

07th July 2023

Forward Planning Section,
Galway County Council,
Prospect Hill,
Galway,
H91 H6KX.

Re: Draft Athenry Local Area Plan 2023-2029

A chara,

Thank you for your authority's work on preparing the Draft Athenry 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.

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. This submission makes three (3) recommendations and six (6) observations.

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.

Overview

The Office commends the significant work of the planning authority in preparing a comprehensive draft plan for Athenry. The plan includes several supporting documents, including a Local Transport Plan (LTP) and the relevant statutory reports including AA Screening, SEA Report and Strategic Flood Risk Assessment (SFRA), which are welcomed by the Office.

In general, the Office considers that the draft LAP sets out a positive, evidence-based, planning strategy to guide the development of Athenry over the 6-year plan period. In particular, the plan sets out a clear vision for the town, and a framework for achieving the plan's objectives.

The Office notes, however, that the draft LAP does not include an Infrastructure Assessment to inform the residential and employment zoning objectives in the plan. The co-ordination of land use zoning, infrastructure and services is key to the proper planning and sustainable development of the town, and further assessment will be required to inform the plan.

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

In relation to residential zoned land, the Office also considers that further consideration should be given to the phasing of such lands based on proximity to the town centre, availability of services, and the sequential approach to development.

The Office also considers that the SFRA requires further review with regard to the approach taken in the preparation of the Justification Tests and the non-inclusion of some flood extents relating to Furzypark.

It is within this context the submission below sets out three (3) recommendations and six (6) 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	-	-
Compact Growth, Tiered Approach to Zoning and Infrastructural Services	Recommendation 1	Observation 1
Town Centre and Regeneration	-	Observation 2
Transport and Accessibility	-	Observation 3
Climate Change Mitigation and Adaptation	Recommendation 2	Observations 4 and 5
Economy and Employment	Recommendation 3	-
Environment, Heritage and Amenity		
Implementation and Monitoring	-	Observation 6

1. Consistency with the 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,.

3. Compact Growth, Tiered Approach to Zoning and Infrastructural Services

3.1 Tiered Approach to Land Use Zoning

Having reviewed the draft LAP, it is evident that the LAP seeks to consolidate the town and avoid unnecessary urban sprawl by zoning residential lands within the boundary of the proposed relief road. This is generally 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 supply of zoned lands for Residential (Phase 1) and Residential Infill is generally in accordance with the core strategy of the Development Plan.

The Office does however, have concerns in relation to the assessment undertaken prior to the zoning of lands. Having regard to NPO 72 a-c, and the tiered approach to zoning it is not clear in the draft LAP that the lands identified for residential development have taken account of the availability of infrastructure for these sites.

In this regard it is considered that an infrastructure assessment should be undertaken in line with the methodology outlined in Appendix 3 of the *Project Ireland 2040: National Planning Framework* (NPF).

It should also be noted that the settlement capacity audit process outlined as part of the *Development Plans, Guidelines for Planning Authorities* (2022), provides an approach to providing an infrastructure assessment. Whilst this approach is intended for development plans, such an approach has been taken by other planning authorities such as Kildare County Council in the case of the draft Kildare Town Local Area Plan 2023-2029.

Furthermore, without the details of an infrastructure assessment being available, it is unclear why some lands are zoned R – Residential (Phase 1) when there are R – Residential (Phase 2) available closer to the town centre. In this regard, there are concerns with the application of the sequential approach in the absence of an infrastructure assessment or settlement capacity audit providing evidence to the contrary.

A similar matter has been raised by Uisce Éireann, which notes the potential need for upgrades in the sewer network as well as concerns in relation to the extent of the Phase 2 lands.

Finally, it should also be noted that if there are sites where the necessary infrastructure cannot be delivered within the lifetime of the plan, then these lands should not be zoned for development. Such an approach is outlined in NPO 72c and may require a review of lands zoned R – Residential (Phase 1) and R – Residential (Phase 2) as to whether these lands should be zoned in the draft LAP.

