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

Submitted online at: www.offalycoco.ie/cdp2021-2027

26th September 2019

RE: Review of the Existing County Development Plan 2014-2020 and the Preparation of New County Development Plan 2021-2027

Dear Sir/Madam,

An Taisce welcomes the review of the Offaly County Development Plan 2014-2020 and the opportunity to review the issues paper for the County Development Plan 201-2027. We wish to make the following comments, which we request the Planning Authority (PA) take into consideration in the drafting, finalisation, and adoption of the CDP, including the accompanying Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA).

We would also request that the Council make An Taisce known of any further consultation periods regarding the making of the new CDP.

Yours sincerely,

Phoebe Duvall

*Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland*

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An Taisce – The National Trust for Ireland | Tailors' Hall, Back Lane, Dublin, D08 X2A3, Ireland | www.antaisce.org
+353 1 707 7076 | info@antaisce.org
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Directors: Philip Kearney (Acting Chair), Trish O'Connell (Acting Vice-Chair), Eric Conroy (Acting Treasurer), John Sweeney, Nick Armstrong

**Review of the Existing Offaly County
Development Plan 2014-2020
and the Preparation of New County
Development Plan 2021-2027**



Tailors Hall, Back Lane, Dublin 8
www.antaisce.org

INTRODUCTION AND EXECUTIVE SUMMARY

As populations continue to grow, both urban and rural areas are often faced with increasing pressures and problems. The new Offaly County Development Plan (CDP) should represent a catalyst for positive change and facilitate the development of the county in a plan-led, sustainable manner. Resolution 42/187 of the United National General Assembly has defined sustainable development as 'meeting the needs of the present, without compromising the ability of future generations to meet their needs'. The CDP should strive to establish a coherent framework for the coordinated sustainable economic, social, cultural and environmental development of the county in line with the UN Sustainable Development Goals.

Below is a summary of An Taisce's overall recommendations for the new Offaly CDP.

1. Strategic Planning and Zoning

- The CDP must comply with methodical and evidence-based approaches to land-use zoning and settlement planning included under the PDA 2010 which requires a demonstrated rational assessment of zoned land requirements based on such criteria as, inter alia, regional population targets, the sequential approach, flood risk assessment, infrastructure capacity, natural habitats and S.28 Guidance published by the DoECLG.
- Following an evidence-based assessment of the quantum of zoned land within the CDP areas, where there is surplus supply, an appropriate quantum of land must be de-zoned, down-zoned or phased in accordance with the provision of the PDA 2010.
- The PA must only apply considerations of proper planning and sustainable development (i.e sequential approach, flooding, etc.) in zoning, phasing, de-zoning or downzoning land and disregard all other considerations including private interests or potential commercial or rate generating revenue.
- The sequential approach must be applied to the zoning of all land and the review of zoning in accordance with the PDA 2010 (including the phasing, de-zoning or down-zoning land).
- Land zoned for residential development must be located in close proximity and/or be well connected by public transport corridors (rail or bus) to existing and/or proposed services (e.g. schools, retail, community/health centres, sports/amenity facilities, etc.) and employment sites.
- Small-scale local industrial/commercial zones proximate to existing or proposed residential areas must be provided to deliver local employment opportunities rather than promoting large-scale industrial/warehouse parks.
- Following any future precedential decision from An Bord Pleanála which overturns a PA decision, a review should be undertaken to examine the basis on which the decision was made, and a report presented to Councillors on required amendments to the CDP. This was a key conclusion of the (formerly) Department of Environment, Community and Local Government "Planning Review Report" (2015).

