus for future development in North Galway and one of the key future priorities listed is to promote the town as a destination for business.

The draft LAP includes a number of land use zoning objectives which will provide for increased economic and employment activity which includes town centre (21ha), commercial/mixed use (17ha), business and enterprise (25ha), business and technology (44ha) and industry (90ha).

The Office welcomes the policies and objectives in the draft LAP which seek to address economic development and promote employment opportunities within established business and industrial parks on the Dunmore Road (IDA Park) and R332 (Airglooney Business Park). The Office appreciates the need to provide for expansion of existing activities and for new economic prospects, however, there is no evidence provided in the draft LAP to demonstrate the need for such extensive lands.

A substantial portion of the lands zoned for Industry are greenfield undeveloped lands located at the edge of the draft LAP boundary and outside of the town's CSO boundary.

The draft LAP does not include an Infrastructure Assessment or Settlement Capacity Audit linking the zoning of lands and the availability of infrastructure consistent with NPO 72(a) and NPO 72(c), and it is not possible to determine therefore if the lands are serviced or serviceable.

In particular, the lands to the north of the town abutting the Tuam bypass are located beyond the bypass and are separated from the built up footprint of the town. Further, due to the national road network, these lands cannot be easily integrated with direct pedestrian and cycling to/from the town centre, which reduces the potential for positive economic benefits with the town's commercial core, contrary to TCF policy.

In addition, there are 32ha of undeveloped lands zoned for Business and Technology just south of the N83 bypass. While it is noted that these lands adjoin the existing IDA Park, where expansion potential can be justified, the rationale for including such an extensive land bank is unclear.

Further, there are circa 12 hectares of lands zoned as commercial / mixed use in locations that are not proximate to the town centre that have the potential to detract from the focus of the draft LAP to support the rejuvenation of the town centre.

The proposed zonings will not contribute to a compact pattern of development in accordance with the National Strategic Outcome for compact growth of the National Planning Framework (NPF). The *Development Plans, Guidelines for Planning Authorities*

(2022) states that the 'proposed employment zonings must have a credible rationale, particularly with regard to location and type of employment'. It has not been demonstrated in the draft LAP that the lands are able to connect to existing services and promote infrastructure led growth or that a focused and evidence based approach to zonings has been followed in order to maximise investment of infrastructure.

As such, the Office considers that this approach has the potential to undermine and detract from the revitalisation of the town centre contrary to NPO 6 and RPO 3.1 and the requirement to implement a tiered approach to zoning under NPO 72a, NPO 72b and NPO 72c.

Recommendation 3 – Lands Zoned for Employment Uses

Having regard to the following:

- an evidence-based rationale for both the requirement to zone lands and the location and type of employment in accordance with Section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities* (2022), and the sequential approach to zoning for high intensity employment in accordance with Appendix A section 1.4;
- NSO 1 compact growth, NPO 54, NPO 72c, NPO 72b and NPO 72c of the NPF; and
- provisions of the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Climate Action Plan 2021 and the goals of the National Sustainable Mobility Policy (2022), and Town Centre First: A Policy Approach for Irish Towns (2022),

the planning authority is required to:

- (i) provide an evidence-based rationale for the overall quantity and the spatial location of all employment generating land use zonings;
- (ii) consider all relevant infrastructural capacity in applying the tiered approach to zoning;
- (iii) omit any lands which cannot be justified under (i) and (ii);

(iv) include clear objectives in the LAP to facilitate and require pedestrian / cycling permeability between the employment lands and the town centre before or in tandem with the development of the said land.

8. Environment, Heritage and Amenity

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

Further the Office notes the inclusion of policy objectives for architectural heritage, archaeological and natural heritage and European designated sites.

The Office also welcomes the inclusion of policy objectives, which relate directly, or indirectly, to surface water management policies and the use of SuDS, (TKT 46), to support the protection of waterbodies and watercourses (TKT 47), European Sites (TKT 40) and areas of high biodiversity value (TKT 14).

9. Implementation and Monitoring

The draft LAP does not include any proposals for monitoring and evaluation of implementation of the draft LAP. The *Local Area Plan Guidelines for Planning Authorities* (2013) strongly advise that LAP's should include an implementation and infrastructural delivery schedule which would require planning authorities to work closely with all relevant departments, agencies and stakeholders involved in securing the delivery of the formulation, adaptation, implementation and monitoring of the policies and objectives of the local area plan.

Observation 3 – Monitoring

The planning authority is advised to include a methodology in the draft LAP to outline that a review of the implementation of the policy objectives of the local area plan will take place and ensure that development progress is consistent with the core strategy of the plan.

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 20 of the Act must summarise these recommendations and the manner in which they will be addressed.

Where your authority decides not to comply with the recommendations of the Office, made in the draft LAP and report, please outline the reasons for the decision in the chief executive's report.

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,

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Deputy Regulator and Director of Plans Evaluations

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