

Chapter 11: Land Use Zoning Objectives

Strategic Aim:

To adhere to the land use zoning objectives contained in this Plan in the interests of orderly development and eliminating potential conflicts between incompatible land uses.

11.1 Introduction

Effective zoning promotes orderly development by integrating land use and transportation, providing a high quality of life, eliminating potential conflicts between incompatible land uses and establishing an efficient basis for investment in public infrastructure and facilities. Each land use zoning objective in this chapter is accompanied by a justification for same and the context for the type of development, which would be acceptable.

There are a wide range of land uses identified under each of the Land Use Zoning Objectives. Proposals for development will need to demonstrate compliance with the various written provisions of the Plan, as relevant, including those relating to environmental protection and management. Environmental considerations, such as those related to elevated levels of flood risk or European site ecological designations, may limit the types of uses that may be possible at certain sites. Prospective applicants are encouraged to engage with the Planning Authority at the earliest opportunity to seek guidance as to the appropriateness of emerging proposals.

11.2 Zoning Principles

In accordance with the overall strategy of the plan, the town's zoning strategy is based on five important principles in particular:

- Sufficient lands should be zoned at appropriate locations, in accordance with the population targets as set out in the Core Strategy to facilitate the envisaged land-use requirements during the lifetime of this plan.
- Encourage sustainable development and the redevelopment of brownfield sites by targeting at least 30% of all new homes that are proposed for settlements in this Plan within their existing built-up footprints in accordance with the National Planning Framework (NPF).
- Ensure alignment of zoning with availability of services, investment in infrastructure and the provision of employment, together with supporting amenities and services.
- Landuse zoning objectives are set out in order to assist individuals assessing the most appropriate locations for new development. Not all needs can be anticipated and therefore some flexibility is required, having regard to all other principles, policies and objectives.

- Land is only zoned if it is serviced and/or serviceable within the life of this Plan based on Appendix 3 of the National Planning Framework.

Land Use Zoning - General

It is an objective of the Council to:

LUZO-01: Ensure that development progresses in accordance with the land use zoning objectives as set out in Section 11.4 and the Land Use Matrix contained in Table 11.1.

11.3 Zoning Matrix

The land use zoning matrix (Table 11.1) details the most common forms of development land uses in accordance with the zoning objectives and classifies under the three below categories as to whether a proposed use is generally 'permitted in principle', 'open for consideration' or 'not normally permitted'.

1. 'Permitted in Principle' – The subject use is **generally acceptable** subject to the normal planning process, compliance with the relevant policies and objectives, standards and requirements as set out in the County Development Plan and Local Area Plan, and in accordance with the proper planning and sustainable development of the area. (Note: A proposal, which is indicated as being 'Permitted in Principle' within the zoning matrix **does not imply** 'automatic approval' as each proposal for development is considered on its individual merits).

2. 'Open for Consideration' – The subject use **may be permitted** where the Local Authority is satisfied that it is in compliance with the zoning objective and other relevant policies and objectives, standards and requirements as set out in the County Development Plan and Local Area Plan and will not conflict with the permitted, existing or adjoining land uses, in accordance with the proper planning and sustainable development of the area.

3. 'Not Normally Permitted' – The subject use is generally incompatible with the written zoning objective and will **not be favourably considered** by the Local Authority, except in exceptional circumstances and in such instances, the development may represent a material contravention to the plan.

11.4 Land Use Zoning Objectives

11.4.1 Town Centre / Mixed Use

The purpose of this zoning is to maintain the vitality and viability of the existing town centre by developing and consolidating it with an appropriate mix of commercial, recreational, cultural, amenity and residential uses. Development proposals should be of a use, scale, form and design that accords with the role, function and size of the town. A diversity of uses for both day and evening is encouraged. These areas require high levels of accessibility, including pedestrian, cyclist and public transport (where feasible). Retail provision will be in accordance with Chapter 3 Town Centre and Regeneration.

Land Use Zoning Objective – Town Centre / Mixed Use

It is an objective of the Council to:

LUZO-02: Provide for, protect and strengthen the vitality and viability of the town centre, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the efficient use of infrastructure and services.

11.4.2 Existing Residential

This zoning allows for the conservation and enhancement of the quality and character of existing residential areas, to protect residential amenities and to allow for small scale infill development, which is appropriate to the character and pattern of development in the area. Existing residential zoned land may also provide for small scale home based employment uses where the primary residential use will be maintained.

Land Use Zoning Objective – Existing Residential

It is an objective of the Council to:

LUZO-03 Protect and enhance the amenity and character of developed residential communities.