2. Sustainable Land Use and Transport

- The PA must ensure that proactive measures are included in the CDP to promote settlement nucleation and protect rural areas from a proliferation of car-dependent dispersed urban-generated settlement.
- The PA must ensure that the planning, development and design of our towns, cities and schools encourages a shift from car-orientated urban patterns (cul da sacs) to walkable, transit orientated development patterns.
- In accordance with the Sustainable Residential Development Guidelines in Urban Areas, the CDP must include policies to prohibit large-scale suburban type development proposals. Only development proposals commensurate with local physical infrastructure and social capital carrying capacity should be permitted.
- The CDP must include policies to provide alternative to unsustainable, urban generated dispersed one off housing, including for example, a serviced site policy.
- The CDP should utilise the seven location test standards for community integration for new housing outlined in Box 5.2 of the National Spatial Strategy. Unlike sustainability/quality of life indicators, these should be threshold standards without which no development should be permitted. This requires that zoning and decisions for new housing be conditional on integration with existing communities, affordability and mix of housing types, walking and cycling access to local services and schools, public transport access to employment locations and availability of recreation facilities.
- A greenbelt policy should be implemented in peri-urban areas in the vicinity of the CDP boundary with strict restrictions on urban generated one-off housing to prevent ribbon development and uncontrolled sprawl.
- We need to reshape our built environment in order to reverse our inactivity levels – we need a built environment that would encourage walking and cycling as opposed to car dependency. The CDP should include strong enforceable policies that would promote compact towns and cities where distances between origins and destinations are shorter with walking, cycling and public transport prioritized.
- The CDP needs to set our clear strategy and policies to coincide with existing strategies and frameworks which promote a built environment that encourages opportunities for physical activities including 'Smarter Travel', 'The National Cycle Policy Framework', 'A Healthy Weight for Ireland, Obesity Policy and Action Plan', 'A Framework for Improve Health and Wellbeing 2013-2025' and 'Get Ireland Active! National Physical Activity Action Plan for Ireland'.
- A local transport plan must be prepared alongside the CDP setting out how the objectives of the national Smarter Travel policy will be achieved locally and translated into measurable action.
- The CDP must include permeability and way finding studies to identify a safe network of existing/future walking and cycling routes which must be used as a chief criteria to selecting all land zoned for new development connecting with key services and amenities such as schools, shops, parks etc. (See Green Infrastructure approach below).

- The CDP must be carefully aligned with the regional transport strategies of the National Transport Authority (NTA), particularly with respect to rail infrastructure and bus services.
- Mobility Management Plans must be made mandatory through the development management process for all planning applications (including one-off houses) requiring applicants to demonstrate how the objectives of Smarter Travel will be achieved through the development proposal.

3. Addressing the Climate Emergency

- The primary objective of the CDP must be to break Offaly's dependence on fossil fuels, stopping the county's contribution greenhouse gas emissions, and preparing Offaly with the resilience to thrive in a time of energy and climate uncertainty.
- The CDP must include targeted and timetables policies for the above.
- The PA should prepare a strategy which would see the electrical generation needs of the locality primarily met by renewable sources in accordance with our national obligations for 2030, including use of local renewable energy sources, district heating and combined heat and power, and energy demand reduction measures.
- Include strong provisions for the protection of Offaly's boglands while also promoting a just transition for those employed in peat extraction.
- Look to examples in other countries such as France, which requires all new buildings in commercial areas to be partially covered by either solar panels or green roofs.

4. Green Infrastructure

- The CDP should adopt a Green Infrastructure approach and include a section entitled Green Infrastructure modelled on the content of the Fingal County Development Plan 2010 – 2016 (Chapter 3).

5. Economic, Employment and Retail Development

- Ireland's principle resource is our abundant availability of fertile agricultural land. The CDP must include policies to promote sustainable agriculture, particularly the production of vegetables.
- The CDP should include a policy for the promotion of local farmers markets and identify locations where farmers markets can take place.
- Out-of-town commercial and/or retail development must be strictly prohibited. Where it has been permitted historically, car parking charges must be made mandatory to level the playing field and the unfair competitive advantage accruing to 'big box' out-of-town retailer from free car parking and publicly subsidized road infrastructure.
- The PA must take an active role in site assembly for new retail development on brownfield and infill sites, including using CPO powers where necessary to provide for the sensitive revitalisation of town centres.
- The PA must require the introduction of car parking charges for out-of-centre retail development and introduce a corresponding S.48 waiver for development

contribution levies in lieu of off-street car parking for new retail development in town centre locations.

- The CDP must include a specific policy that explicitly provides that the change of use of retail warehouse units to non-bulky goods comparison and/or convenience uses will not be permitted.
- The CDP should include a policy which restricts large floor-plate multiples, which are dependent on complex oil-dependent supply chains, in favour of smaller floor-plate local shops.

6. Water

- The CDP must include a suite of integrated policy measures to ensure that the PA's legal obligations under the Water Framework Directive and the operable River Basin Management Plan are achieved.
- The CDP must be fully consistent with the PA's legal obligations under the Waste Water Discharge (Authorisation) Regulations (SI No. 684 of 2007).
- Circular Letter PD7/09 issued by the Department of Environment, Heritage and Local Government sets out the "Combined Approach" and requires that planning permission should not be granted to development proposals where there is insufficient cumulative capacity within the relevant wastewater treatment plant. This further underlines the imperative for new development to be channelled to targeted development centres where the appropriate physical infrastructure is planned or present.
- The CDP must include policies to provide alternatives to unsustainable urban-generated dispersed one-off, including, for example, a serviced site policy (see Limerick County Council's Serviced Site Policy).
- The PA must ensure that all private wastewater treatment proposals comply with the EPA Code of Practice and other related regulations.
- The CDP must de-zone or down-zone lands categorized in 'Flood Zone A' of 'Flood Zone B' applying the sequential approach. Where the zoning of recognised flood-prone areas is retained, a detailed Justification Test in accordance with the Flood Risk Assessment & Management Guidelines must be carried out.
- The use of Sustainable Urban Drainage Systems (SUDS) and rainwater harvesting must be made mandatory for all new development proposals.

