



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: MA-027-23

9th May 2025

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

and

Offaly County Council,
Forward Planning
Áras an Chontae,
Charleville Road,
Tullamore,
Co. Offaly.

Re: Material Alterations to Draft Portarlington Joint Local Area Plan 2025-2031

A chara,

Thank you for your authorities' work in preparing the proposed Material Alterations (material alterations) to the Draft Portarlington Joint Local Area Plan 2025-2031 (Joint Local Area Plan).

As Laois and Offaly County Councils (the Planning Authorities) are 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 observation.

The Office's evaluation and assessment of the proposed material alterations has regard to the Laois County Development Plan 2021-2027 (the Laois County Development Plan), the Offaly County Development Plan 2021-2027 (the Offaly County Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area and the relevant section 28 guidelines.

Overview

The Office acknowledges the extensive work undertaken by both Planning Authorities in responding to the issues raised by the Office in its recommendations and observation, which have been undertaken in a very constructive manner.

The Office's submission made four (4) recommendations on the draft Joint Local Area plan to enhance its alignment with the Laois County Development Plans, the Offaly County Development Plan, the objectives of the RSES and section 28 guidelines in relation to opportunity sites, integrated land use and transport planning, economic development and employment, flood risk management and monitoring and implementation of the draft Joint Local Area Plan.

The Office is generally satisfied with the response to Recommendation 1 (opportunity sites) of its submission, and in particular welcomes MA 7 and MA 8 which introduce additional design detail and guidance for these sites.

In relation to Recommendation 2 (integrated land use and transport planning), the Office commends the response on the uplift of cycling target share of modal share from 5% to 10% under MA 16 and MA 61, as well as the inclusion of estimated implementation timelines for strategic transport measures at MA 17.

However, although the material alterations to the Local Transport Plan include active travel measures to serve Employment lands at Lea Road (MA 63 and MA 65), no such measures have been included in relation to the New Residential land at Droughill and New Residential and Community Use lands to the north west of Bog Road. Furthermore, all three sites have also not been included as active travel measures in chapter 12 of the Local Area Plan (also Recommendation 2). No clear explanation has been provided as to the rationale of not addressing these parts of Recommendation 2. This matter should be addressed in the Planning Authorities' notice to the Office under section 31AO(5), and will be further assessed by the Office at this point in the process.

Recommendation 2 also included a recommendation to include a composite map of all active travel routes, transport corridors and new and improved roads. While the Office notes the Chief Executive's concern if these measures were included together, it would be unclear. However, the Office remains of the view that this would enable the planning authorities to demonstrate the strategic vision for an overall emerging sustainable transport network and the relationships with existing and proposed development lands. For this reason, the Planning Authorities are requested to reconsider this matter prior to adoption.

In relation to Recommendation 3 (economic development and employment), the Office acknowledges and welcomes the positive and substantial response to the Office's request for provision of breakdown of developed and undeveloped employment lands information under MA 15, as well as the extension of the Infrastructure Capacity Assessment to include employment zonings, MA 70, MA 71, MA72 and MA 73 with reference to policy considerations for site selection.

In relation to Recommendation 4 (flood risk management) the Office welcomes the positive changes to ensure that people and property are not put at risk of flooding, in particular the introduction of a constrained land use designation and new policy objectives to address these matters. However, the Office has identified a number of modifications to the proposed material alterations that will be required to ensure that

the Local Area Plan is consistent with The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines).

The Office has also identified two material alternations (MA 40 and MA 36) to rezone lands in Flood Zone A and B contrary to the Flood Guidelines.

With the exception of the matters raised below, the Office also considers that the approach taken to the material alterations has been robust and evidence based.

Finally, the Office also has concerns regarding the proposal to rezone lands from Community, Educational and Institutional to Residential 1 – Existing Residential (MA 45) in circumstances where both the draft Joint Local Area Plan itself and the Department of Education identify the need for additional school facilities to meet the needs of the population.

It is within this context the submission below sets out 3 recommendations under the following themes:

Key theme	Recommendation	Observation
Economic development	MA Recommendation 1	-
Flood risk management	MA Recommendation 2	-
Community and education	MA Recommendation 3	-

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, planning authorities are requested to implement or address recommendations made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

A submission can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. Planning authorities are requested by the Office to give full consideration to the advice contained in a submission.

