



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: MA-012-23

20th September 2023

Forward Planning,
Mayo County Council,
Aras an Chontae,
Mayo,
F23 WF90

**Re: Material Alterations to the Draft Castlebar Town and Environs Local Area
Plan 2023-2029**

A chara,

Thank you for your authority's work in preparing the proposed Material Alterations (the proposed Material Alterations) to the draft Castlebar Town and Environs 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 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 recommendations and observations.

The Office's evaluation and assessment of the proposed Material Alterations has regard to the current Mayo County Development Plan 2022-2028 (the Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly (NWRA) and relevant section 28 guidelines.



Overview

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 *National Planning Framework* (NPF) and the RSES. However, the Office found it necessary to recommend changes to ensure alignment with national and regional policies and with associated section 28 guidelines concerning the core strategy and compact growth, town centre regeneration, flood risk management, transport and employment zoned land.

The Chief Executive's Report on the draft LAP stage sets out a number of proposed material alterations to address the matters raised in the recommendations and observations made by the Office. It is understood however, that at the meeting of the Castlebar Municipal District on the 28th June 2023, the elected members decided to reject all proposed material alterations relating to the submission by the OPR, as well as that of the Office of Public Works (OPW) on flood risk.

The Strategic Environmental Assessment Report (SEA Report), prepared by the planning authority's own appointed environmental consultant highlights the implications of this decision and states that:

The elected members rejected all OPR and OPW submissions and as a consequence, the opportunity to strengthen and further align national, regional and county planning hierarchy with the Castlebar LAP is missed. This weakens the sustainable development objectives of the LAP and reduces the opportunity to integrate and align more closely with climate change mitigation and adaptation as well as strengthening of flood risk assessment and mitigation.

The Office has significant concerns regarding the failure of the planning authority to meaningfully engage with the recommendations of the Office, or to provide a clear rationale for zoning land at risk of flooding and/ or in peripheral locations that do not support compact and sustainable development and town centre regeneration.

In addition to setting aside the findings in the SEA Report and the advice of the chief executive in relation to the draft LAP, a number of additional Material Alterations



relating to the zoning of land were agreed by the members, once again contrary to the SEA Report. The SEA Report notes that the Material Alterations do not align with sustainable development and generate adverse effects across a range of Strategic Environmental Objectives (SEO) by *'liberalising the approach to housing in terms of compact growth, rural housing criteria and national and regional policies as identified in the National Planning Framework and RSES'*.

Recommendation 1 of the Office's submission to the draft LAP sets out the need to provide a core strategy table in order to provide clarity regarding the quantum of housing to be delivered in the town and to demonstrate consistency with the core strategy of the Development Plan. It also detailed that there were excessive lands zoned as Strategic Reserve, contrary to the principles of compact growth, and a lack of clarity regarding the servicing capacity of such lands.

Notwithstanding these concerns, the Material Alterations propose further extensive additional zonings for new residential development. The extent of lands zoned is significantly in excess of that required to meet the housing targets for Castlebar set out in the Development Plan.

While it is vital that the draft LAP ensures a sufficient and stable supply of development land for housing providers to meet housing needs, it should first and foremost prioritise locations that are currently serviced in terms of the social and physical infrastructure that communities expect, and are easily accessible by walking, cycling and public transport.

The Office is concerned with the numerous Material Alterations providing additional residential lands, many of which are in peripheral locations, and that will undermine the growth of Castlebar in a compact and sustainable manner. The Office also notes the decision of the planning authority not to address the extent of land zoned Strategic Residential Reserve, particularly with regard to those sites located outside the CSO settlement boundary and where no infrastructure capacity assessment has been carried out.



With regard to the regeneration of the town centre, in response to Recommendation 2 of the Office's submission to the draft LAP to include measurable targets for the reduction of vacancy for the plan period, the chief executive recommended the inclusion of a health check map in the LAP which would have enabled the monitoring of vacancy reduction over the plan period. The failure to accept this and to include appropriate measurable targets undermines the efforts of the planning authority to address the significant vacancy and dereliction issues in the town centre.

It is also noted that the Material Alterations propose a significant out of centre mixed use zoning that has the potential to accommodate a range of town centre uses. This Material Alteration was against the recommendation of the chief executive and has the potential to significantly impact on the vitality and viability of the town centre through the facilitation of competing commercial uses remote from the town centre.

The Office also recommended that the planning authority provide clearer policies and objectives regarding the delivery and phasing of the key infrastructural requirements of the Local Transport Plan (LTP), particularly those interventions and measures required to enhance pedestrian and cycling facilities in the town (Recommendation 4 of the Office's submission to the draft LAP). The failure of the planning authority to address this issue is a lost opportunity to give statutory effect to these sustainable transport measures and to ensure the delivery of an integrated approach to land use planning and the shift towards active modes. The proposal to omit the Northern Orbital Ring Road in accordance with Recommendation 4 is noted, albeit this Alteration was on foot of separate submissions and motions.