7. Natural, Cultural and Built Heritage

- The CDP and development management decisions of the PA must rigidly adhere to its substantial legal obligations under EU law, particularly with regard to the Habitats and Birds Directives.
- Achieving adherence to the PA's legal obligations under the Habitats Directive and other environmental legislation cannot be achieved without the preparation in tandem with the CDP of a full Strategic Environmental Assessment and Habitats Directive Assessment.
- The policy recommendations of the National Biodiversity Plan 2017-2021 should be fully incorporated into the CDP.

- The most significant demesnes and designed landscape in the county should be identified and planning policies applied to maintain and enhance their special character and significance in considering agricultural, recreational or other development.
- The CDP should seek to designate more ACAs and Special Planning Control Schemes.
- S.48 development levies for Protected Structures should be waived to encourage sensitive reuse and adaptation.
- Important views and prospects must be protected.
- The Architectural Heritage Protection Guidelines for Planning Authorities must be implemented in full.

1.0 STRATEGIC PLANNING AND ZONING

The location of residential zoned lands needs to be informed by the CDP's Core Strategy, key elements of the Regional Planning Guidelines, and the National Planning Framework.

In accordance with the provisions of the Planning and Development (Amendment) Act 2010 (PDA), it is now a mandatory legal requirement that the land-use zoning and other provisions of CDPs are consistent with the relevant Regional Planning Guidelines, the National Planning Framework, and S.28 Ministerial Guidelines issued under the Planning Acts 2000-2010. Consistency is now a mandatory legal requirement. Any vagueness or let-out clauses contained in a CDP can cause interpretation problems for the public, developers and officials and can result in delays in the planning process.

1.1 LAND-USE ZONING

The zoning of land for appropriate and sustainable uses is at the heart of planning. The Planning Authority (PA) must recognise that its own interest is only effectually achieved through integration with its region and surrounding area.

The inappropriateness of zoning objectives in many instances becomes a reality at appeal to An Bord Pleanála. The Board routinely disregards zoning objectives, which are not in accordance with the principles of proper planning and sustainable development. This can undermine confidence in the planning system and lead to misplaced investment decisions by private investors, significant costs, conflict with local communities, and can ultimately be counterproductive.

The prioritisation of future development towards efficient, compact and walkable serviced locations in accordance with the sequential approach and infrastructure capacity is a necessity.

Strategic Planning and Zoning Recommendations

- The CDP must comply with methodical and evidence-based approaches to land-use zoning and settlement planning included under the PDA 2010 which requires a demonstrated rational assessment of zoned land requirements based on such criteria as, *inter alia*, regional population targets, the sequential approach, flood risk assessment, infrastructure capacity, natural habitats and S.28 Guidance published by the DoECLG.
- Following an evidence-based assessment of the quantum of zoned land within the CDP areas, where there is surplus supply, an appropriate quantum of land must be de-zoned, down-zoned or phased in accordance with the provision of the PDA 2010.
- The PA must only apply considerations of proper planning and sustainable development (i.e sequential approach, phasing, etc.) in zoning, phasing, de-zoning or downzoning land and disregard all other considerations including private interests or potential commercial or rate generating revenue.
- Following any future precedential decision from An Bord Pleanála which overturns a PA decision, a review should be undertaken to examine the basis on which the decision was made, and a report presented to Councillors on required amendments to the CDP. This was a key conclusion of the (formerly) Department of Environment, Community and Local Government "Planning Review Report" (2015).
- The sequential approach must be applied to the zoning of all land and the review of zoning in accordance with the PDA 2010 (including the phasing, de-zoning or down-zoning land).
- Land zoned for residential development must be located in close proximity and/or be well connected by public transport corridors (rail or bus) to existing and/or proposed services (e.g. schools, retail, community/health centres, sports/amenity facilities, etc.) and employment sites.
- Small-scale local industrial/commercial zones proximate to existing or proposed residential areas must be provided to deliver local employment opportunities rather than promoting large-scale industrial/warehouse parks.

