



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: IP-002-24

25th January 2024

Laois County Council,
Senior Planner,
James Fintan Lalor Ave,
Portlaoise,
Co. Laois

Re: Issues Paper for the Mountmellick Local Area Plan 2024-2030

A chara,

Thank you for your authority's work in preparing the Issues Paper (the Issues Paper) for the proposed Mountmellick Local Area Plan 2024-2030 (the LAP).

The planning authority is commended for publishing an Issues Paper, engaging proactively with the public, and notifying the Office of the Planning Regulator (the Office) of the intention to prepare the LAP.

In accordance with the provisions of section 31AO of the *Planning and Development Act 2000*, as amended (the Act), the Office is obliged to evaluate and assess local area plans to ensure alignment with national and regional planning policy and the objectives of your county development plan.

The Office has set out some broad issues relevant to the preparation of local area plans, in addition to some specific issues of particular relevance to the preparation of the LAP, under the following headings:

1. [Strategic policy framework](#)
2. [Development plan and core strategy](#)
3. [Zoning, compact growth and infrastructural services](#)
4. [Regeneration](#)
5. [Education, social and community amenities](#)
6. [Economic development, employment and retail](#)
7. [Transport and mobility](#)

8. [Flood risk management](#)
9. [Climate action](#)
10. [Environment, built and natural heritage](#)
11. [Implementation and monitoring](#)

The comments are offered without prejudice to any observations and recommendations by the Office at future stages of the plan-making process. They also do not affect the obligation on your planning authority to comply with the relevant legislative requirements, or to be consistent with the fullness of the detailed policy context of the higher order plans and strategies and Ministerial guidelines.

1. Strategic policy framework

Section 20(5) of the Act requires the LAP to be consistent with the objectives of the Regional Spatial and Economic Strategy (RSES), *National Planning Framework* (NPF), the specific planning policy requirements (SPPRs) of section 28 guidelines and the relevant development plan.

Although not specifically mentioned in the RSES, the Laois County Development Plan 2021-2027 (the Development Plan) identifies Mountmellick as a supporting town to the key towns of Portlaoise and Tullamore in the midlands region. The draft LAP should have regard to the positive measures that can be achieved in Mountmellick to support these key towns as identified in the RSES.

2. Development plan and core strategy

Section 19(2)(b) of the Act requires the LAP to be consistent with the objectives of the development plan and its core strategy. This is also a key message of the section 28 *Local Area Plans, Guidelines for Planning Authorities* (2013) (LAP Guidelines).

In this regard, the Office notes that the core strategy of the Development Plan provides for a population increase of 450 persons with a requirement for 180 housing units and 4.5 hectares of residential land over the 2021–2027 plan period.

A key part of the Office's assessment of the draft LAP is to consider whether the objectives of the LAP are consistent with the level of growth set out in the core strategy for the settlement. While the Development Plan has already set out the land use zonings for the



Mountmellick, the Office notes Policy CS 08 of the Development Plan indicates that these zonings objectives are only in place until such time that the LAP is reviewed.

Notwithstanding policy CS 08, the adoption of the draft LAP with alternative zoning objectives may give rise to inconsistencies with the Development Plan and its core strategy. The planning authority is reminded that the LAP must be consistent with the Development Plan.

Further, the provisions of alternative objectives in the LAP will likely result in confusion regarding the policy framework to apply to individual planning applications. The planning authority is strongly advised to ensure that potential inconsistencies with the Development Plan objectives will be fully resolved prior to the adoption of the LAP, for example, by way of a concurrent variation to the Development Plan to remove existing zoning objectives for Mountmellick¹.

3. Zoning, compact growth and infrastructural services

Where relevant, our assessment will carefully consider whether proposed zoning objectives are consistent with the core strategy and objectives of the Development Plan and whether they can demonstrate consistency with the objectives for compact growth and densification² under the NPF (NPO 3 and NPO 35) and the RSES (RPO 3.2). The implementation of effective compact growth to avoid urban sprawl also plays a key role in climate change mitigation.

Zoning objectives should also be consistent with any strategic development sites for the delivery of residential, employment or other uses identified in the RSES.

