

3rd February 2023

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

Re: Draft Edenderry Local Area Plan 2023-2029

A chara,

Thank you for your authority's work on preparing the Draft Edenderry Local Area Plan 2023-2029 (the draft LAP).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the draft LAP against the backdrop of an evolving national and regional planning policy and regulatory context and the need to balance competing pressures within an increasingly complex system.

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft LAP under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act) and this submission has been prepared accordingly.

The Office's evaluation and assessment has had regard to the current county development plan, the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region, and relevant section 28 guidelines.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of

Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

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

Overview

The Office welcomes the approach taken in the draft LAP particularly in relation to regeneration and revitalisation of the town. The preparation of the Blundell Masterplan (the Masterplan), in Appendix 1 of the draft LAP, sets out a development strategy for an important opportunity site in the town centre, enhancing the vitality of the town and providing for regeneration opportunities in accordance with the Government's *Town Centre First: A Policy Approach for Irish Towns* (2022) (TCF). The Masterplan seeks to enhance the visual amenity of the area, through addressing vacancy on the JKL street and seeks to address underutilisation of the area through enhanced connectivity and permeability through Blundell Park connecting the town centre with the wider residential area.

This approach is supported by the policies in the draft LAP, which promote regeneration and rejuvenation of the town and the Masterplan area in accordance with NPO 6. This is complemented by the identification of opportunity sites in the town centre in accordance with RPO 3.3.

The Office also welcomes the inclusion of a Local Transport Plan (LTP) to inform the preparation of the draft LAP. The proposed upgrades to the local infrastructure, including enhancements to the pedestrian and cycle network to improve connectivity within the settlement, are supported by the Office in line with, among others, NPO 27 and RPO 8.1.

However, the draft LAP should ensure that adequate walking and cycling infrastructure is provided to connect new residential development with the local area plan, in order to reduce reliance on the car for local trips, consistent with the *Climate Action Plan 2023* and national policy. Similarly, the planning authority's commitment to the delivery of sustainable transport measures in draft LAP should be independent of the implementation of certain roads projects. Consultation with the National Transport Authority (NTA) is advised in this respect.

The Office has also identified serious concerns regarding wastewater treatment capacity in the town and flood risk management, which will be required to be addressed in advance of the adoption of the LAP. Consultation with Irish Water and the Office of Public Works (OPW) is advised in these respects.

It is within this context the submission below sets out three (3) recommendations and four (4) observations under the following themes:

| Key theme | Recommendation | Observation |
|--|----------------------------------|-------------------------------|
| Consistency with Regional, Spatial and Economic Strategy | - | - |
| Consistency with Development Plan and Core Strategy | - | - |
| Population and Compact Growth | - | - |
| Transport and Accessibility | Recommendation 1 | - |
| Climate Action | - | - |
| Education, Social and Community | - | - |
| Economy and Employment | - | - |
| Utilities and Infrastructure Capacity | Recommendation 2 | Observation 1 |
| Flood Risk Management | Recommendation 3 | Observation 2 |
| Regeneration | - | Observation 3 |
| Monitoring and Implementation | - | Observation 4 |
| General and Procedural Matters | - | - |

1. Consistency with Regional, Spatial and Economic Strategy

Section 19(2) of the Act requires the LAP to be consistent with any RSES that applies to the area of the plan.

The RSES for the eastern and midlands region seeks to support self-sustaining towns through focus on consolidation and inclusion of policies in relation to improvements in services and employment provision and regeneration opportunities in line with Regional Strategic Outcomes 2 and 3.

The Office is satisfied that the draft LAP is broadly consistent with the RSES and is in general compliance with section 19(2) of the Act in this respect.

2. Consistency with Development Plan and Core Strategy

Section 19(2) of the Act also requires that a local area plan be consistent with the objectives of the development plan and its core strategy. Edenderry is designated as a self-sustaining town in the settlement hierarchy, as set out in the *Offaly County Development Plan 2021-2027* (the Development Plan).

The core strategy identifies a projected population increase of 721 over the development plan period. The housing supply target for the same period is 323 units for the town.

Section 5.2 of the draft LAP titled 'Compliance with Core Strategy' states that 10 hectares of lands are required to be zoned for New Residential to support the anticipated population growth as set out in the core strategy up to 2027.

The LAP provides for c. 12.4ha of 'New Residential' zoned lands up to 2029. In this regard, the Office is satisfied that the quantum of residential zoned lands within the LAP is consistent with the Development Plan core strategy.