It is of particular concern that the recommendations of both the OPR and OPW regarding the management of flood risk in the town have not been addressed (Recommendation 5 of the Office's submission to the draft LAP). Robust flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding. The methodology and modelling underpinning the Strategic Flood Risk Assessment (SFRA) at the draft LAP stage is not compliant with *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines) and does not fully assess the extent of flood risk in Castlebar. In



addition, it is noted that additional zonings have been proposed in areas at flood risk, contrary to the guidance set out in the Flood Guidelines.

The Office notes the response of the chief executive regarding the Employment and Enterprise land use zoning located to the south of Lough Saleen and to the immediate east of the rail line and that these lands are under consideration as a Strategic Rail Freight Hub. While it would have been appropriate for the planning authority to consider a specific zoning objective to facilitate this specific use at this location, the general rationale for this zoning is accepted. The Office notes however, that the OPW recommendation regarding encroachment onto, or loss of, the flood plain in this area has not been addressed. The Office also remains of the view, as noted under Recommendation 3 of the Office's submission to the draft LAP, that the draft LAP generally does not provide a robust evidence-based justification for the extent, location and infrastructural capacity of Enterprise/Employment zoned land in the town having regard to the guidance and methodology set out in the *Development Plans, Guidelines for Planning Authorities (2022)* (the Development Plans Guidelines), and this matter has not been satisfactorily addressed.

The decision of the local authority not to address the recommendations of the OPR's submission to the draft LAP will be considered by the Office in the context of its final assessment of the adopted LAP.

Having regard to the foregoing, the submission below sets out two (2) recommendations under the following two themes:

| Key theme | Recommendation | Observation |
|---|-------------------------------------|-------------|
| Sustainable residential development | MA Recommendation 1 | - |
| Town centre regeneration | MA Recommendation 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. Sustainable residential development

The core strategy set out in the Development Plan anticipates that the population of Castlebar will increase by 2,583 persons by 2028 and that a dwelling target of 708 additional units will be required. The quantum of land required to meet this target is c. 37 ha.

The draft LAP provided for over 40 ha of land zoned New Residential as well as a number of opportunity sites and town centre /infill lands with the capacity to accommodate residential development.

The proposed Material Alterations include over 56 ha of additional lands zoned New Residential. The cumulative total, therefore, provides for over 96 ha of New Residential zoned land, far in excess of that required under the core strategy. Taking an average of 25 units per ha, the extent of lands zoned could accommodate c. 2,400 units, in addition to that which can be accommodated on town centre and opportunity sites. This is over three times the housing supply target (708 units).



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 extent of land required to accommodate housing needs was fully catered for under the draft LAP, and the extent of additional zoned lands bears no reasonable relationship to the level of growth set out on the Development Plan.

These zoning objectives are not, therefore, consistent with the core strategy of the Development Plan.

What is more, these lands are poorly located and it is noted that the chief executive was not supportive of the proposed Material Alterations on the basis that they would not promote compact growth or sustainable travel options and would be contrary to the core strategy set out in the Development Plan.

It is also noted that the SEA Report raised significant concerns that the Material Alterations would: conflict with many SEOs; would contribute to peripheral growth; and, represented an inefficient use of land as well as additional costs in terms of servicing same in terms of water supply, wastewater treatment etc.

Six of the proposed Material Alterations relate to the rezoning of agricultural lands to New Residential including Material Alterations 9, 10, 12, 14, 21 and 24. Material Alterations 9, 10, 12, 14 and the majority of Material Alteration 21 are located outside the CSO settlement boundary. Material Alteration 9 in particular, is located a considerable distance from the town centre and not contiguous to the urban envelope.

With regard to Material Alteration 21, it is noted that part of the site is located within flood zones A and B and fails the Justification Test. 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 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.

Three of the Material Alterations related to the rezoning of lands zoned Enterprise and Employment and Agriculture to New Residential: Material Alteration 13, Material Alteration 17 and Material Alteration 18. Material Alteration 15 relates to the rezoning of a site from Enterprise and Employment to New Residential. Material Alteration 13 is located largely outside of the CSO boundary. Material Alterations 15, 17 and 18 are located on the eastern periphery of the town and are predominantly surrounded by employment lands.

Material Alteration 26 proposes the rezoning of lands from Strategic Residential Reserve to New Residential and is again in a peripheral location.