In relation to residential development, any provisions or standards for density or building height in the LAP should have regard to relevant section 28 guidelines and any SPPRs therein, including, in particular:

- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)*;

¹ Note, Donegal County Council resolved similar inconsistency between the Letterkenny Plan and Local Transport Plan 2023-2029 by a concurrent variation of the County Donegal Development Plan 2018-2024.

² Including through reductions in vacancy, re-use of existing buildings, infill development, area or site-based regeneration and increased building heights.

- *Urban Development and Building Heights Guidelines for Planning Authorities* (2018); and
- *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* (2020).

Land use zoning should follow a sequential approach so that the development of lands closest to the town centre are prioritised over lands on the outskirts of the town, as set out under section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities* (2022) (the Development Plans Guidelines).

The planning authority also needs to ensure that lands that cannot be serviced within the lifetime of the LAP are not zoned for development, consistent with the tiered approach to zoning under NPO 72 a-c of the NPF. In this regard, an infrastructure assessment should be prepared in accordance with Appendix 3 of the NPF and having regard to section 4.5.2 (Settlement Capacity Audit) of the Development Plans Guidelines.

The Office notes that Uisce Éireann has raised no issue with infrastructure capacity for the town. However, the planning authority is advised to liaise closely with the relevant prescribed authorities concerning the delivery of essential services and infrastructure.

4. Regeneration

Both the NPF (NPO 4 urban places; NPO 6 urban regeneration; NPO 18a proportionate growth; NPO 18b new homes and NPO 35 increasing residential use) and the policy objectives of the RSES emphasise the importance of opportunities for urban and village regeneration to create attractive, liveable, and high quality urban places. The reuse of brownfield sites and vacant buildings will also contribute to climate change mitigation.

The Development Plan provides that a strategy for the identification of regeneration sites should be prepared as part of the draft LAP. The Office welcomes this approach and suggests that these sites be clearly identified on relevant maps and accompanied by land activation measures as set out in Policy HPO 5 of the Development Plan.

The Office recommends that the LAP includes a strong policy framework to support the utilisation of existing buildings, brownfield/infill sites, and derelict and underutilised sites. The planning authority should consider proactive land activation measures including the planning authority's powers for land acquisition / compulsory purchase and derelict sites

and vacant land. The plan should also align with sources of funding to facilitate key regeneration projects such as the recently announced *Croí Cónaithe (Towns) Fund Scheme* and TCF-aligned funding streams under the Government's *Town Centre First: A Policy Approach for Irish Towns*.

The Development Plans Guidelines advise that larger settlements normally have certain development sites that play a critical role in achieving the core strategy and NPF policy objectives for consolidation and compact growth. These sites should be specifically identified as Settlement Consolidation Sites and integrated into the wider regeneration strategy for the settlement.

Where such sites are identified, the planning authority should prepare a development framework for future development with appropriate guidance regarding layout, massing, permeability, green infrastructure and Sustainable urban Drainage Systems (SuDS) etc., as set out in section 5.7 of the LAP Guidelines.

5. Education, social and community amenities

Access to quality childcare, education and health services is a National Strategic Outcome of the NPF. The LAP should therefore seek to align population growth with investment in childcare and education facilities on well-located sites within or close to the existing built-up areas, to meet the diverse needs of local populations.

As such, the LAP should be informed by a social or civic infrastructure audit to establish the capacity of existing facilities including community centres, leisure, amenity and cultural facilities, such as Mountmellick Museum, to serve existing and future residents, and identify the need for any additional facilities.

It is also important that access to existing and proposed facilities by walking or cycling is prioritised and consistent with the sustainable approach to settlement and mobility discussed below.

Specifically, in relation to schools, the planning authority should consult with the Forward Planning Section and Site Acquisition and Property Management Section of the Department of Education.

The planning authority's *Local Economic and Community Plan 2023-2028* and *Traveller Accommodation Programme 2019-2024* should also inform the LAP to provide for the co-ordinated spatial planning of housing and community services for the area.

6. Economic development, employment and retail

The NPF, RSES and section 28 guidelines emphasise the need to take an evidence-based approach to the inclusion of objectives for employment and other commercial uses.

