

OPR Ref: MA-007-23

26th July 2023

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

Re: Material Alterations to the Draft Tuam Local Area Plan 2023-2029

A chara,

Thank you for your authority's work in preparing the proposed Material Alterations (the material alterations) to the draft Tuam Local Area Plan 2023-2029 (the 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 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 recommendations and observations.

The Office's evaluation and assessment of the material alterations has regard to the Galway County Development Plan 2022-2028 (the Development Plan), the Regional Spatial and Economic Strategy (RSES) and relevant section 28 guidelines.

As outlined in the Office's submission to the draft LAP, the Office considered the draft LAP to be generally consistent with policies in the *Project Ireland 2040:*National Planning Framework (NPF) and the RSES for the Northern and Western Regional Assembly. However, the Office found it necessary to recommend changes to ensure alignment with national and regional policies and with associated section 28 guidelines concerning compact growth, flood risk management and employment zoned land.

#### Overview

The Office acknowledges the extensive work undertaken by the planning authority in responding to the issues raised by the Office in its recommendations and observations and in preparing the material alterations.

In particular, the Office welcomes the proposed material amendments made in support of compact growth and the amended policy objectives providing for the regeneration of Tuam (MA2 and MA3). Notwithstanding these positive amendments, the Office considers that the inclusion of measurable targets would strengthen and enhance the relevant policy objectives. Furthermore the Office welcomes the proposed material amendments in relation to plan implementation and monitoring (MA5).

The Office was generally satisfied with the approach in relation to residential development in the draft LAP, in particular the general consistency with the core strategy of the Development Plan. While the Office has no objection to many of the proposed material amendments to zone land for residential development, there are a number of residential zonings that are peripherally located and are not consistent with the core strategy. The decision to zone lands in such a manner was also raised in respect of the Development Plan, and was the subject of a Ministerial Direction.

The Office recommends, therefore, that your authority makes the LAP without the proposed material amendments identified in MA Recommendation 1, which undermine the very positive policies, objectives and strategies in the draft LAP, promoting compact and proportionate growth, sustainable mobility and the transition to a low carbon and climate resilient society.

In relation to lands zoned for Employment Uses in the draft LAP, the Office notes that the material amendments do not address Recommendation 3 of the Office's

submission to the draft LAP concerning Lands Zoned for Employment Uses. These matters will be the subject of further consideration by the Office on making of the LAP.

Furthermore, the proposed material amendments zone additional land for employment generating uses in peripheral locations that have the potential to undermine the safety and capacity of the national road network. These locations are poorly connected to the town centre, and without an evidence-base for such zoning. The Office also notes that no infrastructure assessment has been prepared to ensure that the lands can be serviced.

In relation to flood risk management, the Office welcomes the approach followed by the planning authority in terms of avoiding zoning land for residential development in flood risk areas. This is consistent with national policy to avoid placing people and property at unnecessary risk from future flood events. NPO 57 and *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines) also require that the same approach be followed in terms of all land use zonings. The Office has concerns, therefore, that a number of the proposed material amendments for employment related zonings propose vulnerable land uses in flood risk areas. It is recommended that the subject material amendments be omitted and the zoning of the lands revert back to water compatiable uses as per the draft LAP.

It is within this context the submission below sets out three (3) recommendations and two (2) observations under the following five (5) themes:

Key theme	Recommendation	Observation
Core Strategy and Land Use	MA Recommendation	-
Zoning for Residential Use	1	
Regeneration	-	MA Observation <u>1</u>
Land Use Zoning for Employment	MA Recommendation <u>2</u>	-
Flood Risk Management	MA Recommendation	-
	<u>3</u>	
Implementation and Monitoring	-	MA Observation 2

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.

#### 1. Core strategy and land use zoning for residential use

The Office was generally satisfied that a sufficient supply of zoned land had been provided for in the draft LAP consistent with the core strategy of the Development Plan.

The Office notes, however, that the proposed material amendments include a further 11ha of lands zoned Residential Phase 1, representing an overall increase of approximately 26% Residential Phase 1 land.