2.0 SUSTAINABLE LAND USE AND TRANSPORT

The defining pattern of spatial development in Offaly and around Ireland in recent decades has been of a sprawling, uncoordinated nature where land has been developed in a "leapfrog" low-density pattern. This type of land-use development pattern has created places that lack adequate public facilities, diminished the liveability of areas and, crucially, created car dependency for long commutes. Heavy reliance on private car travel has significant adverse impacts on health and wellbeing as it promotes sedentary lifestyles. Sprawling settlements and car dependence also contribute significantly to Ireland's greenhouse gas emissions. This must be addressed in order to ensure that the country meets its EU climate change obligations and breaks its dependence on fossil fuels.

Therefore, the CDP must take the lead in ensuring that the planning, development, and design of Offaly's towns and settlements encourages a shift from dispersed, car-orientated settlement patterns to walkable, cycleable, and transit-orientated development patterns.

To accomplish these goals, the CDP should include strong and enforceable policies to promote compact towns where distances between origins and destinations are shorter and where walking, cycling and public transport are prioritised. This will help ensure the efficient delivery of services and infrastructure, enhance social capital, create compact walkable communities, and protect the natural environment. The CDP must also align with regional and national plans and strategies such as the Smarter Travel framework in order to implement such policies.

2.1 LAND USE AND SETTLEMENT PATTERNS

It is imperative that the CDP addresses future population growth and encourages a shift away from dispersed settlement towards more consolidated urban forms. The most sustainable form of rural development is the village/small town cluster, which allows for easy access to services and infrastructure, increases the social and economic vitality and viability of the area, creates well-connected and permeable transport networks, and maintains the integrity of the natural environment. Consolidated settlement also brings about a critical mass of people, which facilitates the development or enhancement of public transport in the area.

The PA must also address the prevalence of one-off and dispersed housing in Offaly, which creates an unsustainable housing pattern and promotes car dependency. The CDP has a key role to play in providing suitable housing choices and alternatives to one-off housing. For example, it should be a specific objective of the CDP to deliver suitable locations for serviced sites with access to piped infrastructure for those wishing to build their own houses (see diagram below). Development should also be consolidated in and around already serviced areas providing access to shops, schools, workplaces, etc. We would refer the PA to the report prepared by the Environmental Protection Agency – Sustainable Rural Development: Managing Housing in the Countryside 2010. The recommendations of this report should be incorporated directly into the CDP.



Furthermore, lessons should be learned from what was a systemic failure to apply the seven test requirements for housing location in urban areas as required by the National Spatial Strategy 2002-2020¹ (Box 5.2 in the Strategy and copied below). An Taisce consider these seven tests to be well-considered measures to ensure that new housing is provided sustainably. We recommend that the PA use and expand upon them in CDP as a baseline for quantifiable improvement of housing planning. Moreover, in light of the deepening national housing crisis, the CDP must also focus heavily on requirements for the provision of social housing.

Evaluation Considerations	
The Asset Test	Are there existing community resources such as schools, etc. with spare capacity?
The Carrying Capacity Test	Is the environmental setting capable of absorbing development in terms of drainage, etc.?
The Transport Test	Is there potential for reinforcing usage of public transport, walking and cycling?
The Economic Development Test	Is there potential to ensure integration between the location of housing and employment?
The Character Test	Will the proposal reinforce a sense of place and character?
The Community Test	Will the proposal reinforce the integrity and vitality of the local community and services that can be provided?
The Integration Test	Will the proposal aid an integrated approach to catering for the housing needs of all sections of society?

Table 1: Tests for housing locations in urban areas from the National Spatial Strategy 2002

2.1.2. Sequential Approach to Development

The prioritisation of future development in Offaly’s towns towards efficient, compact, walkable, and serviced locations in accordance with the sequential approach and infrastructural capacity is imperative.

The town planning in the CDP should be guided by the existing essential social infrastructure (schools, community facilities) and physical infrastructure (transport, water services, communications), including realistic prospects for addressing capacity constraints. Where services are not available, there should be a reasonable expectation of their provision in the plan period. Land should not be zoned if there is no reliable prospect of providing key physical infrastructure within the plan period or a reasonable time period thereafter, such as improved roads, footpaths, drainage and lighting to serve likely future development. (DoECLG, 2007). The PA must engage with the providers of essential physical and social infrastructure and ensure that the town-specific policies are based on realistic assessments

¹ National Spatial Strategy 2002-2020: <http://nss.ie/pdfs/Completea.pdf>

regarding the funding and timing of such infrastructure, recognising that some levels of strategic infrastructure may take a number of cycles to provide (DoECLG, 2013).

