

23rd December 2024

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

And

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

Re: Draft Portarlington Joint Local Area Plan 2025-2031

A chara,

Thank you for your authority's work on preparing the draft Portarlington Joint Local Area Plan 2025-2031 (the draft Joint Local Areal Plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authorities have put into the preparation of the draft Joint Local Areal Plan.

As your authorities are 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 Joint Local Areal Plan 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 Laois County Development Plan 2021-2027 (the Laois County Development Plan) and the Offaly

County Development Plan 2021-2027 (the Offaly County Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Regional Assembly (EMRA) area, and relevant section 28 guidelines. This submission makes (4) recommendations and (1) 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, Laois County Council and Offaly County Council (the Planning Authorities) are 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 Authorities are 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 Authorities are requested by the Office to give full consideration to the advice contained in a submission.

The Office commends the Planning Authorities on the collaborative approach taken to prepare the draft Joint Local Area Plan which will positively contribute to a co-ordinated plan led approach for the towns expansion.

Overview

The Office welcomes the preparation of the draft Joint Local Area Plan and the approach taken by the Planning Authorities to focus on the consolidation and regeneration of Portarlington to enhance compact growth, public realm and improve connectivity across the plan area.

The Office strongly commends the preparation of fundamental supporting documents to inform the preparation of the plan such as the Infrastructure Assessment, Regeneration Strategy and a Local Transport Plan (LTP). These documents, along with the relevant statutory Environmental Reports provide the critical evidence-base upon which the draft Joint Local Area Plan is underpinned, as well as supporting rationale for such decisions.

Further, the Office welcomes the approach taken by the Planning Authorities to focus on the consolidation and regeneration of Portarlington to enhance compact growth and improve connectivity across the plan area.

The draft Joint Local Area Plan is particularly strong on climate action mitigation and adaptation and the Office commends the approach taken by the Planning Authorities to highlight the objectives that relate to climate action throughout the plan including in relation to energy, regeneration and active travel. The preparation of the LTP using the Area Based Transport Assessment (ABTA) approach that promotes plan-led sustainable development over the plan period, as well as modal shift towards more sustainable modes of transport that aligns with the principles of the Climate Action Plan 2024 (Climate Action Plan), is specifically commended.

The Office has identified a relatively small number of matters that require further consideration prior to the adoption of the Joint Local Area Plan, in particular in relation to the Strategic Flood Risk Assessment (SFRA) where further work will be required to ensure that land at risk of flooding is not zoned for vulnerable development and that flood risk is appropriately managed.

It is within this context the submission below sets out (4) recommendations and (1) observations under the following themes:

Key theme	Recommendation	Observation
Population and compact growth	Recommendation 1	
Transport and accessibility	Recommendation 2	
Economy and employment	Recommendation 3	
Utilities and infrastructure capacity	Recommendation 4	
General and procedural matters		Observation 1

1. Consistency with the Regional, Spatial and Economic Strategy

Section 19(2) of the Act requires that a local area plan shall be consistent with any RSES that applies to the area of the plan. Portarlington is located within the EMRA area wherein the overarching objective is to support a level of commensurate population and employment growth that allows the settlement to become more self-sustaining in line with the available capacity in public transport, services and infrastructure.

In this regard the Office welcomes the draft Joint Local Area Plan which promotes active travel measures, targets regeneration and supports the strengthening of the viability of the town.

Overall, the Office is satisfied that the provisions of the draft Joint Local Area Plan are broadly consistent with the RSES.

2. Consistency with development plan and core strategy (and residential zoning)

The Office notes that the core strategy of both the Laois County Development Plan and the Offaly County Development Plan provides for a combined population increase of 1,200 by the end of the plan period with a commensurate housing supply target of 540 units.

The County Development Plans¹ core strategies set out a projected population increase of 1200 people by 2027 with a commensurate housing supply target of 548 units.

The Planning Authorities propose to zone circa 20ha of undeveloped lands for Residential 2 - New Proposed Residential, in addition to residential use on lands zoned as Town Centre, Community/Education, Tourism and the Neighbourhood Centre land use zoning objectives.

The Infrastructure Assessment, which accompanies the draft Joint Local Area Plan, evaluates the infrastructure capacity of the proposed residential development sites to demonstrate either Tier 1 or Tier 2 status for all of the sites proposed as Residential 2 and Town Centre in County Laois and Residential 2, Neighbourhood Centre and Strategic Reserve in County Offaly.