The Office acknowledges that in providing housing sites for development within settlements it may be necessary to zone more serviced land and sites for residential (or a mixture of residential and other uses) than would equate to meeting precisely the projected housing demand for that settlement. However, the Office has concerns in relation to several of the material amendments that are poorly located and are not necessary to ensure a sufficient supply of zoned land consistent with the core strategy in the recently adopted Development Plan, specifically MA32, MA38 and MA49 (Residential Phase 1) and MA40 and MA58 (Residential Phase 2).

MA32 represents a sizable parcel of land in the context of the core strategy, and adjoins land within Flood Zone A to the south which would have implications for any

potential access arrangements. Moreover the rezoning of the land would not represent a sequential approach to zoning for residential development, as it is removed from services, with no apparent access, and as such would be inconsistent with section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities* (2022) (the Development Plans Guidelines).

The Office also has concerns regarding proposed material amendments MA38 and MA49 both of which are proposed to change from Residential Phase 2 to Residential Phase 1. These lands are more removed from the town centre relative to undeveloped zoned residential land that is serviced and preferably located closer to the services and amenities of the town centre.

In addition the Office notes that Appendix III of the SEA Environmental Report states, in relation to proposed material amendments MA38 and MA49 that

...development at these locations would conflict with established higher-level objectives relating to compact growth, sustainable mobility and transition to a low carbon and climate resilient society.

The SEA concludes that material amendments MA38 and MA49 would not provide the most evidence-based framework for development in compliance with the core strategy of the Development Plan.

Furthermore the proposed material amendments MA40 and MA58 relate to a change to Residential Phase 2 from Outside Plan Boundary and Agriculture zoned land, respectively. These material amendments further undermine national and regional policy objectives to achieve compact growth and development in a sequential manner. MA40 and MA58 would result in leapfrogging established zoned land, and is removed from services which is inconsistent with the Development Plans Guidelines. 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 Tuam in accordance with national and regional policy objectives.

The Office also notes that TII in its submission to the proposed material alterations raised concerns in relation to MA58, which adjoins the N17 national primary road, as the rezoning would compromise future potential upgrade works and are not in the interests of proper planning and sustainable development.

The cumulative impact of these material amendments risks undermining the very positive policies, objectives and strategies in the draft LAP which promote compact growth and urban regeneration in support of NPO3c. In addition, many of the proposed zonings do not represent sequential development, particularly within the context of compact growth and result in the zoning of land significantly in excess of that which can reasonably be considered to be required to provide for the housing supply target.

### MA Recommendation 1 - Land Use Zoning for Residential Use

#### Having regard to:

- national and regional policy objectives NPO 3, RPO 3.1 and RPO 3.2;
- the peripheral location of the lands and the policy and objective for the sequential approach to zoning in the Development Plans, Guidelines for Planning Authorities (2022); and
- the core strategy of the Galway County Development Plan 2022-2028,
  the planning authority is required to make the LAP without the following amendments:
  - (i) MA32 from Agriculture to Residential (Phase 1);
  - (ii) MA38 from Residential (Phase 2) to Residential (Phase 1);
  - (iii) MA49 from Residential (Phase 2) to Residential (Phase 1);
  - (iv) MA40 from Outside Plan Boundary to Residential (Phase 2); and
  - (v) MA58 from Agriculture to Residential (Phase 2)

#### 2. Regeneration

Recommendation 1 of the OPR's submission to the draft LAP required policy approach outlined in the draft LAP towards achieving compact growth to support the focused regeneration within Tuam. In particular Recommendation 1 required the local authority to set out its approach to active land management in order to address town centre vacancy and to set out measurable targets for the reduction of vacancy for the planperiod.

In response to the OPR's submission to the draft LAP a number of material amendments are proposed which include a new policy objective to establish a database for strategic brownfield and infill sites (MA2 provides for policy objective TKT 60) and a new policy objective TKT 61 (under MA3) providing for active land management between the planning authority and stakeholders. Further, the Office welcomes the response to Observation 1 (mix of housing units) of the Office's submission to the draft LAP, which amends the land use zoning matrix table to ensure that apartments are permitted in principle within the residential land use zoning objectives.