2.2 ACHIEVING A MODAL SHIFT IN TRANSPORTATION

To achieve compact and sustainable settlement, combat rising transport emissions, and improve the quality of life for citizens, it is imperative that the CDP addresses future population growth and encourages a shift away from dispersed settlement towards more consolidated urban forms. A crucial aspect of this is investment in public transport, walking and cycling is maintained and improved in order to offer communities a viable alternative to private cars.

The PA should have regard to "Smarter Travel – A Sustainable Transport Future," which was launched in February 2009². This policy framework, which was the subject of extensive public consultation, includes five key goals:

- (i) to reduce overall travel demand,*
- (ii) to maximise efficiency of the transport network,*
- (iii) to reduce reliance on fossil fuels,*
- (iv) to reduce transport emissions, and*
- (v) to improve accessibility to transport.*

Circular PSSP-4-2010 to all planning authorities determined that Smarter Travel relates to proper planning and sustainable development under Section 9(6) of the Planning & Development Act (PDA) 2000 and must therefore be incorporated into the specific policies and objectives of the CDP. The Smarter Travel policy requirements will necessitate a considerable shift away from dispersed settlement patterns towards consolidation and compact urban forms. The targets included in the Smarter Travel policy to significantly increase sustainable modal choices and reverse car dependency are challenging but urgently required in the CDP.

The efficacy of said policies should be bolstered by preparing a local transport plan alongside the CDP setting out how the objectives of the national Smarter Travel policy will be achieved locally and translated into measurable action. Furthermore, Mobility Management Plans must be made mandatory through the development management process for planning applications (including one-off houses) requiring applicants to demonstrate how the objectives of Smarter Travel will be achieved through the development proposal.

In the context of land use planning, the most effective means to achieve these objectives is to prevent inefficient and unsustainable car-based development sprawl i.e. planning for the

² Smarter Travel Framework: <http://www.smartertravel.ie/>

best use of land to benefit from investment of public funds in physical infrastructure, including public transport infrastructure.

2.2.1 Promoting Walking and Cycling

Advancing walking and cycling as alternatives to private car use will align with the Smarter Travel policy and prove crucial to the sustainable development of Offaly. It will also contribute to improving the health and wellbeing of the county's population.

Car dependency has several key health impacts:

- Driving contributes to air pollution, and air pollution causes morbidity and mortality³.
- High car dependency and long commutes decreases leisure time and contributes to sedentary lifestyles. This has long been associated with physical health consequences such as obesity and cardiovascular disease as well as mental health impacts including anxiety and depression.
- Increased vehicle miles travelled and increased car dependency heightens the chances of road traffic accidents, fatalities and injuries.

In Ireland specifically, a number of studies and action plans done in recent years outline the population's general health and participation in physical activity. It has been concluded that the Irish population is not meeting recommended physical activity levels. The World Health Organisation has highlighted that the use of "passive" modes of transport are associated with increased inactivity levels as well as poor air quality, traffic congestion, and a lack of adequate walking and cycling infrastructure⁴.

A correlation can be made between the physical inactivity levels in Ireland and the level of our population that are over overweight or obese. The Department of Health (2016) have highlighted that only 40% of the Irish population have a healthy weight⁵. If this trend continues, Ireland will face an increase in chronic diseases associated with obesity and therefore a rise in related healthcare costs. Moreover, physical inactivity and obesity are modifiable risk factors for many chronic diseases⁶.

The shape of the built environment can influence everyday lifestyle choices that affect personal health and wellbeing. Therefore, it needs to be reshaped in a way that will actively encourage walking, cycling, and other forms of recreation to help reverse inactivity levels and the worrying trend of obesity.

³ Fumkin, H. (2002) 'Urban Sprawl and Public Health. Public Health Reports', Public Health Reports, 17, pp. 201-208

⁴ WHO. Global Strategy on Diet, Physical Activity and Health, Physical Inactivity: A Global Public Health Problem

⁵ Department of Health (2016) 'A Healthy Weight for Ireland, Obesity Policy and Action Plan 2016'. Dublin: Stationary Office.

⁶ Hacken, NT. (2009) 'Physical Inactivity and Obesity: Relation to Asthma and Chronic Obstructive Pulmonary Disease?': Proceedings of the American Thoracic Society: Vol 6(8)

The National Physical Activity Plan for Ireland⁷ emphasises the importance of the built environment in encouraging active transport options. The targets laid out in Action Area Four of the plan states that local authorities should prioritise the development of walking and cycling infrastructure, for example, through the creation of connected cycle and footpath networks as well as the development of local and regional parks.