The Office is satisfied that all of the lands proposed to be zoned for new residential development are well located, contiguous to the existing built up footprint, within the CSO

¹ Laois County Development Plan 2021-2027 provides for a population increase of 1,000 persons and the Offaly County Development Plan 2021-2027 provides for an increase of 207 persons

settlement boundary², and will facilitate the compact and sustainable growth of the town in a sequential manner.

3. Compact growth and regeneration

As stated above, the Office welcomes the zoning objectives for New Residential zoned lands all of which are located within or contiguous to the existing built up footprint of the town consistent with Regional Policy Objective (RPO) 3.2 of the RSES in relation to compact growth.

The Office commends the Planning Authorities' inclusion of strong policy objectives in relation to the regeneration of Portarlinton which are informed by the 2030 Regeneration Strategy. Aligning with RPO 3.3 of the RSES which supports compact growth, the identification of five regeneration sites along with Key Planning Criteria for each is welcomed.

Further, the inclusion of Key Placemaking Sites to support the development of connected communities and the 10-minute Settlement Concept provides additional opportunities to work collaboratively with landowners and the implement the objectives of the Regeneration Strategy.

However, the Office considers that the Key Planning Criteria for the town centre site off Foxcroft Street (site no.1) and the site at Kilmalogue Crossroads (site no.5) should provide more detailed guidance in relation to layout, connectivity to existing and proposed walking and cycling routes, density, massing, heights, and permeability. Specifically, in relation to the opportunities for higher densities at appropriate locations, the criteria should accord with Policy CS24 of Laois County Development Plan and Policy RP11 of the Offaly County Development Plan.

² This means within the existing built-up footprint of all sizes of urban settlement, as defined by the CSO in line with UN criteria i.e. having a minimum of 50 occupied dwellings, with a maximum distance between any dwelling and the building closest to it of 100 metres, and where there is evidence of an urban centre (shop, school etc.).

Recommendation 1 – opportunity sites

Having regard to the regeneration of key town centre sites in Portarlington consistent with compact growth, a high quality urban environment and the provision of sustainable transport options, and in particular to:

- RSO 2 of the RSES to promote regeneration by making better use of under-utilised land and buildings within the existing built up urban footprint;
- RPO 3.3 of the RSES to achieve compact growth;
- RPO 8.1 of the RSES to ensure the integration of land use and transport planning;
- Policy Objective CS24 of the Laois County Development Plan 2021 – 2027 to promote higher densities at appropriate locations, and
- Policy RP11 of the Offaly County Development Plan 2021 – 2027 to encourage the re-development of Opportunity Sites in accordance with the development principles of section 7.2.4,

the Planning Authorities are required to set out additional detail and guidance on the future development of the Opportunity Sites at Foxcroft Street (site no.1) and the site at Kilmalogue Crossroads (site no.5) (including density, layout, massing, permeability, heights, materials, connectivity to existing and proposed pedestrian and cycling routes etc.).

4. Transport and Accessibility

The Office welcomes the publishing of the LTP in tandem with the draft Joint Local Area Plan, consistent with the Objective TRANS 14 of the Laois County Development Plan, and within the context of National Sustainable Mobility Policy (2022), mandatory climate change objectives under the Climate Action and Low Carbon Development Act 2015, as amended and the actions relating to transport under the Climate Action Plan. In particular, the use of the ABTA methodology supports the integration of land use and transport planning by including a range of measures to improve walking, cycling and public transport.

The LTP recognises that a significant modal shift to sustainable modes is a priority for the town during the plan period. This will be essential to achieving national mandatory climate action targets to reduce greenhouse gas emissions by 51% by 2030. Having clear modal shift objectives is important to achieving these targets and the Office welcomes the inclusion of the LTP's mode share targets within section 12.4 and objective 12.11 of the draft Joint Local Area Plan.

The Office is concerned, however, that the proposed cycle mode share target of 5% for school trips (+2.63% change from the 2022 baseline) is low. Given the existing low mode share identified in the LTP for cycling to school (2.37%) and noting the primary schools survey highlighted in section 3.10 of the LTP, which indicates that almost 90% of parents would consider cycling if safer facilities were provided, the Office recommends that a more ambitious target is included. The inclusion of an effective monitoring programme to support objective 12.11 of the draft Joint Local Area Plan is also recommended.