In particular, the LAP should be aligned with the detailed economic strategy and all relevant guiding principles of the RSES, in addition to any objectives concerning strategic enterprise / employment sites. While the Development Plan identifies three main employment areas in the settlement, the draft LAP should ensure that all employment zonings demonstrate consistency with compact growth, the sequential approach to development and options for sustainable transport having regard to the need to mitigate climate change. Further, the quantity of employment land should also be evidence-based, having regard to the Development Plans Guidelines s.6.2.5 Zoning for Employment Uses.

The reuse of appropriate brownfield sites and vacant premises should also be prioritised. The draft LAP should also support the further enhancement of the co-working hub in the town as set out in Policy ED 15 of the Development Plan.

The facilitation of retail facilities also needs to be considered to provide for the anticipated population growth. Particular regard should be given to the sequential approach to the location of retail development and other provisions of the *Retail Planning, Guidelines for Planning Authorities* (2012) and the position of the town in the retail hierarchy of the Development Plan. The draft LAP should also identify the urban core and set out an appropriate strategy for town centre development as previously highlighted in the Office's submission to the Development Plan.

7. Transport and mobility

The *Climate Action Plan 2023* identifies the need to significantly reduce car kilometres and increase sustainable journeys, guided by the *National Sustainable Mobility Policy* (2022) and the proposed *National Demand Management Strategy*.

The integration of land use and transportation is centrally important to this objective and to the objectives and provisions of the NPF (NPO 27 alternatives to the car; NPO 33 location of new homes and NPO 64 air quality, among others) and the RSES.

Policy TRANS 14 of the Development Plan commits to the preparation of a local transport plan (LTP) to inform the LAP in consultation with the National Transport Authority (NTA) and Transport Infrastructure Ireland (TII).

The NTA's *Area Based Transport Assessment Advice Note (2018) (ABTA)* and *ABTA How to Guide, Guidance Document Pilot Methodology (2021)* as well as TII's *Area Based Transport Assessment (ABTA) Guidance Notes (2018)* should be considered by the planning authority in preparing the LTP. The LTP should inform the preparation of the LAP and, in particular, the zoning provisions.

The planning authority is strongly advised to liaise with the NTA and TII in the preparation of the LTP.

In addition, the LAP should set out an ambitious (but realistic) modal shift target for the town.

In order to increase the potential for trips to be made on foot, bicycle or public transport, the LAP should demonstrate consistency with 'Avoid-Shift-Improve' principle and the '10-minute town concept', as well as providing for the proactive implementation of the *Design Manual for Urban Roads and Streets (revised 2019)* and the NTA's *Permeability Best Practice Guide*.

8. Flood risk management

Having regard to the location of the River Owenass through the LAP area, flood risk management will be the most critical climate change adaptation measure to be addressed in the LAP, informed by a Strategic Flood Risk Assessment (SFRA).

The planning authority should ensure that the LAP is consistent with NPO 57 by avoiding inappropriate development in areas at risk of flooding, in accordance with the detailed requirements and provisions of section 28 *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*. These guidelines require a staged approach to flood risk assessment and, in particular, the application of the

sequential approach and the requirement to carry out the plan-making justification test where appropriate.

The planning authority should overlay the flood risk zones on any proposed land use zoning maps to illustrate the potential flood risk arising and to demonstrate how the sequential approach has been applied. The planning authority is also requested to make a copy of digital mapping data available to the Office and to the Office of Public Works (OPW) to facilitate assessment.

Further, the planning authority is strongly advised to liaise with the OPW in the early stages of preparing the SFRA to ensure that it is informed by the appropriate flood risk datasets³ and to avoid issues arising at draft LAP stage.

In accordance with NPO 57, the LAP is required to integrate sustainable water management solutions, such as SuDS. In this regard, the Office draws the planning authority's attention to *Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design, Best Practice Interim Guidance Document (2022)*.

9. Climate action

It is a National Strategic Outcome of the NPF to transition to a low carbon climate resilient society. The effective implementation of climate mitigation objectives through the LAP are critical to the achievement of the Government's Greenhouse Gas emissions reduction target to mitigate climate change under the *Climate Action and Low Carbon Development Act (2015)*, as amended (the Climate Act).