Recommendation 1 – Residential Land Use Zoning

Having regard to:

- NPO 72a-c and Appendix 3 of the NPF;
- the *Development Plans, Guidelines for Planning Authorities (2022)*; and
- NPO 3c and NPO 18a,

the planning authority is required to:

- (i) prepare an Infrastructure Assessment for all residential lands zoned under the draft LAP in accordance with the methodology for a tiered approach to land zoning under Appendix 3 of the NPF, relating to existing development services, i.e. road and footpath access including public lighting, foul sewer drainage, surface water drainage, water supply and/or additional service capacity. It must also include, if required, a reasonable estimate of the full cost of delivery of the required infrastructure to the identified zoned lands;
- (ii) omit any lands which cannot be justified under (i) - i.e. lands that cannot be serviced within the life of the plan;
- (iii) review and where relevant amend the phasing of all residential land use zonings (ie Residential Phase 1 and Residential Phase 2) having regard to the findings of the Infrastructure Assessment, proximity to the town centre and the sequential approach to zoning.

3.2 Mix of Housing Type

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 the table at Section 1.7.1 Land Use Matrix Table should be reviewed to ensure, for example, that Apartments are considered Permitted in Principle. Such an approach will allow for the appropriate mix of housing type, tenure, density and size in all new residential areas, including apartment units.

Observation 1 – Mix of Housing Type

Having regard to NPO 33 and RPO 7.20 the planning authority is advised to review the land use zoning matrix 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 Athenry. This approach should allow for Apartments to be Permitted in Principle on residential zoned lands.

4. Town Centre and Regeneration

The inclusion of a number of policy objectives in the draft LAP to regenerate and revitalise the town centre are acknowledged and welcomed, and in particular, the identification of two Opportunity Sites, 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 compact quality mixed use development close to all amenities that Athenry has to offer, consistent with NPO 4 and NPO 6.

It is also noted as part of the LTP associated with the draft LAP that there have been a number of other studies undertaken on the town in relation to public realm works and proposed interventions in the built environment of Athenry. These include Regenerating Athenry, Reimagine Athenry, Market Square Public Realm Enhancement Project, Cross Street proposals, urban improvement proposals and the Safe Routes to School Draft

Delivery Plan. These initiatives are welcome and it is considered that further details of these could be provided as part of the draft LAP.

The Office notes the high vacancy rates identified in Athenry in the Northern & Western Regional Assembly's *Regional Vacancy and Dereliction Analysis (2022)*¹. It is important therefore that the draft 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, including use of its statutory powers, development contribution schemes, and public funding available under, among others, the Urban Regeneration and Development Fund and Town Centre First funds (e.g. Croí Cónaithe).

In this regard, the Office welcomes the inclusion of policy objectives ASP 12, ASP 20 and ASP 21. The Office acknowledges that these policy objectives commit to preparing a strategic sites database as well as a town centre management plan. While it would have been preferable that these documents would have formed part of the plan it is accepted that these will require the use of resources in the planning authority that are currently working on the local area plan programme.

Observation 2 – 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 existing policy objectives 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.

¹ Northern & Western Regional Assembly *Regional Vacancy and Dereliction Analysis (2022)* notes commercial vacancy rates of 18.1% and residential vacancy rates at 2.6% for Athenry.

5. Transport and Accessibility

5.1 Transport and Mobility

The Office welcomes the LTP prepared on behalf of the planning authority having regard to the Area Based Transport Assessment approach, and which informs the draft LAP.

This has the potential to deliver an integrated approach to land use planning for Athenry 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 emissions by 51% by 2030, with a commitment to achieving carbon neutrality by 2050.

Policy objective ASP 51 is intended to facilitate projects that will improve sustainable patterns of travel within the town. The Office considers it would be appropriate to reference current sustainable transport policy of government, namely the *National Sustainable Mobility Policy (2022)*.

The Office also welcomes Policy Objective ASP 49 in relation to the implementation of the LTP for Athenry and all actions and recommendations contained within. The preparation of the LTP has the potential to deliver an integrated approach to land use planning for Athenry, and in tandem with compact growth, help achieve a shift from private car transport to active sustainable modes and to public transport.