Notwithstanding the aforementioned positive amendments, it is important that the LAP sets out measurable targets for the reduction of vacancy and identifies the critical measures and/or actions the planning authority will implement to address.

# MA Observation 1 – Town Centre Regeneration (vacancy)

## Having regard to:

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

the planning authority is requested to amend, by minor modification, proposed material amendments policy objectives TKT 60 and/or TKT 61 to commit to including measurable targets for the reduction of vacancy for the plan period and a strategy for the monitoring of same as part of the Town Centre Management Plan as well as the Strategic Sites database.

#### 3. Land Use Zoning for Employment

The Office, in its submission to the draft LAP, welcomed the policies and objectives which sought to address economic development and promote employment opportunities. Moreover, the Office acknowledged that the RSES recognise the potential of Tuam, as a Key Town, to develop as the focus for future development in north Galway.

However the Office had concerns in relation to the substantial portion of the lands zoned for Industry located on greenfield undeveloped lands located at the edge of the LAP boundary and outside of the town's CSO boundary. This has the potential to undermine and detract from town centre revitalisation contrary to NPO 6, RPO 3.1, and *Town Centre First: A Policy Approach for Irish Towns* (2022) (Town Centre First), and further would not contribute to a compact pattern of development in accordance with the National Strategic Outcome for compact growth of the NPF.

It is within this context that the Office sought justification for the extensive zoning of employment land in the absence of an Infrastructure Assessment or Settlement Capacity Audit which would determine whether the relevant lands are serviced or serviceable consistent with NPO 72(a) and NPO 72(c). The Office notes it is a key requirement of the NPF that infrastructure assessments are undertaken in line with the methodology outlined in Appendix 3 NPF, and that the tiered approach to zoning is applied in accordance with NPO 72 a-c.

The Office sought an evidence-based rationale for the overall quantity and the spatial location of all employment generating land use zonings. In this regard the Office issued Recommendation 3 (Lands Zoned for Employment Uses) in its submission to the draft LAP.

While the Chief Executive's (CE's) Report (May 2023) provides responses on the rationale for zoning the subject lands, this is not considered to be a sufficient evidence-base to address the need for these lands to be zoned as per section 6.2.5 of the Development Plans Guidelines or NPO 72 of the NPF.

The decision of the local authority not to address Recommendation 3 of its submission to the draft LAP will have to be considered by the Office in the context of its final assessment of the adopted LAP.

Further to the above, the Office notes that there are a number of proposed material amendments which seek changes to the lands zoned for employment use within the draft LAP, which would further add to the quantum of employment zoned land.

The material alterations do not include an Infrastructure Assessment linking the proposed employment zoned lands and the availability of infrastructure consistent with NPO 72(a-c), and therefore it is not possible to determine if the additional employment lands, the subject of the material amendments, are serviced or serviceable within the life of the LAP.

The Office also notes that the amended Local Transport Plan (LTP) does not include the extended Walking and Cycling Network Options to access the proposed employment lands, subject of the material amendments, which would indicate an absence of coordination between the proposed additional zoning designation and the LTP.

In particular, the Office has concerns in relation to the lands situated north of the town, which are the subject of MA53 (34.4 ha) and MA54 (13.3 ha), and located adjacent to a national primary road (N17) as these sites are less sequentially preferable compared to other employment zoned sites in the town. The Development Plans Guidelines advises that the 'proposed employment zonings must have a credible rationale, particularly with regard to location and type of employment'.

The Office queries the rationale for zoning land identified as MA54, given its location outside the settlement boundary, thus proposing a significant bank of Business and Technology zoned land, and also the loss of Industrial zoned land having regard to proposed material amendment MA53. In this regard, it is not clear that the LAP contains an overall evidence-based strategy for employment uses.