11.4.3 New Residential

This zoning shall be taken to primarily include the use of land for new residential units. It may also provide for a range of other uses particularly those that have the potential to foster the development of new residential communities, for example, schools, childcare facilities, open spaces etc. The development of new residential areas shall allow for and ensure multi-modal connectivity to existing

development and facilities and to adjacent lands, which are zoned for development or, which may be zoned for development in the future.

Land Use Zoning Objective – New Residential

It is an objective of the Council to:

LUZO-04 Provide for new residential development and other services incidental to residential development.

11.4.4. Strategic Residential Reserve

This categorisation includes lands, which are not currently and not proposed to be sufficiently serviced to support development within the lifetime of this Plan. These lands are not developable within this plan period. The inclusion of Strategic Residential Reserve lands in this Plan will not in any way infer a prior commitment on the part of Offaly County Council regarding their future zoning in subsequent local area plans. Such a decision will be considered within the framework of national and regional population targets applicable at that time, infrastructural services and the proper planning and sustainable development, including environmental assessment requirements and compliance with the Flood Risk Management Guidelines.

Land Use Zoning Objective – Strategic Residential Reserve

It is an objective of the Council to:

LUZO-05 Provide lands for development at some time in the future but it will not be considered for development purposes during the current plan period.

11.4.5 Enterprise and Employment

This zoning promotes the development of employment uses that reinforce the enterprise and employment function of the subject area as a whole and require high environmental and design standards. Appropriate uses in this zoning include, for example research and development, light industry, retail warehousing, car showrooms, offices, employment and enterprise related uses within a high quality campus/park type development.

Both standalone retail and retail as an ancillary part of a business enterprise are open to consideration within this zoning objective subject to appropriateness in applying the sequential test as detailed in Chapter 4 of the Guidelines for Planning Authorities, Retail Planning, Department of the Environment, Community and Local Government, 2012, and in accordance with proper planning and sustainable

development. Uses specifically excluded from this zoning include waste management activities and heavy industrial uses.

Land Use Zoning Objective – Enterprise and Employment

It is an objective of the Council to:

LUZO-06 Provide for enterprise and employment development.

11.4.6 Industrial and Warehousing

The purpose of this zoning is to facilitate opportunities for industrial and warehousing uses, activities and processes, which would in general give rise to land use conflict if located within other zonings. Appropriate uses in this zoning include for example, light and heavy industry, large scale warehousing, logistics, telecommunications infrastructure, energy and recycling and ancillary office space. It excludes retail warehousing. Significant landscaping is required to be incorporated into design proposals.

Land Use Zoning Objective – Industrial and Warehousing

It is an objective of the Council to:

LUZO-07 Provide for industrial and warehousing development in suitable and accessible locations.

11.4.7 Community Services/Facilities

The purpose of this zoning is to protect, provide and allow expansion of a wide range of different community facilities, civic facilities and social services ranging from education and health facilities to places of worships, community centres and childcare facilities. Ancillary facilities such as dedicated open space or sports facilities will normally be facilitated within this zoning objective.

Land Use Zoning Objective – Community Services/Facilities

It is an objective of the Council to:

LUZO-08 Provide necessary community, social, health, public administration and educational services and facilities.

11.4.8 Open Space, Amenity and Recreation

The use of land as 'Open Space' shall be taken to include the use of land for; parks, public woodland, pedestrian routes and greenways, riparian zones, housing estate open spaces, development incidental to the enjoyment of open space (including playgrounds, outdoor recreation centres and sports centres, civic/market square, town greens, landscaped areas, shelters, sanitary conveniences, play equipment, dressing rooms and similar facilities). It also provides for the use of such land or such facilities for games, educational and recreational purposes. High standards of accessibility are essential.

Land Use Zoning Objective – Open Space, Amenity and Recreation

It is an objective of the Council to:

LUZO-09 Protect and improve the provision, attractiveness, accessibility and amenity value of public open space, amenity and recreation.

11.5 Uses not listed in the Indicative Zoning Matrix

Land uses, which are not listed in the indicative land use zoning matrix will be considered on a case-by-case basis having regard to the proper planning and sustainable development of the area and compliance with the relevant policies and objectives (including land use zoning objectives), standards and requirements as set out in this Plan and the County Development Plan, guidelines issued in accordance with Section 28 of the Planning and Development Act, 2000 (as amended) and guidance issued by other government bodies/ departments.

11.5.1 Established Use/Non-Conforming Uses

Where an established use does not conform with the designated land use zoning objective of the area as set out in the Plan, improvement works may be permitted where it is considered by the Planning Authority that the proposed development would not be injurious to the amenities of the area and would be consistent with the proper planning and sustainable development of the area. It is not intended that existing uses, which appear to be inconsistent with the land use zoning objective should be curtailed.