An Taisce recognise that developing strong pedestrian and cycle networks in small towns and rural areas may present various challenges. However, there are a number of existing national guidance and policy documents that can assist with passive transport planning in Offaly.

The National Cycle Policy Framework⁸ includes practical measures to help achieve these objectives. The framework takes a methodical approach to investment and has a robust research base. Better catering for cyclists and pedestrians must follow the hierarchy of provision, which starts with cutting speed and altering traffic patterns as follows:

1. *Reduce traffic speed and enforce the law.*
2. *Reduce traffic volume, particularly HGVs.*
3. *Redesign poorly-configured junctions, and better manage traffic.*
4. *Increase road space for cyclists and pedestrians (with wider inside lanes for example)*
5. *Consider dedicating hard shoulders to cyclists.*
6. *Having considered and, where feasible, undertaken all of the above, are there roads or streets that would benefit from the installation of on-road cycle lanes? Are there alignments which can be considered for off road cycle lanes?*

The Design Manual for Urban Roads and Streets provides comprehensive guidance on road design and details the differences in appropriate cycling facilities based on road size, the volume and speed of traffic, etc. (see section 4.3, and especially section 4.3.5)⁹. This manual also contains information on effective street design for pedestrian use. The Rural Cycle Scheme Design document also provides in-depth guidance on the types, layout, placement, and design of cycling infrastructure¹⁰. Further information can be found in the National Cycle manual¹¹.

Detailed transport planning is especially important in the areas newly zoned for residential development where streets should be designed to facilitate pedestrian and cycle travel. The

⁷ National Physical Activity Plan: <http://www.getirelandactive.ie/Professionals/National-PA-Plan.pdf>

⁸ National Cycle Policy Framework: <http://www.smartertravel.ie/content/national-cycle-policy>

⁹ Design Manual for Urban Roads and Streets:

<http://www.dttas.ie/corporate/publications/english/design-manual-urban-roads-and-streets>

¹⁰ Rural Cycle Scheme Design: <http://www.tiipublications.ie/library/DN-GEO-03047-01.pdf>

¹¹ National Cycle Manual: <https://www.cyclemanual.ie/>

design concepts for these areas should provide more specific information as to what type of facilities will be provided along the designated pedestrian/cycle routes.

Sustainable Land Use and Transport Recommendations

- The PA must ensure that proactive measures are included in the CDP to promote settlement nucleation and protect rural areas from a proliferation of car-dependent dispersed urban-generated settlement.
- The PA must ensure that the planning, development and design of our towns, cities and schools encourages a shift from car-orientated urban patterns (cul da sacs) to walkable, transit orientated development patterns.
- In accordance with the Sustainable Residential Development Guidelines in Urban Areas, the CDP must include policies to prohibit large-scale suburban type development proposals. Only development proposals commensurate with local physical infrastructure and social capital carrying capacity should be permitted.
- The CDP must include policies to provide alternative to unsustainable, urban generated dispersed one off housing, including for example, a serviced site policy.
- The CDP should utilise the seven location test standards for community integration for new housing outlined in Box 5.2 of the National Spatial Strategy. Unlike sustainability/quality of life indicators, these should be threshold standards without which no development should be permitted. This requires that zoning and decisions for new housing be conditional on integration with existing communities, affordability and mix of housing types, walking and cycling access to local services and schools, public transport access to employment locations and availability of recreation facilities.
- A greenbelt policy should be implemented in peri-urban areas in the vicinity of the CDP boundary with strict restrictions on urban generated one-off housing to prevent ribbon development and uncontrolled sprawl.
- We need to reshape our built environment in order to reverse our inactivity levels – we need a built environment that would encourage walking and cycling as opposed to car dependency. The CDP should include strong enforceable policies that would promote compact towns and cities where distances between origins and destinations are shorter with walking, cycling and public transport prioritized.
- The CDP needs to set our clear strategy and policies to coincide with existing strategies and frameworks which promote a built environment that encourages opportunities for physical activities including 'Smarter Travel', 'The National Cycle Policy Framework', 'A Healthy Weight for Ireland, Obesity Policy and Action Plan', 'A Framework for Improve Health and Wellbeing 2013-2025' and 'Get Ireland Active! National Physical Activity Action Plan for Ireland'.
- A local transport plan must be prepared alongside the CDP setting out how the objectives of the national Smarter Travel policy will be achieved locally and translated into measurable action.
- The CDP must include permeability and way finding studies to identify a safe network of existing/future walking and cycling routes which must be used as a chief criteria to selecting all land zoned for new development connecting with key services

and amenities such as schools, shops, parks etc. (See Green Infrastructure approach below).