1. Economic development

The Office welcomes the increased clarity provided by the material alterations to table 19 and table 21 to revise the land use matrix and include a specific policy objective for the lands zoned Industrial and Warehousing to ensure that the development of these lands is for low intensity employment uses (MA 30 and MA 31). Furthermore, the Office accepts the rationale as outlined above regarding the extent and allocation of employment lands set out at MA 15, MA 70, MA 71, MA 72, MA 73 including the proposed Infrastructure Assessment.

Notwithstanding, the Office remains concerned that the response does not adequately address item (ii) of Recommendation 3 as the wording ‘including low intensity employment uses’ (our emphasis) does not exclusively restrict future development to low intensity employment uses. The Office suggests that a phrase such as ‘restricting the primary use to low intensity employment uses....’ would provide greater clarity and consistency with the policy framework in both Laois and Offaly County Development Plans to promote the development of employment generating uses at locations.

MA Recommendation 1 - Economic development

Having regard to the provision of an evidence based employment strategy, and the location of employment in areas that are serviced and can support more sustainable transport options, and in particular to:

- RPO 6.1 of the RSES to apply the Guiding Principles to Identify Locations for Strategic Employment;
- RPO 8.1 of the RSES for the integration of transport and land use planning consistent with the guiding principles of the RSES Transport Strategy;

- Policy Objective CM ST 2 of the Laois County Development Plan 2021 - 2027 (the Laois County Development Plan) to support the integration of land use and transportation to encourage a sustainable mobility and CM BE 1 of the Laois County Development Plan to promote development of underutilised lands in preference to edge of centre locations;
- Policy Objective ENTP 47 of the Offaly County Development Plan 2021-2027 to promote the development of employment generating uses at locations contributes to the transition to a low carbon, climate resilient and environmentally sustainable county; and
- the Policy and Objective of the Development Plans, Guidelines for Planning Authorities (2022) under section 6.2.1 for zoning to be informed by a Settlement Capacity Audit, and section 6.2.5 for the provision of an evidence and rationale underpinning the zoning of land for employment purposes,

the Office recommends that the Planning Authorities make a minor modification to MA 30 and MA 31 and the objectives in table 19 and table 21 respectively, to ensure that the development of the Industrial and Warehousing zoned land is primarily for low intensity employment uses.

2. Flood risk management

The Office welcomes the proposal to include an additional Objective 6.12 (MA 4) in chapter 6 Vision and Strategy of the draft Local Area Plan, but recommends a minor modification to the proposed wording to ensure consistency with the Flood Guidelines. The Office also recommends that this objective is replicated within chapter 13 as a new Policy Objective 13.10 under table 13.8 Infrastructure, Environmental Services and Flood Risk management Policies and Objectives, in the interests of clarity and providing a robust approach to flood risk management.

For consistency, this modification to flooding at Policy Objective 6.12 (MA 4) should be replicated in respect of the table 23 in section 16.12 Designations (MA 32).

Also, whilst the Office welcomes the inclusion of the Constrained Land Use designation and related text. In the interests of clarity and transparency, the Office recommends that this should be shown on map 3, Land Use Zoning SAC and Flood Zoning.

In relation to the material alterations to zoning objectives, the Office notes that MA 40¹ proposes to rezone land in Flood Zone A and B from water compatible Open Space and Amenity to highly vulnerable Residential 2 - New Proposed Residential. The office further notes that section 7.3 of the updated Strategic Flood Risk Assessment states that these lands would not satisfy the Plan Making Justification Test (Justification Test) and would not be in accordance with the sequential approach set out in the Flood Guidelines. The proposed zoning objective would therefore be inconsistent with Policy Objective FRM 1 of the Laois County Development Plan, Policy CAEP 53 of the Offaly County Development Plan, and RPO 7.12 of the RSES to avoid inappropriate land use zonings and development in areas of risk of flooding in accordance with the Flood Guidelines.