Furthermore the Office notes from the TII submission to the proposed material alterations, that there are concerns in relation to the proposed material amendment MA54, which adjoins the N17, national primary road, at a location where a 100kph speed limit applies. The proposed material amendment do not include any evidence-base to demonstrate the proposed zoning of the additional lands adhere to the requirements set out in Section 2.6 and/or Section 2.7 of the section 28 Ministerial Guidelines *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) (National Roads Guidelines).

These proposed employment land-use zonings, which would facilitate new and more intensive employment development adjoining a national road, is not of itself conducive to walking and cycling modes. This militates against the objectives of consolidation of the existing built urban footprint and conflicts with objectives in the draft LAP to build a much stronger urban core and vibrant town centre.

In addition to the above, the Office also has concerns in relation to a series of proposed material amendments in the vicinity of M17/N17/N83/R942 situated to the

south west of the town. These concerns relate to the introduction of six (6) material amendments for employment zonings, as follows;

- MA42 Agriculture to Business and Enterprise;
- MA50 Agriculture to Industrial;
- MA51 Commercial/Mixed Use to Industrial;
- MA52 Business and Enterprise to Commercial/Mixed Use;
- MA55 Open Space to Business and Enterprise; and
- MA56 Open Space to Business and Enterprise.

In this regard the Office notes that section 2.7 of the National Roads Guidelines caution against the '…zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road.' The proposed Business & Enterprise, Industrial and Commercial/Mixed Use zonings referred to above are close to existing junctions on the M17/N17/N83/R942.

These proposed re-zonings would further consolidate an area of employment zoned adjacent to national roads and removed from the town centre, and would have the potential to undermine and detract from town centre revitalisation contrary to NPO 6, RPO 3.1 and Town Centre First, and further would not contribute to a compact pattern of development. Therefore the proposed re-zonings, situated to the southwest of town, would not be consistent with a compact pattern of development in accordance with the National Strategic Outcome for compact growth of the NPF.

Further, the Office considers that it has not been adequately demonstrated that the subject 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 the overall approach in relation to employment zoned land 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 2 – 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;
- the absence of an Infrastructure Assessment in accordance with NPO72a-c;
- the National Strategic Objective for compact growth;
- the regeneration of towns under NPO 6 and RPO 3.1 and Town Centre
  First: A Policy Approach for Irish Towns (2022); and
- section 2.6 and Section 2.7 of the Spatial Planning and National Roads
  Guidelines for Planning Authorities (2012),

the planning authority is required to review the following proposed material amendments and appropriately reduce the quantity of land required to accommodate employment growth in Tuam;

- MA42 from Agriculture to Business and Enterprise;
- MA50 from Agriculture to Industrial;
- MA51 from Commercial/Mixed Use to Industrial;
- MA52 from Business and Enterprise to Commercial/Mixed Use;
- MA53 from Industrial to Business & Technology;
- MA54 from Outside Plan Boundary to Business & Technology;
- MA55 from Open Space to Business and Enterprise; and
- MA56 from Open Space to Business and Enterprise.

As part of this review, the planning authority is required to:

(i) prepare an Infrastructure Assessment for all employment lands zoned under the draft LAP in accordance with the methodology for a tiered approach to land zoning under Appendix 3 of the NPF. This must also

- include, if required, a reasonable estimate of the full cost of delivery of the required infrastructure to the identified zoned lands at draft and final plan stages of the plan making process;
- (ii) provide an evidence-based rationale for the overall quantity and the spatial location of all employment generating land use zonings;
- (iii) consider all relevant infrastructural capacity in applying the tiered approach to zoning;
- (iv) provide an evidence-base to demonstrate the proposed zoning of the additional employment lands adhere to the requirements set out in section 2.6 and/or section 2.7 of the section 28 Ministerial Guidelines Spatial Planning and National Roads Guidelines for Planning Authorities (2012);
- (v) omit any lands which cannot be justified under (i) to (iv) inclusive above;and
- (vi) 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.

The planning authority's attention is also drawn to MA Recommendation 3 below (Flood Risk Management) in respect of proposed material amendments MA50, MA55 and MA56.