- The CDP must be carefully aligned with the regional transport strategies of the National Transport Authority (NTA), particularly with respect to rail infrastructure and bus services.
- Mobility Management Plans must be made mandatory through the development management process for all planning applications (including one-off houses) requiring applicants to demonstrate how the objectives of Smarter Travel will be achieved through the development proposal.

3. ADDRESSING THE CLIMATE EMERGENCY

Climate change is the defining challenge of our time. Its impacts vary across the globe, but research and climate modelling indicate that Ireland and County Offaly will experience the following most acutely, especially at the local level:

- Increased intensity and frequency of storms
- Increased risk of flooding, particularly large flood events
- Water stress and shortages
- Degraded water and air quality
- Biodiversity losses and shifts (including changes that could significantly impact agriculture)

To address these impacts and meet mandatory EU emissions reduction targets for 2030, Ireland needs a coordinated effort in all counties to embrace low carbon development increase the country's climate resilience.

Climate change is influenced by an array of themes spanning all development-related sectors. Therefore, spatial planning is an ideal framework for the PA to use in efficiently integrating and implementing climate change responses across multiple sectors. The primary objectives of the CDP must be to mitigate Offaly's contribution to climate change by reducing greenhouse gas (GHG) emissions, breaking the county's dependence on fossil fuels, and adapting the area's natural and built systems to have the resilience to thrive in a time of energy and climate uncertainty. These measures will not only address climate change but also provide a range of benefits to local communities.

The scale of change needed to meet Ireland's commitments under EU law and the Paris Agreement is enormous. It is imperative that CDP contribute to meeting sectoral targets at regional, county, city, and local levels. These should be measured against the targets outlined in the Paris Agreement and Climate Action and Low Carbon Development Act (2015) with regard to electricity generation, renewables share, transportation, agriculture, building energy use, etc. Actions in the CDP towards these goals must be targeted, timetabled and quantifiable.

In 2017, transport accounted for 19.8% of Ireland's greenhouse emissions according to the EPA (2019). Therefore, further infrastructure investment in roads (outside of road

infrastructure maintenance) to serve energy inefficient and emission-generating private motorised vehicles is untenable. Shaping of our society and economy around fossil fuel-based transport (i.e. dispersed settlement patterns, suburban sprawl, export growth) will inevitably undermine our position in emission reduction.

Carbon emissions in other sectors also need to be addressed and reduced. According to the SEAI, Residential Energy Roadmap out homes account for more than a quarter of Irish energy related carbon emissions. During the next decade, we must continue to push the envelope towards cutting edge building standards for new homes.

The floorsize of a given house is a factor which determines associated energy use and costs per dwelling. House sizes impact on the amount of energy demanded in the residential sector as bigger dwellings tend to have a larger demand for heating due to their greater wall surface area and therefore higher heat loss. The number and size of large one off or non-estate dwellings that have been built in recent years are contributing to our high demand for energy. In 2015, the average floor area of non-estate houses granted permission was 243 square metres, compared to 143 square metres for houses in estates and 95 square metres for flats¹². New builds should take account of landform, orientation, and massing in order to minimise energy consumption.

County Offaly is rich in peat bogs, which act as crucial carbon sinks. Therefore, the CDP should include strong policies regarding the protection and restoration of the county's peatlands. An Taisce recognise that the turf cutting industry in Offaly is a significant employer and that many people are at risk of losing those jobs. Therefore, the CDP should include objectives for ensuring a just transition for those employed in peat extraction.

3.1 LEGAL REQUIREMENTS FOR ACTION

The PDA 2010 includes a mandatory objective for development plans as follows [Section 10(2) of the 2000 Act as amended by Section 7 of the Planning and Development (Amendment) Act 2010]:

"The promotion of sustainable settlement and transportation strategies in urban and rural areas including the promotion of measures to:

- i. Reduce energy demand in response to the likelihood of increases in energy and other costs due to long-term decline in non-renewable resource,*
- ii. Reduce anthropogenic greenhouse gas emissions, and*
- iii. Address the necessity of adaptation to climate change.*

In particular, having regard to location, layout and design of new development."