3. Population and Compact Growth

The location of 'New Residential' zoned lands within the existing built-up footprint of the town is welcomed by the Office and is consistent with national and regional objectives for compact growth (NPO 3c and RPO 3.2).

According to the Planning and Infrastructural Assessment, all three 'New Residential' zoned lands promote compact growth and sustainable mobility, are serviced or serviceable within the plan period, and are physically suitable and accessible. The Office

agrees with this assessment and is satisfied that the 'New Residential' zoned lands are in accordance with sequential development approach and compact growth objectives of the Development Plan.

It is noted that the land-use zoning matrix classifies 'Apartments' as 'Open for Consideration' in 'New Residential' zoned lands. This approach is consistent with the development plan zoning. However, it is essential that the planning authority ensure a range of housing types are provided within the town in order to ensure housing variety is provided for all life cycles and age groups. Policy RP-04 of the draft LAP seeks to provide an appropriate mix of housing type, tenure, density and size in all new residential areas. The Office is satisfied that the inclusion of this policy addresses the limitations on apartment development as set out in the zoning matrix.

4. Transport and Accessibility

The Office welcomes the LTP prepared by the planning authority, having regard to the *Area Based Transport Assessment* (2018) approach as advised by the NTA. The LTP is supported by significant evidence-based analysis of the transportation trends in the town, which classifies Edenderry as a high commuter area, with strong reliance on the private car as the primary means of travel.

The Office acknowledges that the draft LAP incorporates many appropriate policies and objectives to support the implementation of sustainable transport modes, generally consistent with section 8.9 of the Development Plan. Of note, policy CIO-04 of the draft LAP supports the delivery of the infrastructure proposed in the LTP (subject to funding being made available), which improves pedestrian permeability to the town centre, green spaces, and provides for a series of cycling links improving connectivity and high quality, safe links to shops, services and amenities, thereby reducing the need to travel by private car.

The Office notes, however, that the LTP does not propose improvements to, or provision of appropriate, walking or cycle facilities to serve the 'New Residential' zonings. In order to enable future residents to make local trips by walking and cycling, and to meet sustainable mobility targets to reduce Greenhouse Gas (GHG) emissions, it is important that the appropriate infrastructure is put in place at the same time as the housing developments.

In particular, it is a mandatory national target to reduce GHG emissions by 51% by 2030 and to achieve carbon neutrality by 2050 under the *Climate Action and Low Carbon Development (Amendment) Act 2021*. This will be implemented through the actions of the *Climate Action Plan 2023*, including the delivery of a 50% increase in daily active travel journeys by 2030 through, among others, a significant increase in walking and cycling.

This is supported by the goals (including Goals 4 and 7) of government's *National Sustainable Mobility Policy (2022)* (NSMP), which seeks to deliver at least 500,000 additional daily active travel and public transport journeys and a 10% reduction in kilometres driven by cars by 2030. It is also supported by the objectives of the NPF to prioritise walking and cycling (NPO 27 and NPO 64), and by the guiding principles and objectives of the RSES for integration of transport and land use planning (RPO 8.1), including the 10-minute town concept.

The Office is also concerned that the objective (CIO-06) of the draft LAP, which seeks to reallocate road space within Edenderry to walking, cycling and public transport, is contingent on the Edenderry by-pass and relief roads (CIO – 05, refers). As this is inconsistent with the goals (including Goal 7) of the NSMP, which supports road space reallocation without reference to providing relief roads or alternative routes, it will be necessary to amend the wording of the objective as recommended below.

Finally, the Office welcomes the inclusion of modal share targets for work and education trips for the plan period and objective CIO-01, which seeks to secure funding under the NTA Active Travel Investment Programme. This is consistent with the provisions of the Development Plan (SMAO-03), with NPO 27, NPO 54 and NPO 64 and RPO 8.7. However, the minimum ambition modal share targets in tables 9.1 and 9.2 for work trips and, most notably for education trips, do not add up. Further, it would appear that modal share for primary-school children, a critical group, has not been taken into account. In order to ensure that the modal share targets are realistic and effective targets, the planning authority is advised to review and amend same. The planning authority should consult with the NTA in this regard.