A key requirement of LTPs, as outlined in section 8.3 of the RSES, is to set out the transport priorities for the plan area. The Office welcomes the clear identification of active travel measures in both the LTP and table 18 of the draft Joint Local Area Plan and commends the focus on primary routes through the plan area.

In relation to the prioritisation of these measures, section 2.5 indicates the scores in table 5.1 will inform implementation priorities. In the interest of clarity, it is recommended that table 18 of the draft Joint Local Area Plan is amended to identify the priority interventions and include implementation timeframes.

A key focus of LTPs is also to promote the integration of transport and land use planning to ensure that the connectivity needs of new development areas are prioritised. In this regard the Office notes that the LTP does not identify active travel measures for a number of development areas, including new residential lands to the north east of the town at Droughill, New Residential and Community Use lands to the north west of the town off Bog Road, and Industrial, Business lands to the south east of the town at Lea Road Business Park. It is recommended therefore that the LTP and chapter 12 of the draft Joint Local Area Plan are revised to include active travel measures to serve these areas.

The LTP also highlights the issue of severance caused by the river Barrow and notes the particular issue with the location of the town's secondary school west of the river and

remote from the majority of residential areas to the east. Section 3.10 of the LTP details a greenway proposal, including an active travel bridge across the Barrow, which seeks to address this severance. Notwithstanding this, the LTP advises that the greenway proposal does not form part of the statutory consultation for the draft Joint Local Area Plan. The Office notes, however, that the greenway is included in table 5.1 of the LTP and in table 18 of the Draft Joint Local Area Plan but is not referenced in the LTP's Schematic for Emerging Plan, where a southern transport corridor is shown along a similar alignment. Within map 2 objectives, a cycle route appears to be included within a roads objective on a similar alignment.

The Office considers the greenway proposal to have strong merit in terms of active travel provision and addressing severance. If the proposal is to be progressed, even as a longer term option, then the Office recommends providing greater clarity and specific policy on the proposal in chapter 12 of the draft Joint Local Area Plan.

The Office strongly commends the progression of the Portarlington Regeneration Strategy 2030 and welcomes the suite of measures it includes for active travel related improvements. Figures 20, 21 and 23 of the Regeneration Strategy together with the Emerging Strategy drawing, indicate a number of sustainable transport initiatives, including pedestrian and cycle improvements as well as bus stop and cycle parking provision.

It is noted that many of these initiatives are not included in the LTP with no initiatives included for the Main Street area between Market Square and its junction with Link Road at Bank of Ireland. Given the key role that initiatives within this central area will have in the success of town centre regeneration, it is recommended therefore that the identified sustainable transport measures required to support the Portarlington Regeneration Strategy 2030, are included in chapter 12 of the draft Joint Local Area Plan.

Finally, the Office welcomes the clear representation of active travel and traffic management measures on the LTP drawing Schematic for Emerging Plan and also notes the identification of further transport related objectives in Map 2 Objectives of the draft Joint Local Area Plan, including permeability and access links. In the interest of clarity and to show the overall emerging network, the Office recommends the identification of all transport related measures on a combined drawing for inclusion in the draft Joint Local Area Plan.

Recommendation 2 – integrated land use and transport planning

Having regard to the provision of a sustainable Transport Strategy and the transition to a low carbon and climate resilient society including the reduction of greenhouse gas emissions, and in particular to:

- The Climate Action and Low Carbon Development Act 2015, as amended, mandatory target to reduce greenhouse gas emissions by 51%, and the Climate Action Plan 2024, and associated actions including the National Sustainable Mobility Policy (2022) targets to reduce vehicle kilometres travelled per year and the National Investment Framework for Transport in Ireland (2021);
- RPO 8.1 and RPO 8.4 of the RSES for the integration of land use and transport planning;
- RPO 8.6 of the RSES to prepare local transport plans for selected settlements in the region;
- Transport Policy Objective TRANS 14 of the Laois County Development Plan 2021 – 2027 to prepare a transport strategy;
- Pedestrian and Cyclist Policy Objectives TRANS 36, TRANS 37 and TRANS 38 of the Laois County Development Plan;
- Sustainable Transport Policies: SMAP-03, SMAP-04, SMAP-05, SMAP-11, SMAP-12, SMAP-13, SMAP-14 and SMAP-20 of the Offaly County Development Plan 2021-2027,

the Planning Authorities are required to:

- (i) include a more ambitious mode share target for cycling and an effective monitoring programme to support Objective 12.11 of the draft Portarlington Joint Local Area Plan 2025- 2031(draft Joint Local Area Plan);
- (ii) amend table 18 of the draft Joint Local Area Plan to identify priority interventions and include implementation timeframes;

- (iii) include sustainable transport measures identified in the Portarlington Regeneration Strategy 2030, in chapter 12 of the draft Joint Local Area Plan;
- (iv) include clarity and policy regarding the river Barrow active travel bridge and greenway proposal, in chapter 12 of the draft Joint Local Area Plan;
- (v) revise the Local Transport Plan and the chapter 12 of the draft Joint Local Area Plan to include active travel measures to serve new development areas at Droughill, Bog Road and Lea Road Business Park;
- (vi) identify all transport related measures on a combined drawing for inclusion in the draft Joint Local Area Plan.

7. Economy and employment

The economic development strategy set out in chapter 11 of the draft Joint Local Area Plan which aligns with the Key Strategic Employment Initiatives for the town identified in the Laois County Development Plan.

The quantum of lands zoned for employment uses extends to 67ha which includes brownfield/vacant sites and established sites. It is not clear, however, how the lands zoned for employment purposes align with the economic development strategy (chapter 11). The Office therefore recommends that the Planning Authorities review the extent and location of these zoning objectives and provide a clear evidence-based justification for the zonings consistent with the evidence based approach to the employment zonings set out under section 6.2.5 Zoning for Employment Uses of the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines).

In relation to infrastructure servicing, the Office welcomes table 14 which identifies the Serviced Employment lands including the strategic lands at SIAC steel, and the former Avon site. The review of these assets provides useful baseline data to inform the strategy, however, a breakdown of the extent of employment land which is serviced and undeveloped would also be useful. In this respect, the Office notes that the lands zoned for Employment uses within County Offaly have been included in the Infrastructure Assessment but no such assessment has been included for the employment zoned lands located within County Laois.

Accepting that there are a number of sites which are established and/or brownfield in nature, the Office has concerns that the undeveloped lands zoned at Bog Road to the east and Lea Road to the west (South of R420) for Industrial and Warehousing are not in close proximity to residential zones or public transport services. The land use zoning matrix provides for these lands to be developed for high intensity employment uses such as offices, nursing homes, training centres etc.

As such, the economic lands would benefit from greater integration of transport and land-use planning by identifying the types of employment uses for the different locations based on their accessibility, as per section 1.4 of appendix A of the Development Plans Guidelines:

Accessibility is a central consideration in selecting employment zones and the transport provision of potential locations for development needs to be strategically considered:

- *Low intensity employment uses such as distribution, warehouse, storage and logistics facilities will require good access to the major road network;*
- *High intensity employment uses such as offices will require the highest level of accessibility by public transport, walking and cycling. The sequential approach to land-use zoning will also apply, with lands contiguous to existing development within a settlement being prioritised for high-intensity employment zoning ahead of lands located further on the periphery of the settlement.*

In light of the above the Office considers that the draft Joint Local Area Plan needs to provide a focused and evidence based approach to the employment zonings to ensure the establishment of sustainable travel patterns and avoid the creation of car dependant employment zones on the outskirts of the town.

Recommendation 3 – economic development and employment

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 4.2 of the RSES to require employment development to be planned in collaboration with infrastructure providers to ensure adequate capacity for services is available;
- 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 to support the integration of land use and transportation to encourage a sustainable mobility and CM BE 1 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 (SCA), and section 6.2.5 for the provision of an evidence and rationale underpinning the zoning of land for employment purposes,

the Planning Authorities are required to:

- (i) provide a breakdown of the developed and available and undeveloped employment zoned lands and their locations;
- (ii) revise the land use zoning matrix and/or 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;
- (iii) demonstrate by way of an Infrastructure Assessment / SCA that all lands zoned for employment uses are realistically serviceable within the plan period;

(iv) where the lands zoned for employment uses are not serviced or serviceable with the plan period and an evidence-based rationale consistent with the above cannot be provided the subject zoning objective should be removed from the draft Portarlington Joint Local Area Plan 2025-2031, including the following undeveloped lands zoned for Industrial and Warehousing:

- a) Bog Road; and
- b) Lea Road (South of R420).