It is considered that the proposed rezonings would not contribute to the achievement of compact growth and would be inconsistent with NPO 3c and RPO 3.1 and 3.2. Furthermore, the zoning objectives are contrary to Policy DSP 2 of the draft LAP, which aims to support the compact growth of Castlebar to ensure that new development proceeds in a sustainable manner and at an appropriate scale, density and sequence and in line with the core strategy.

It would also be contrary to a range of provisions set out in the Development Plan adopted by your authority last year, including:

- Objective CSO 1 of the Development Plan to secure the implementation of the population and housing growth household allocation set out in the core strategy and settlement strategy;
- CSO 3 to adopt a local area plan for Castlebar that aligns with the NPF, RSES and core strategy;
- Objective SSO3 which requires sustainable, compact and sequential growth and urban regeneration in Castlebar; and
- Objective SSO6 regarding compact and sequential development.



The Office does not consider that any robust planning rationale has been provided to underpin the proposed zoning amendments and there is no evidence-based justification for the overall quantity and spatial location of the proposed New Residential land use zonings. Furthermore, it is noted the settlement capacity audit has not been updated in relation to any of the proposed additional New Residential zonings. It is unclear whether the lands are serviced or serviceable. This is inconsistent with NPO 72 (a-c) for a tiered approach to zoning, as well as the policy and objective under section 6.2.1 of the Development Plans Guidelines that land use zoning be informed by a settlement capacity audit, inclusive of an infrastructural assessment.

It is considered that these zonings have the potential to have significant adverse environmental impacts and will undermine national and regional objectives to promote compact and proportionate growth, sustainable mobility and the transition to a low carbon and climate resilient society.

The lands are not required to enable Castlebar to achieve its housing target at an appropriate residential density consistent with the NPF and RSES and having regard to Ministerial guidelines set out under section 28. There are sufficient serviced lands zoned which are more suitably located to provide for consolidated plan-led growth in Castlebar in accordance with national and regional policy objectives. In addition, many of the proposed zonings do not represent sequential development, particularly within the context of compact growth.

Furthermore, the strategic objectives of the LAP regarding the regeneration and consolidation of the town centre are consistent with the objectives of the Development Plan and with the strategy of Government. However, the proposed Material Alterations undermine these strategic objectives and accordingly, the LAP should be made without these Material Alterations.

Recommendation 1 – Sustainable residential development

Having regard to the provision of new homes at locations that can support compact and sustainable development, and in particular to:

- the core strategy of the Mayo County Development Plan 2022-2028, Objective CSO 1 to secure the implementation of the population and housing growth set out in the core strategy and settlement strategy, and Objective CSO 3 to adopt a Local Area Plan for Castlebar that aligns with the NPF, RSES and core strategy;
- the sufficient supply of land zoned for residential use commensurate with the core strategy;
- NPO 3a-c, RPO 3.1 and RPO 3.2 for compact growth, and Policy DSP 2 of the draft LAP to support the compact growth of Castlebar;
- Objectives SSO3 and SSO6 for sequential development under the Mayo County Development Plan 2022-2028, the policy and objective to adopt the sequential approach to land use zoning, under section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities (2022)*;
- NPO72 a-c for the co-ordination of land use zoning, infrastructure and services, and the policy and objective that land use zoning be informed by a settlement capacity audit under section 6.2.1 of the *Development Plans, Guidelines for Planning Authorities (2022)*;
- NPO 6 and NPO 11 regeneration, RPO 3.1 and *Town Centre First: A Policy Approach for Irish Towns (2022)*; and
- RPO 3.10, RPO 3.11 and NPO 57 flood risk management; Policy IMP 14 of the Mayo County Development Plan 2022-2028; and the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*,

the planning authority is required to make the LAP without the following Material Alterations:

- (i) Material Alterations 9, 10, 12, 14, 21 and 24 – from Agriculture to New Residential;
- (ii) Material Alterations 13, 17 and 18 – from Enterprise and Employment and Agriculture to New Residential;
- (iii) Material Alteration 15 - from Enterprise and Employment to New Residential; and
- (iv) Material Alteration 26 – from Strategic Residential Reserve to New Residential.

2. Town centre regeneration

Material Alteration 22 proposes to rezone lands from Recreation and Amenity and New Residential to a new zoning objective – Mixed Use. There are two associated Material Alterations:

- Material Alteration 6 refers to the inclusion of the new zoning category into Table 11.1 – Land Use Zoning Objectives. It is stated that the *the objective of the Mixed Use land use is to provide primarily for commercial, tourism, employment, recreational / leisure and low and middle order retail uses, with complementary ancillary uses also considered including an element of residential use. Permissible uses will be governed by the nature of the development proposed and its location and compatibility in relation to surrounding existing or permitted use.*
- Material Alteration 7 refers the types of development that are considered appropriate under the Mixed Use zoning. A wide range of uses typically found within the commercial core of a town centre are permissible or open for consideration under the new zoning objective.