The Office notes that while a general objective supporting the LTP has been included in the draft LAP (Policy Objective ASP 49), specific objectives are not provided. The Office considers that there needs to be better integration and synergy between the LAP and the LTP and a clearer policy approach that provides more explicit support to the proposed interventions.

In particular, there should be clear policies to ensure compliance with the active travel interventions proposed under each of the proposals detailed under Section 6 of the LTP, as well as Section 6 of Appendix C of the LTP. This would give greater weight and statutory effect to the proposals of the LTP.

In addition, while Figure 5 of the draft LAP provides a map illustrating the proposed interventions, it is considered that further detail, including the timeline for their delivery of each intervention should be provided as part of the LAP. The draft Kildare Town Local Area Plan 2023-2029, provides a good practice example of how to integrate the LTP proposed interventions into the draft LAP.

The submission by Transport Infrastructure Ireland (TII) also notes that there are concerns with the potential impacts of the draft LAP on the national road network. When considering RPO 6.5, NSO 2 and section 2.7 of the section 28 Guidelines, *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), it is considered that additional policy objectives would strengthen the protection of the national road network.

Observation 3 – Transport and Mobility

Having regard to:

- RPO 6.27 and 6.28;
 - NPO 27, NPO 54 and NPO 64;
 - **ILUTP 3 of the Galway County Development Plan 2022-2028; and**
 - **section 2.7 of section 28 Guidelines *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012);**
- (i) the planning authority is requested to review Section 2.9 – Transportation and Movement – Local Transport Plan, as well as Section 4.0 Policy Objectives, to provide clearer policies and objectives regarding the delivery and phasing of the key infrastructural requirements of the LTP, particularly those interventions and measures required to enhance pedestrian and cycling infrastructure in the town. In particular, further details should be provided of the interventions illustrated as part of Figure 5 – Emerging Preferred of the draft LAP.

(ii) the planning authority should consider including policies to ensure the protection of the national road network. Consultation with TII is advised in relation to this matter.

6. Climate change mitigation and adaptation

6.1 Climate Change

The Office welcomes that considerations regarding climate mitigation and adaption are integrated in the draft LAP and the inclusion of policy objective ASP 59 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.

The Office further welcomes the inclusion of ASP 60, which promotes development resilient to climate change. 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, having regard to NPO 54.

6.2 Strategic Flood Risk Assessment

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.

While the inclusion of Flood Risk Assessment areas on Map 3 in the schedule of maps is welcomed, the planning authority should overlay the extent of Flood Zones A and B on the land use zoning maps (Map 1) for greater transparency especially since zoned land that can accommodate vulnerable uses encroaches into the defined Flood Risk Assessment areas.

Observation 4 – Flood Zone Mapping

Having regard to National Policy Objective 57 and *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines), the planning authority is requested to overlay the extent of Flood Zones A and B on the land use zoning maps in the draft LAP to provide for greater transparency and to inform zoning decisions. The planning authority is advised to consult with the Office of Public Works in relation to this observation.

The Office notes from the submission by the OPW that the SFRA associated with the draft LAP has not had the most up to date flooding extents available for the Furzypark area of Athenry. The Office considers that the planning authority should engage with the OPW to ensure that a suitable level of flood risk assessment should be carried out for all areas in the plan boundary, in accordance with the Flood Guidelines.

Furthermore a number of land use zonings overlap Flood Zones A and B, as identified in General Notes no. 6 of the General Notes on Land Use Zoning Matrix. In this regard, the planning authority is advised to review the SFRA to ensure that it is fully consistent with Plan Making Justification Test contained in the Flood Guidelines. 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 County Development Plan.

Based on the matters raised above it is recommended that the SFRA and the draft LAP is reviewed having regard to this issue to ensure broad consistency. It is also recommended that the climate change scenarios are considered in the review of the SFRA.