Recommendation 1 – Pedestrian and Cycle Connections to New Residential Areas

Having regard to:

- the sustainable transport strategy policies and objectives under section 8.8 of the *Offaly County Development Plan 2021-2027*;
- NPO 27, NPO 54, NPO 64, RPO 8.1 and RPO 8.7; and
- the provisions of the *Climate Action and Low Carbon Development (Amendment) Act 2021*, and the *Climate Action Plan 2023* and the goals of the *National Sustainable Mobility Policy* (2022), including Goals 4 and 7,

the Planning Authority is required to:

- (i) include appropriate policy, objectives and specific measures to prioritise the provision and/or improvement of sustainable and active transport infrastructure connections to/from 'New Residential' land use zone parcels, including provision for filtered permeability; and
- (ii) amend Policy CIO-06 as follows:

To reallocate corresponding roadspace within Edenderry to walking, cycling and public transport ~~to accompany / occur concurrently with the provision of additional roadspace capacity under CIO-05~~. This may take the form of removing traffic from streets, removing lanes of traffic, narrowing carriageways, traffic management measures, or removing on-street parking to provide cycle tracks or widened footpaths.

5. Climate Action

The Office commends the planning authority in their approach to addressing climate change in the draft LAP, including the cross-cutting climate change policy objectives provided throughout the draft LAP. The Office welcomes identification of the key contributions of the draft LAP (by chapter) to climate adaptation and mitigation in table 8.2, which provides clarity to the approach of the planning authority to climate action, consistent with NPO 54 and RPO 7.32. However, for clarity, it would be appropriate to

differentiate between those elements contributing to climate change mitigation and those contributing to climate change adaption, in table 8.2.

The Office notes the Decarbonisation Actions and Projects set out in table 8.1 of the draft LAP, which identify actions and potential projects to help achieve a low carbon, climate resilient and environmentally sustainable economy. These are set against three key aims: to promote compact growth; sustainable mobility; and transition to a low carbon society in accordance with RPO 7.32. The implementation of these actions is supported by objective CAP-02. Similarly, the identification of climate change mitigation actions and climate adaptation actions in table 8.1 would provide a clearer focus for the implementation of climate actions.

It would also be appropriate to reference the *Climate Action and Low Carbon Development (Amendment) Act 2021*, which sets binding targets for GHG emissions reduction and for the delivery of renewable electricity, and the *Climate Action Plan 2023*, which includes actions designed to meet those targets.

The Office welcomes the use of smart technologies as a way of addressing climate action in the draft LAP. Policy CAP-14, which supports the use of smart technologies through integrating public lighting infrastructure with EV charging points and the provision of real time data on CO2 emission and noise pollution in line with the E-denderry Smart Town Project, is supported and welcomed by the Office.

The Climate Action policy objectives are supportive of the *Climate Action Plan 2023*, and the objectives in the NPF (NPO 54) and RSES (RPO 3.7), the transition to a low carbon economy and the overall reduction in carbon emissions.

6. Education, Social and Community

The Office welcomes the policies and objectives in the draft LAP, in compliance with the NPF, RSES and Development Plan, which promote a range of community facilities and events for social inclusion within the town. In particular, Policy CP-01 seeks to assist, encourage and facilitate the provision and extension of community facilities to serve the specific community needs of all individuals in Edenderry.

The planning authority is also commended for preparing an audit of the social and community infrastructure in the area and an assessment of the future demand and requirements of these services and facilities, table 7.2.

The Office is satisfied that the draft LAP appropriately supports and encourages community services and facilities in the town and provides for a development strategy for delivery of social requirements in the town in accordance with the social audit.

7. Economy and Employment

The RSES identifies the requirement for Edenderry to generate 'catch up' investment in local employment and services in order to become more self-sustaining. It is noted that economic development and employment within Edenderry has failed to match the rapid population growth over the past number of years, therefore it is essential the measures are included in the draft LAP to support the economic growth of the town.

The Office welcomes the policies and objectives in the draft LAP, which seek to address economic development of the town, through improving the cluster specific business environment in the town under Policy EDP- 10. The Office supports the policies in the draft LAP that promote employment opportunities through smart specialisation and smart cities technologies, including Policy EDP-18 to support the development of the E-hive Remote Working Hub, and EDP-20 to encourage new buildings to provide for the installation of shared telco infrastructure. The Office also welcomes the recently opened E-Hive for remote working which will assist in the delivery of these employment opportunities.

The consolidation of the employment and enterprise land use zoning through the rezoning of some such land for New Residential is a positive approach. It will facilitate residential development on well-located land adjacent the town centre, and will also encourage a more focused and integrated approach to the planning of remaining employment lands. In this regard, the planning authority should ensure that all employment areas are served by sustainable and active modes. The planning authority should liaise with NTA in this regard.

The inclusion of these policies and objectives in the LAP promotes Edenderry as a new hub for enterprise and employment and thus generates the catch up investment required to ensure consistency with the RSES and the Development Plan.