In addition, MA 36 proposes to rezone lands in Flood Zone B from unzoned to Transport and Utilities. The zoning matrix facilitates highly vulnerable uses such as caravan and camping and essential infrastructure

MA Recommendation 2 - Flood risk management

Having regard to flood risk management, and in particular to:

- Policy Objective FRM 1 of the Laois County Development Plan 2021-2027 and Policy CAEP 53 of the Offaly County Development Plan 2021–2027 to implement the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines);

¹ MA 41, MA 42 and MA 43 relate to the same land use zoning objective shown on map 3, map 4 and map 1

- RPO 7.12 of the RSES to avoid inappropriate land use zonings and development in areas of risk of flooding in accordance with the Flood Guidelines; and
- the Flood Guidelines,

the Office recommends that the Planning Authorities:

- make a minor modification to MA 4 to amend wording to omit the text in **red** and including the text in **green**:

Objective 6.12

Development within flood risks areas shall be limited to that appropriate to the level of flood risk, as identified in Map 3 (Land use Zoning, SAC and Flood Zoning) in accordance with the provisions of the Planning system and Flood Risk Management Guidelines for Planning Authorities (2009), as amended. New development within this area is ~~generally~~ limited to water compatible uses in Flood Zone A and less vulnerable or water compatible uses in Flood Zone B except where all criteria of the Plan Making and Development Management Justification Tests have been shown to have been satisfied and a detailed SSFRA has been provided.

- include the above modified objective as a new policy objective in chapter 13 Infrastructure, Environmental Services and Flood Risk Management;
- this minor modification at (i) should be replicated in respect of MA 32 in section 16.12 Designations;
- modify map 3 to show the extent of the Constrained Land Uses designation as specified by MA 32, and to cross reference to the map in the text of MA 32;
- make the plan without MA 40 to rezone lands in Flood Zone A and B from Open Space and Amenity to Residential 2 - New Proposed Residential, and

make any consequential modifications, including to map 1, map 3 and map 4 under MA 41, MA 42 and MA 43; and

- (vi) make the plan without MA 36 to rezone lands in Flood Zone B from unzoned to Transport and Utilities and any consequential modifications, including map 1, map 2 and map 4 under MA 37, MA 38 and MA 39.

3. Community and education

The Office notes MA 44 and MA 45 proposes material alterations to amend lands from Community, Educational and Institutional zoning to Residential 1 – Existing Residential at lands to the north of Presentation Primary School Portarlinton.

The Office notes under section 9.3.2 of the draft Joint Local Area Plan, that the Department of Education already indicated that if the projected population increase predicted in the plan is realised then there will be a requirement for additional education provision at both primary and post primary provision emerging over the lifetime of the plan, including the expansion and alteration of existing ones. Consistent with this, the draft Joint Local Area Plan identified existing schools and applied land use zoning to enable their expansion such as these subject lands.

No rationale has been provided to justify the proposed change or to address the issues raised by the Department of Education in terms of meeting the educational needs of the future population.

As such, the Office concludes that the subject lands should be retained as Community, Education, Institutional Use in order to protect the lands to facilitate any future expansion of the adjoining school site.

MA Recommendation 3 – Community and education

Having regard to the requirement for education provision to serve the existing and future community and in particular to:

- RPO 9.21 of the RSES to ensure the assessment of need for school provision is completed and that statutory plans designate accessible and suitable locations;
- Policy Objective EDPO2 of the Laois County Development Plan 2021 – 2027 to ensure that existing school sites are protected for educational use and allows for intensification of development on such sites and protect lands adjacent to existing schools for future education use to allow for the expansion of those schools; and
- Policy Objective 9.2 of the draft Portarlington Joint Local Area Plan 2025-2031 to support and facilitate the development and expansion of educational facilities in Portarlington, including the protection of existing school sites and where appropriate the land that buffers them,

the Office recommends that the Planning Authorities make the plan without MA 44 and MA 45 to rezone lands from Community, Educational and Institutional to Residential 1 – Existing Residential, and make any consequential modifications, including to map 1 and map 3.

In summary

The Office requests that the Planning Authorities address the recommendations outlined above. As you are aware, the report of the Chief Executives of your authorities 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 authorities are required to notify this Office within **five working days** of the making of the Joint Local Area Plan under section 31AO(5) of the Act. Where your authorities decide not to comply with the recommendations of the Office, or otherwise make the Joint Local Area Plan in such a manner as to be inconsistent with the recommendations of the Office, the Chief Executives must, in the notice letter, inform the Office accordingly and state the reasons for the decision of the Planning Authorities.



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Please feel free to contact the staff of the Office in the context of your authorities' 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 Evaluation

Designated Public Official under the Regulation of Lobbying Act 2015