The efficient use of land, including through infill development and brownfield development consistent with compact growth, will ensure consistency with NPO 53 (land use). An integrated approach to land use and transport planning will help ensure that climate action is integral to the LAP in support of national mitigation targets (NPO 54) under the Climate Act. The LAP should also consider how development in the area might best contribute to the delivery of renewable energy consistent with NPO 55. These NPOs, together with the

³ For example, the Preliminary Flood Risk Assessment (PFRA) maps should no longer be used to inform zoning decisions.

relevant objectives of the RSES and Development Plan, will be of particular importance in this respect.

The effective implementation of climate adaption objectives through the LAP will be essential to ensure Mountmellick is climate resilient into the future. As noted, above, flood risk management will be the most critical climate change adaptation measure to be addressed in the LAP. The National Adaptation Framework (2018⁴) (NAF) specifies the national strategy for the application of adaptation measures in different sectors and by local authorities in their administrative areas in order to reduce the vulnerability of the State to the negative effects of climate change and to avail of any positive effects that may occur.

10. Environment, built and natural heritage

The planning authority is the competent authority for Strategic Environmental Assessment and Appropriate Assessment, and will be aware of the *Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities (2022)* issued under section 28 of the Act and the *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2009)*, as revised.

The planning authority should also ensure the LAP is consistent with objectives of the NPF and RSES concerning environmental protection. From our experience in assessing statutory plans the Office has found that, in addition to the objectives identified above that might also apply to this subject, particular consideration should be given to NPO 62 (greenbelts), NPO 63 (water infrastructure) and NPO 64 (air quality).

The Office also highlights the importance of integrating green and blue infrastructure into the LAP consistent with NPO 58. Planning for green and blue infrastructure can contribute to climate change adaptation, in particular flood risk management through nature-based solutions. It can also make a positive contribution to climate mitigation and have positive impacts on biodiversity. The Office notes policy objective TRANS 41 and BNH 33 of the Development Plan in relation to the provision of a greenway to serve Mountmellick.

Regarding built-heritage, the planning authority should consider what location specific objectives or measures would assist in the protection or improvement of built heritage over

⁴ A new NAF is under development and will be submitted to Government for approval in early 2024.

the period of the LAP. Accordingly, the planning authority should have regard to the *Architectural Heritage Protection Guidelines for Planning Authorities (2011)*, as amended and the potential to designate Architectural Conservation areas, having regard to Development Plan Policy ACA 3.

11. Implementation and monitoring

The NPF and the RSES place increased emphasis on the importance of monitoring the implementation of statutory strategies and plans to measure plan effectiveness and to continually update a relevant evidence base to inform future planning strategies.

The planning authority is therefore encouraged to set out specific provisions for monitoring the implementation of the objectives of the LAP, having regard to the provisions of the Development Plans Guidelines and the Local Area Plans Guidelines.

Summary

In summary, the Office commends the planning authority for the preparation of this Issues Paper. The Office advises the planning authority to pay particular attention to the following issues in the preparation of the LAP:

- avoid inconsistencies with existing Development Plan objectives and its core strategy, in particular in relation to zoning objectives;
- provide for the delivery of housing on serviced or serviceable land, informed by an infrastructure assessment / settlement capacity audit, that is consistent with compact growth and the sequential approach;
- include appropriate policies, objectives and strategies that promote and prioritise regeneration of infill brownfield sites, in particular in the core retail area, with targeted active land management strategies to tackle vacancy and dereliction as identified in Policy HPO 5 of the Development Plan;
- provide for integrated land use and transport planning through the preparation of an LTP to inform the LAP, land use zoning objectives and associated modal share targets, in consultation with the NTA and TII, in accordance with Development Plan policy TRANS 14;



- ensure that locations to be zoned for employment are consistent with compact growth, have regard to the sequential approach and support mode shift to active and sustainable transport;
- consult with the OPW in preparing the SFRA, having regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), to inform the zoning and other provisions of the LAP and promote SuDS and nature based solutions as a means of managing surface water run-off; and
- ensure that appropriate policies to support the environment, natural and built heritage are incorporated, particularly with regard to the provision of a greenway in accordance with Development Plan Policy TRANS41 and BNH 33 and the designation of Architectural Conservation areas in accordance with Development Plan Policy ACA 3.

The Office looks forward to reviewing the future draft LAP and to continued positive engagement with your authority in the implementation of national and regional policies at the county and local level.

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 the undersigned or at plans@opr.ie.

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