8. Utilities and Infrastructure Capacity

The Office welcomes the detailed site appraisals included in Chapter 10 of the draft LAP, which considered water and other infrastructure availability, in addition to the contribution of the sites to compact growth, sustainable mobility and overall suitability and accessibility. This approach is generally consistent with the requirement to prepare for a settlement capacity audit under the *Development Plans, Guidelines for Planning Authorities* (2022), as it is necessary to implement a tiered approach to zoning (TAZ) in compliance with NPO 72a, NPO 72b and NPO 72c.

However, the site appraisals do not identify any wastewater or water supply constraints, notwithstanding that Chapter 9 (Critical Infrastructure) identifies significant wastewater treatment plant (WWTP) and network capacity constraints affecting the town, in addition to water supply constraints.

In relation to wastewater treatment, the draft LAP states that upgrade works to the WWTP are to be complete by 2024 to resolve this issue. However, Irish Water only indicates that these upgrade works will be completed before the end of the LAP period (2029). This may, therefore, have serious implications for the implementation of the LAP. The planning authority will therefore need to engage with Irish Water to determine what interim solutions options Irish Water or the planning authority can implement to resolve constraints in the short to medium term to facilitate the LAP.

In this regard, as Irish Water will not retrospectively take over responsibility for developer provided treatment facilities or associated networks, unless agreed in advance, interim solutions, such as private WWTPs, are generally not appropriate.

In addition, Irish Water confirms that there are significant wastewater network issues in the town which will limit the development potential of certain areas even with the WWTP upgrade. These areas have not been identified in the draft LAP. In order to ensure the LAP can be fully implemented, it is critical that the planning authority engages with Irish Water to determine what solution Irish Water and/or the planning authority will implement to resolve network constraints in the short to medium term.

Having regard to the requirement to implement the tiered approach to zoning, if there are no feasible, timely solutions, it will be necessary for the planning authority to review and amend the land use zoning objectives for the draft LAP.

Recommendation 2 - Wastewater Supply Constraints

Having regard to:

- the requirement to implement a tiered approach to zoning under NPO 72a, NPO 72b and NPO 72c;
- the requirements, under the *Development Plans, Guidelines for Planning Authorities* (2022), for a settlement capacity audit with infrastructure assessment to determine land use zoning objectives; and
- the existing significant wastewater capacity constraints affecting the town,

the planning authority is required to:

- i. review the site appraisals (table 10.2 of the draft LAP) to clearly differentiate between those lands that are:
 - a) serviced,
 - b) serviceable within the plan period,
 - c) not serviced or serviceable during the plan period; and
- ii. amend the land use zoning objectives to ensure that lands that are neither serviced nor serviceable during the LAP period are not zoned for development during the plan period.

The planning authority is advised to consult with Irish Water in addressing this recommendation.

The draft LAP also indicates that there are existing water supply constraints within the town. Irish Water have confirmed that where constraints or deficits are present, leakage control and water conservation should be utilised. The planning authority is requested to liaise with Irish Water to agree a strategy for water supply management over in the town to ensure the development takes place in a sustainable manner.

Observation 1 – Water Supply

Having regard to the provisions of NPO 72c, and to the existing water supply constraints affecting the town, the planning authority is advised to liaise with Irish Water to agree a strategy for water supply management of the settlement and agree potential measures that can be implemented to ensure the sustainable delivery of development in the town.

9. Flood Risk Management

The Office welcomes the preparation of a Strategic Flood Risk Assessment (SFRA) to inform the draft LAP. The SFRA identifies lands within Flood Zone A and Flood Zone B, referred to as 'Constrained Land Uses' in the draft LAP. As the 'Constrained Land Use' area has not been overlaid onto the land-use zoning map, this makes it difficult to fully assess the flood risk arising in the draft LAP, in accordance with the requirements of the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines). It will also impede flood risk assessment at development management stage.

Observation 2 – Flood Risk Management

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

The Office notes that there are undeveloped sites within the 'Constrained Land Use' area, zoned 'Enterprise and Employment', 'Community Services / Facilities', 'Open Space, Amenity and Recreation' and 'Existing Residential', which would accommodate development / uses that are highly vulnerable and vulnerable to flooding. In particular, it is noted that the LTP designates a school site within 'Community Services / Facilities' within the constrained land use zone. According to the Flood Guidelines, 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 as per box 4.1 of the Flood Guidelines.

In addition, a new inner / outer relief road is proposed in the LTP within lands designated as Flood Zone A. In accordance with the Flood Guidelines, land should not be designated to accommodate essential infrastructure within Flood Zone A, or to accommodate primary strategic transport and utilities infrastructure within Flood Zone B, unless it passes the plan-making Justification Test.