Land Use Zoning Objective – Established/Non-Conforming uses

It is an objective of the Council to:

LUZO-10 Generally support reasonable extensions and improvements to premises that accommodate established/non-conforming uses, where it is considered by the Planning Authority that the proposed development would not be injurious to the amenities of the area and would be consistent with the proper planning and sustainable development of the area.

11.5.2 Ancillary Uses

Planning applications for developments, which are ancillary to the principle use, i.e. they rely on the permitted principal use for their existence and rationale, will be considered on their merits irrespective of what category the ancillary development is listed under in the zoning matrix of this Plan.

Land Use Zoning Objective – Ancillary Uses

It is an objective of the Council to:

LUZO-11 Ensure that developments ancillary to the parent use of a site are considered on their merits irrespective of what category the ancillary development is listed under in the zoning matrix of this Plan.

11.6 Designations

Constrained Land Uses

Flood risk areas are represented by a 'Constrained Land Use' designation. This designation generally limits new development, but will facilitate existing development uses within these areas that may require small scale development such as small extensions. Development proposals within these areas shall be accompanied by a site specific flood risk assessment, carried out in accordance with The Planning System and Flood Risk Assessment Guidelines and Circular PL 2/2014 (or as updated), which shall assess the risks of flooding associated with the proposed development.

Proposals shall only be considered favourably where it is demonstrated to the satisfaction of the Planning Authority that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities, or increase the risk of flooding to other locations and be in accordance with the proper planning and sustainable development of the area. The nature and design of structural and non-structural flood risk management measures required for development in such areas will also be required to be demonstrated, to ensure that flood hazard and risk will not be increased. Measures proposed shall follow best practice in the management of health and safety for users and residents of the development.

Land Use Zoning Objective – Constrained Land Uses

It is an objective of the Council to:

LUZO-12 Facilitate the appropriate management and sustainable use of flood risk areas designated as 'Constrained Land Use' in the zoning map in accordance with the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), as amended, in consultation with the OPW. 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 (although these restrictions do not apply where a Plan-making Justification Test has been passed) and a detailed SSFRA will be required.

11.7 Material Contravention

The Council has a statutory obligation to take such steps as may be necessary to secure the objectives of its Plan. In appropriate circumstances, the Council may permit a material contravention of the Plan where a proposed development contravenes materially an objective of the Plan but, which following detailed assessment is considered appropriate by the Council's Executive. The granting of a permission, which materially contravenes the Plan is a reserved function of the Council's Executive, exercisable following a public consultation process and consideration of a report prepared by the Chief Executive.

Table 11.1 Land Use Zoning Matrix

	Town Centre / Mixed Use	Residential - Existing	Residential - New	Residential – Strategic Reserve	Enterprise and Employment	Industrial and Warehousing	Community Services/Facilities	Open Space / Amenity / Recreation
Abattoir	X	X	X	X	X	O	X	X
Advertisement Structures	√	X	X	X	√	√	X	X
Agri. Business	O	X	X	X	O	O	X	X
Agricultural Structures	X	X	X	X	X	X	X	X
Amusement Arcade	O	X	X	X	O	X	X	X
Apartments	√	√	O	X	O	X	X	X
Aerodrome/ Airfield	X	X	X	X	X	X	X	X
B&B/ Guesthouse	√	√	√	X	O	X	X	X
Bank/ Financial Institution	√	X	X	X	O	X	X	X
Batching Plant (asphalt/ concrete)	X	X	X	X	X	√	X	X
Betting Office	√	X	X	X	X	X	X	X
Boarding Kennels	X	X	X	X	X	O	X	X
Bring Banks/ Civic Amenity	√	√	√	X	√	√	O	X
Caravan Park / Campervan Park / Camp Site/ Glamping (Tourism)	O	O	O	X	O	X	X	X
Car Parking	√	O	O	X	√	√	O	X
Cash and Carry Wholesale Outlet	O	X	X	X	√	O	X	X
Cemetery	X	X	X	X	X	X	O	X
Chemist/ Pharmacy	√	O	O	X	O	X	O	X
Childcare Facilities – Crèche, Nursery and Playschool	√	√	√	X	√	O	√	X
Cinema/ Theatre	√	X	X	X	√	X	X	X
Community Facility (hall, centre or recreational use)	O	O	O	X	O	X	√	X
Composting Facility	X	X	X	X	X	O	X	X
Conference Centre	√	X	X	X	O	X	X	X
Craft Industry	√	O	O	X	O	√	O	X
Dance Hall/ Disco/ Night Club	O	X	X	X	O	X	X	X
Data Centre	X	X	X	X	O	O	X	X
Dentist/ Doctor Surgery	√	O	O	X	O	X	O	X
Dog Grooming	√	O	O	X	√	X	X	X
Drive Through Restaurant	O	X	X	X	O	X	X	X
Education/ Enterprise Centre	O	O	O	X	√	O	√	X
Extractive Industry	X	X	X	X	X	X	X	X