The site of the subject rezoning is located on the southern fringes of the town, removed from the town centre. The southern portion of the site which was zoned for Amenity under the draft LAP is located within flood zones A and B. The Justification Test undertaken with regard to the proposed rezoning has failed. As noted above, the rezoning is contrary to the provisions of the Flood Guidelines and inconsistent with NPO 57.

The chief executive was not supportive of the proposed zoning noting that it would impact negatively on the commercial viability of the town centre and mitigate against the rejuvenation of the town centre, which is the central tenet of the Town Centre Regeneration Strategy outlined in chapter 4 of the draft LAP. The SEA Report also notes that the rezoning would be inconsistent with a number of SEOs and would be contrary to policies at a national, regional and local level which support a Town Centre First and urban regeneration focus.

The draft LAP sets out a detailed regeneration strategy under chapter 4. It is based on the development of four character areas within which, are 10 identified opportunity sites, all zoned Town Centre. It is an objective that these sites will be developed for a mix of uses that will *'contribute to the regeneration, vibrancy, diversity, vitality, attractiveness, safety, liveability and compact growth of the town centre'*. The draft LAP sets out a number of policies in support of consolidation, regeneration and town centre first approach including Objectives DSO2, DSO3, DSO8, TCO1 and TCO2.

The Office has considerable concerns regarding the proposed rezoning of the subject site to Mixed Use and the associated alterations regarding the zoning matrix. It is considered that a broad range of land uses could be facilitated through the rezoning at this location, many of which would be far more appropriate for a town centre location. This has the potential to undermine the town centre first approach espoused in the draft LAP under section 2.5 Strategic Goals and would conflict with national policy, in particular NPO 6 – regeneration; RPO 3.7.2 to support the regeneration of underused town centre and brownfield lands; and *Town Centre First, A Policy Approach for Irish Towns (2022)*.

It would also conflict with the broader objectives of the Development Plan namely:

- Objective SO 11 to enhance towns in the county through renewal and regeneration;
- Objective CSO 4 to promote the development of infill and brownfield/ consolidation/ regeneration sites and the redevelopment of underutilised land within and close to the existing built-up footprint of existing settlements in preference to edge of centre locations; and
- Objective SSO 3 to require sustainable, compact, sequential growth and urban regeneration in Castlebar by consolidating the built-up footprint.

It is also noted that the zoning objective seeks to provide low and middle order retail uses. The Development Plan (section 4.6) highlights that many town centres in the county have suffered from vacancy and dereliction, and that to address this, it will be important to develop quality town centre commercial environments. Under policy EDP 1, it seeks to facilitate a competitive and healthy environment for the retailing sector into the future, by ensuring that future growth in retail floor space responds to the identified settlement hierarchy and the sequential approach in accordance with the *Retail Planning Guidelines for Planning Authorities* (2012) It is an objective under Objective EDO 42 to promote and reinforce all town centres in the county as primary shopping areas and under Objective EDO 48 to support retail in town centres through the sequential approach.

The Office considers that the proposed rezoning of the subject lands to Mixed Use has the potential to significantly undermine the vitality and viability of the town centre and would undermine the core town centre first and regeneration strategy set out in the draft LAP. Accordingly, the LAP should be made without these Material Alterations.

Recommendation 2 – Town centre regeneration

Having regard to the need to promote the consolidation and regeneration of the town centre and protect and enhance its vitality and viability, and in particular to:

- Objective SSO 3 of the Mayo County Development Plan 2022-2028 for compact growth;
- NPO 6 and RPO 3.7.2 for the regeneration of town centres;
- Objective SO 11, Objective CSO 4 and Objective SSO 3 under the Mayo County Development Plan 2022-2028 and *Town Centre First, A Policy Approach for Irish Towns (2022)*;
- Policy EDP 1 and Objectives EDO 42 and EDO 48 of the Mayo County Development Plan 2022-2028 to support retail in town centres through the sequential approach and Section 2.3 and 2.5.2 of the *Retail Planning Guidelines for Planning Authorities (2012)*; and
- RPO 3.10, RPO 3.11 and NPO 57 flood risk management; Policy IMP 14 of the Mayo County Development Plan 2022-2028; and *the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*,

the planning authority is required to make the LAP without the following Material Alterations:

- (i) Material Alteration 22 – from Recreation and Amenity and New Residential to Mixed Use;
- (ii) Material Alteration 6 – amendment to Table 11.1 – Land Use Zoning Objective Mixed Use;
- (iii) Material Alteration 7 - uses permissible and open for consideration under Mixed Use zoning.



3. Summary

The Office requests that your authority address the recommendations 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.

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