Recommendation 2 – Strategic Flood Risk Management

Having regard to National Policy Objective 57 and the Planning System and Flood Risk Management Guidelines (2009) and the Department of Environment, Community and Local Government Circular PL 2/2014, the planning authority is required to:

- (i) review and amend the Strategic Flood Risk Assessment of the draft Plan to ensure that it is fully consistent with the Plan Making Justification Test as set out in the Guidelines. The review should include all zoned lands that can accommodate vulnerable uses including those referred to specifically in General Notes no. 6 of the 'General Notes on Land Use Zoning Matrix'.
- (ii) review the Strategic Flood Risk Assessment for the draft LAP to include the most up to date flooding extents available for the Furzypark area of Athenry, to ensure that any flood risk associated with this area is assessed in accordance with the application of the sequential approach and the Justification Test where appropriate, and having regard to potential climate change effects and potential impact on adjoining vulnerable uses.

The planning authority is required to omit or amend zonings that do not meet the Justification Test in accordance with the provisions of the aforementioned Guidelines and Circular.

The planning authority should consult with the Office of Public Works regarding this recommendation.

6.3 SuDS and Nature Based Solutions

The Office welcomes the approach in the SFRA in respect of Sustainable Urban Drainage Systems (SuDS) as outlined in section 3.5 of the SFRA. However, the Office considers there is an opportunity to strengthen the LAP in relation to implementing section 3.5 of the SRFA. While the Office welcomes SuDS overall, it is considered that there is scope to provide a more detailed framework in relation to delivering SuDS on the two Opportunity Sites identified in section 3.0 of the plan.

Observation 5 – SuDS and Nature Based Solutions

Having regard to NPO 58 and the integration of climate action into the planning system, the planning authority is requested to include a robust framework and

guidance in relation to the identification and use of SuDS and nature based solution in the two Opportunity Sites identified in section 3 of the draft Plan.

7. Economy and Employment

The RSES recognises the importance of Athenry as a town of Strategic Potential to develop along the Economic Corridor identified in the Development Plan. One of the key future priorities for Athenry 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 (10.5ha), commercial / mixed use (11.7ha), business and enterprise (18ha), business and technology (88.1ha) and industry (24.8ha). The draft LAP also includes Tourism zonings (5.5ha).

The Office welcomes the draft LAP policies and objectives with regard to economic development and employment. Notwithstanding the need to provide for expansion of existing activities for new economic opportunities, there is no evidence provided in the draft LAP to demonstrate the need for such extensive lands.

A significant portion of the lands zoned for Industry are greenfield undeveloped lands located at the edge of the draft LAP 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 adjacent to the proposed Relief Road are less sequentially preferable compared to other sites in the town.

In addition, there are circa 88ha of undeveloped lands zoned for Business and Technology to the south-west of the town adjacent to the M6 motorway.

Further, there are circa 9 hectares of lands zoned as industrial to the west of the plan boundary and circa 4.5 hectares zoned industrial in locations that are not proximate to the town centre that have the potential to detract from the sequential focus of the draft LAP zonings. There is also circa 5 hectares of land zoned to the north of the draft LAP

boundary as Business and Enterprise, where permissions were granted in 2018 and 2019 for an employment use. Further lands have been zoned around this development despite there being undeveloped Business and Enterprise lands located closer to the town centre.

The proposed zonings would not be consistent with a compact pattern of development in accordance with the National Strategic Outcome for compact growth of the NPF. Further 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 72a, 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 2023 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) 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;
- (iii) consider all relevant infrastructural capacity in applying the tiered approach to zoning;
- (iv) omit any lands which cannot be justified under ((i) and (ii) above; and
- (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, (ASP 69), to support the protection of waterbodies and watercourses (ASP 70), European Sites (ASP 61) and areas of high biodiversity value (ASP 63).

9. Implementation and Monitoring

Having reviewed the draft LAP, the Office notes and welcomes that ASP 10 Implementation and Monitoring provides for the 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.

Observation 6 – 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 required to provide for Plan implementation monitoring as part of the draft LAP.

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

Summary

Arising from the foregoing evaluation and assessment of the Draft Athenry Local Area Plan 2023-2029, the Office concludes that the draft LAP is generally compliant with the NPF and the relevant RSES, however, there are elements of the draft LAP that can be improved and/or require further consideration.

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 plan 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,

A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive style with a diagonal slash at the end.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