The plan making Justification Test has not been carried out for the above-mentioned areas. It will, therefore, be necessary to amend the draft LAP to zone lands within Flood Zone A for water compatible uses and to zone lands within Flood Zone B for less vulnerable uses only, unless the subject lands pass the plan-making Justification Tests. This will be necessary to ensure the adopted LAP has had regard to the Flood Guidelines and is consistent with NPO 57, RPO 7.12 and objective CAEP-53 and CAEP-54 of the Development Plan.

Furthermore, the draft LAP indicates that climate change scenarios have been incorporated into the 'Constrained Land Use' area, however, having regard to the OPW mapping (www.floodinfo.ie), this appears to not be the case. In this regard, the planning authority is required to review the future climate change scenarios and apply the precautionary approach to flood mapping in the area in order to accurately inform the land use zoning in the town, having regard to the necessity to adapt to climate change and Policy CAEP – 54 of the Development Plan.

Recommendation 3 – Flood Risk Management

Having regard to, NPO 57, RPO 7.12, CAEP-53, CAEP-54 and the provisions of the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), the planning authority is required to amend the draft LAP to:

- i) zone lands within Flood Zone A for water compatible uses, only, and to zone lands within Flood Zone B for less vulnerable uses, only; and
- ii) omit the proposed inner relief road from Flood Zone A and B;

unless the subject zoning and infrastructure project have each first passed the plan-making Justification Test, including taking full account of future climate change scenarios as identified in the OPW Flood Mapping (floodinfo.ie).

The planning authority is advised to consult with the OPW in addressing this recommendation.

10. Regeneration

The Office commends the planning authority on the completion of a number of successful public realm revitalisation projects within the town, including O'Connell Square and JKL Street and the refurbishments of the Town Hall to facilitate a remote working hub. The Office also acknowledges that the draft LAP provides further commitment to the delivery of a number of objectives such as TCP-01 which seeks to ensure the core retail area is the primary location for retail development through the application of the sequential approach, among others (TCP-02 and TCP-15). This is consistent with the TCF policy.

The Development Plan identifies two 'Opportunity Sites' within Edenderry, however only one site has been included in the draft LAP, the Blundell Masterplan area, and the rationale for the exclusion of 'Site 1' is not clear. In accordance with NPO 6 and RPO 3.3, the planning authority should include all 'Opportunity Sites' identified in the Development Plan in the LAP, and provide a development strategy that will complement the provisions of the Development Plan and support the delivery of a range of uses to regenerate the town centre.

The Office also strongly supports the innovative objective to reduce vacancy rates by 20% in the town centre subject to resourcing and funding. The LAP notes that all funding mechanisms will be utilised to encourage regeneration and growth of the town.

Observation 3 – Regeneration of opportunity sites

Having regard to NPO 6, and RPO 3.3, the planning authority is advised to consider the inclusion of a development strategy for the regeneration of all of the ‘Opportunity Sites’ identified for Edenderry in the *Offaly County Development Plan 2021-2027* or to provide a clear rationale as to why specific opportunity sites are not included in the draft Plan.

11. Monitoring and Implementation

The Office welcomes the planning authority’s commitment to plan implementation and monitoring of the LAP, in Chapter 12.

The draft LAP has identified critical infrastructure, to be delivered in tandem with planned development, in the Planning and Infrastructural Assessment and the LTP. It would be beneficial if this critical infrastructure were also identified in Chapter 12 to track progress and responsibility of the delivery of this infrastructure over the course of implementation of the LAP.

Observation 4 – Monitoring and implementation

Having regard to the commitment of the planning authority to securing and monitoring the implementation of the strategies, policies and objectives of the *Offaly County Development Plan 2021-2027*, under which this draft LAP is proposed, the planning authority is advised to consider how Chapter 12 ‘Implementation and Monitoring’ could be amended to ensure that any monitoring is strategic in nature consistent with Part 10 of the *Development Plans, Guidelines for Planning Authorities* (2022).

12. General and procedural matters

It is noted that the land-use zoning matrix includes a zoning for 'Business and Technology Park', however the land use zoning map does not identify any lands for this zoning. The planning authority is advised to review the zoning matrix and omit Business and Technology Park zoning in the interest of clarity.

Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 20 of the Act must summarise these recommendations and the manner in which they will be addressed.

Where your authority decides not to comply with the recommendations of the Office, made in the draft LAP and report, please outline the reasons for the decision in the chief executive's report.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