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	Town Centre / Mixed Use	Residential - Existing	Residential - New	Residential – Strategic Reserve	Enterprise and Employment	Industrial and Warehousing	Community Services/Facilities	Open Space / Amenity / Recreation
Function Room	O	X	X	X	O	X	X	X
Funeral Home	O	X	X	X	√	X	O	X
Fuel Depot	X	X	X	O	O	√	X	X
Garden Centre	O	X	X	X	√	O	X	X
Golf Course/ Pitch and Putt	X	X	X	X	X	X	√	√
Go-Kart Track	X	X	X	X	O	O	X	X
Hairdressing Salon, Beauticians and Nail Bars	√	O	O	X	O	X	X	X
Heavy Vehicle Depot	X	X	X	X	O	√	X	X
Helicopter Pad	X	X	X	X	O	O	X	X
Home Based Economic Activities	√	O	O	X	O	X	X	X
Hospital	O	X	X	X	O	X	√	X
Hostel	O	O	O	X	O	X	X	X
Hotel	√	X	X	X	O	X	X	X
Industry – Heavy	X	X	X	X	X	√	X	X
Industry – Light	X	X	X	X	O	√	X	X
Landfill	X	X	X	X	X	X	X	X
Launderette/ Dry Cleaners	√	O	O	X	O	X	X	X
Leisure Centre/ Gym	√	O	O	X	O	X	O	O
Library	√	O	O	X	O	X	√	X
Licensed Premises (Public House)	√	O	O	X	O	X	X	X
Mart/ Co-operative	O	X	X	X	O	O	X	X
Materials Recovery Facility/ Composting/ Waste Transfer Station/Waste Recycling Centre	X	X	X	X	X	√	X	X
Motor Sales/ Service	O	X	X	X	√	√	X	X
Municipal Waste Incinerator	X	X	X	X	X	√	X	X
Nursing Home/ Retirement Village	√	O	√	X	X	X	O	X
Office	√	O	O	X	√	√	O	X
Open Space (Public)	√	√	√	X	√	√	√	√
Plant/ Tool Hire	O	X	X	X	O	√	X	X
Playground	√	√	√	X	O	X	√	√
Playing Pitches/ Sports Club	O	√	√	X	X	X	√	√
Primary Care Centre, Health Centre and Clinics	√	O	O	X	O	X	O	X

	Town Centre / Mixed Use	Residential - Existing	Residential - New	Residential – Strategic Reserve	Enterprise and Employment	Industrial and Warehousing	Community Services/Facilities	Open Space / Amenity / Recreation
Research and Development	O	X	X	X	O	O	X	X
Residential Care	O	O	O	X	O	X	O	X
Residential – Multiple (two or more units)	√	√	√	X	X	X	X	X
Residential – Single	√	√	√	X	X	X	X	X
Restaurant/ Café	√	X	X	X	O	O	O	X
Retail Warehousing	O	X	X	X	√	X	X	X
Science and Technology Enterprise	O	X	X	X	O	O	X	X
School/ Third Level Education	O	O	√	X	O	X	√	X
Scrap Yard	X	X	X	X	X	O	X	X
Self-Catering	√	√	√	X	X	X	X	X
Service Station	O	X	X	X	O	O	X	X
Shop (200m ² or less)	√	√	√	X	√	O	X	X
Shop (above 200m ²)	√	X	X	X	O	X	X	X
Take Away	O	X	X	X	O	X	X	X
Training Centre	O	X	X	X	√	O	O	X
Traveller Accommodation	O	O	O	X	X	X	X	X
Utility Structures	O	O	O	X	O	O	O	X
Veterinary Surgery	O	O	O	X	√	O	X	X
Warehousing	X	X	X	X	O	√	X	X
Water-based Recreational Activities	O	X	X	X	O	X	O	O
Waste to Energy Facilities	X	X	X	X	O	O	O	X
Workshops	X	X	X	X	O	√	O	X

Note that new Permitted in Principle /Open for Consideration uses under ‘Enterprise and Employment’ Zoning in Flood Zone A or B shall be limited to less-vulnerable and/or water compatible uses (as per the Flood Risk Management Guidelines). This requirement will take primacy over any related provision relating to the land use zoning matrix.

“Permitted in Principle” /”Open for Consideration” uses under “Community Services/Facilities” shall therefore be limited in areas at elevated risk of flooding at this site, as per the Flood Risk Management Guidelines, as follows:

- In Flood Zone A, uses shall be limited to water compatible uses;
- In Flood Zone B, uses shall be limited to less-vulnerable and water compatible uses (as per the Flood Risk Management Guidelines);

These limitations shall take primacy over any related provision relating to the land use zoning matrix.