8. Flood Risk Management

The Office welcomes the preparation of the SFRA and accompanying Plan Making Justification Tests (Justification Tests) to inform the policies, objectives and zoning objectives of the draft Joint Local Area Plan. The Office also welcomes the indication of Flood Risk Zones A and B on map 3.

However, the Office notes that there are undeveloped lands zoned Existing Residential and Tourism and Leisure for which there is no Justification Test included in accordance with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines).

The Planning Authorities are reminded that vulnerable development is not appropriate in Flood Zone A and Flood Zone B unless all criteria of the Justification Test have been satisfied.

For several of the Justification Tests, Part 3 outlines that no development will be permitted to take place until the Flood Relief Scheme has been implemented. However, there is no policy objective included the draft Joint Local Area Plan to support this position.

It is also noted that the flood risk maps in the SFRA do not fully correlate with the Flood Risk Zones in map 3.

The Office advises therefore that the SFRA requires a review to ensure the flood risk is managed for the draft Joint Local Area Plan in accordance with the Flood Guidelines, and consistent with national, regional and county policy and objectives.

Recommendation 4 – 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 for Flood Risk of the Offaly County Development Plan 2021–2027 to implement the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines);
- 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 Planning Authorities are required to:

- (i) review and revise the Strategic Flood Risk Assessment (SFRA) and the land use zoning as necessary, including to ensure that the Plan Making Justification Tests (Justification Tests) are carried out consistent with the Flood Guidelines for the following lands:
 - a) lands zoned Tourism and Leisure at Botley Lane to the north of the town centre; and
 - b) lands zoned Existing Residential at Pine Villa to the north east of the plan area.

Where the Justification Test is not passed, the lands should not be zoned for highly vulnerable (Flood Zone A) or vulnerable (Flood Zone A and B) development;
- (ii) include a policy objective in the Portarlington Joint Local Area Plan 2025-2031 to support the mitigation measures outlined in Part 3 of the Justification Tests that:
 - a) highly vulnerable development is limited to extensions, rebuilds and changes of use within Flood Zones A and B until the Flood Relief Scheme is completed; and

b) bedrooms must be located in the upstairs of two story buildings when extending existing properties;

(iii) review the land use zoning matrix to and / or include an objective to limit usage in flood risk areas to that appropriate to the level of flood risk; and

(iv) ensure the Flood Zones outlined on map 3 align with the flood maps in the SFRA.

The Planning Authorities should consult with the Office of Public Works in addressing this recommendation.

9. General and procedural matters

Section 6.5 of the Local Area Plans, 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 such as reviewing the progress in securing the objectives of the county development plan in accordance with section 15 of the Act.

The Office welcomes the inclusion of chapter 17 on implementation and monitoring, which sets out the commitment of the two Planning Authorities to implement and monitor the policies and objectives of the plan, and which will be led by the two Authorities.

Notwithstanding the detail provided, the implementation strategy does not identify key elements of the plan for implementation, which would act as indicators of the success or otherwise of the implementation of the Joint Local Area Plan. The Office considers that a systematic approach to monitoring would better assist the Planning Authorities in implementing the key objectives / actions of the draft Joint Local Area Plan, by identifying lead responsibility, suitable indicators for measuring policy objectives and a timeline for implementation of actions / projects.

Guidance on monitoring and implementation is provided in chapter 10 of the Development Plans Guidelines. Further, the Newcastle West Local Area Plan 2023-2029 both provide examples of good practice in this area.

Observation 1 – monitoring and implementation

The Office advises the Planning Authorities to review its implementation and monitoring strategy for the draft Portarlington Joint Local Area Plan 2025-2031, having regard to section 10.3 of the Development Plans, Guidelines for Planning Authorities (2022) and section 6.2 of the Local Area Plans, Guidelines for Planning Authorities (2013).

Summary

The Office requests that your authorities address the recommendations and observations 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.

Where your authorities decide not to comply with the recommendations of the Office, made to the draft Joint Local Area Plan, please outline the reasons for the decision in the Chief Executives' reports.

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 Evaluations