#### 4. Flood Risk Management

The Office's submission to the draft LAP noted 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.

The Flood Guidelines advise that 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. The inclusion of a Constraint Land Use Map is welcomed, however the Flood Guidelines advise that planning authorities should overlay the extent of Flood Zones A and B on the land use zoning maps for greater transparency.

The Office welcomes the material amendments to Policy TKT 41 (MA7) and the alterations to the General Notes on the Land Use Zoning Matrix (MA8), both of which will strengthen the LAP and further protect people and property from flood risk.

Having reviewed the amended Strategic Flood Risk Assessment (SFRA) prepared by the planning authority in respect of the material alterations, and the submission of the OPW, the Office has concerns over the introduction of four material amendments for employment zonings. These are located within Flood Zone B, and within areas of greater risk of flooding in future scenarios:

- MA39 (Open Space/Recreation & Amenity to Business & Enterprise);
- MA50 (Agriculture to Industrial);
- MA55 (Open Space/Recreation & Amenity to Business & Enterprise); and
- MA56 (Open Space/Recreation & Amenity to Business & Enterprise).

The zoning of vulnerable and/or highly vulnerable uses within flood zones is inconsistent with NPO 57 to ensure flood risk management informs place-making by avoiding inappropriate development and substantial risk to people and property in areas at risk of flooding, in accordance with the Flood Guidelines.

Material amendment MA39 relates to a site that is predominantly located in Flood Zone B (and is mostly in Flood Zone A in future scenarios), which should be restricted to less vulnerable uses.

Material amendment MA50 rezones lands from Agriculture to less vulnerable Industrial. While these lands are currently in Flood Zone B, future scenario mapping indicates that these lands will be at greater risk in future scenarios.

Material amendment MA55 and MA56 rezones areas of land in Flood Zone B from water compatible Open Space/Recreation and Amenity to Business and Enterprise which, while predominantly less vulnerable, allows highly vulnerable usage such as childcare.

Furthermore the Office notes that the amended SFRA concludes that the proposed material amendments MA39, MA50, MA55 and MA56 would result in an increase in flood risk, including to populations to human health and material assets. The Office

notes that the SRFA states, that the proposed zonings 'would not be considered compatible to complying with the Flood Risk Management Guidelines'.

# MA Recommendation 3 – Flood Risk Management

Having regard to NPO 57 of the NPF, and to the provisions of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), the planning authority is required to make the LAP without the following proposed material amendments:

- MA39 (Open Space/Recreation & Amenity to Business & Enterprise);
- MA50 (Agriculture to Industrial);
- MA55 (Open Space/Recreation & Amenity to Business & Enterprise); and
- MA56 (Open Space/Recreation & Amenity to Business & Enterprise).

#### 5. Implementation and Monitoring

The Office welcomes material amendment MA5 which introduces policy objective TKT 63. Policy Objective TKT 63 provides for monitoring of the core strategy. There is however, no other implementation and monitoring policy and objectives included in the draft LAP. Section 6.5 of the *Local Area Plan Guidelines for Planning Authorities* (2013) states that planning authorities are encouraged to periodically review the success or otherwise of the implementation of the policies and objectives of a local area plan by effective monitoring systems. Furthermore, the review of the development plan as required by section 15 of the Act, will provide an opportunity to review the policy objectives of the draft LAP, particularly where policy objectives overlap between the Development Plan and the adopted LAP.

## MA Observation 2 – Plan Implementation and Monitoring

Having regard to the duty and function of the planning authority under section 15(1) and 15(2) of the *Planning and Development Act 2000*, as amended, the planning authority is requested to amend, by minor modification, proposed material amendments policy objective TKT 63 to commit to including more general plan implementation and monitoring.

**Note:** Chapter 10 of the Development Plans, Guidelines for Planning Authorities (2022) provides useful guidance in this regard.

## 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 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.

**Anne Marie O'Connor** 

Deputy Regulator and Director of Plans Evaluations