¹² http://www.seai.ie/Publications/Statistics_Publications/Energy_in_Ireland/Energy-in-Ireland-1990-2015.pdf

Additionally, Section 15 of the Climate Action and Low Carbon Development Act 2015 requires that all Government Departments and public bodies shall in the exercise of their functions have regard to *“the objective of mitigating greenhouse gas emissions and adapting to the effects of Climate Change in the State.”*

Therefore, the PA has a legal obligation to respond now to the challenges of climate change through development which reduces energy demand, supports sustainable modes of transport to reduce the locality’s carbon footprint and advances approaches such as green infrastructure to provide multifunctional adaptation solutions. Such development will minimise Offaly’s greenhouse gas emissions and help the area manage the effects of climate change, with particular reference to land use, energy, transport, water resources, flooding, waste management, and biodiversity.

Making climate action a crucial component of the CDP’s core strategy, policies and objectives goes beyond the legal requirement of addressing climate change; they will provide an array of benefits to local communities and individuals such as:

- Significantly lowered energy costs
- Increased physical and mental wellbeing through the provision of green space as well as walkable and cycle-friendly communities
- Substantially decreased flood risk (also decreased damage and costs from the storms and floods that do occur)
- Improved air quality and respiratory health
- Improved water quality
- Decreased traffic congestion
- Employment opportunities, for example, in renewable energy
- Increased liveability and vibrancy of communities

Addressing the Climate Emergency Recommendations

- The primary objective of the CDP must be to break Offaly’s dependence on fossil fuels, stopping the county’s contribution greenhouse gas emissions, and preparing Offaly with the resilience to thrive in a time of energy and climate uncertainty.
- The CDP must include targeted and timetables policies for the above.
- The PA should prepare a strategy which would see the electrical generation needs of the locality primarily met by renewable sources in accordance with our national obligations for 2030, including use of local renewable energy sources, district heating and combined heat and power, and energy demand reduction measures.
- Include strong provisions for the protection of Offaly’s boglands while also promoting a just transition for those employed in peat extraction.
- Look to examples in other countries such as France, which requires all new buildings in commercial areas to be partially covered by either solar panels or green roofs.

4.0 GREEN INFRASTRUCTURE

The Institute for European Environmental Policy (IEEP) recently explored the links between access to nature and health inequalities in Europe. In their 2017 report "Nature for Health and Equity" it was found that a "lack of access to nature and natural areas contributes to health inequality and improving it is key to tackling these challenges".¹³

This point has been reiterated by the EPA 2016 report "Health Benefits from Biodiversity and Green Infrastructure" which states that "*human health and wellbeing depends on a healthy environment; therefore, management of such a key natural resource has (1) strategic importance for human health (Wolch et al., 2014) and (2) the potential to contribute to the Irish economy (Bullock et al., 2008; EPA, 2012a; EPA, 2016).*"

Green Infrastructure (GI) is rapidly becoming a very important concept in land use planning. GI can be defined as the physical environment within and between our cities, towns and villages. It is a network of multi-functional open spaces, including formal parks, gardens, woodlands, green corridors, waterways, street trees, and open countryside. It comprises all environmental resources and contributes towards sustainable resource management. This includes a holistic approach to developing the landscape inclusive of other influences such as ecological development; improving air, water and soil quality; flood protection; access provision and linkages; climate change amelioration; pollution control and quality of life issues, in a sustainable and ongoing manner.

The GI approach should be increasingly incorporated into the planning and development process and should become the accepted way to plan and manage urban spaces, reversing the trend of urban societies becoming disconnected from the natural environment.

GI can also play an important part in fulfilling Ireland's obligation under the EU Habitats Directive to ensure provision is made to adequate linkages between Natura 2000 sites thereby preventing habitat fragmentation.

Green Infrastructure Recommendation

- The CDP should adopt a Green Infrastructure approach and include a section entitled Green Infrastructure modelled on the content of the Fingal County Development Plan 2010 – 2016 (Chapter 3).

5.0 ECONOMIC, EMPLOYMENT AND RETAIL DEVELOPMENT

A key factor for the future economic, social and environmental prosperity of County Offaly is the creation of an appropriate critical mass of population in the targeted settlement centres. The key locational criteria for new employment generating enterprises are urban centres

¹³ IEEP. (2017) 'Nature for Health and Equity'.

https://www.foeeurope.org/sites/default/files/biodiversity/2017/briefing_nature_health_equity_march_2017.pdf

with sufficient agglomerations of scale to support a range of vital support services and infrastructure (e.g. broadband, water services, social capital, etc.) for both the enterprise and individual employees. The new CDP needs to address the location of current employment trends, with an analysis of future demand.

5.1 RURAL ENTERPRISE

An Taisce strongly supports local and rural enterprise which serves local population catchments. Small-scale enterprises and employment opportunities based on the sustainable use of indigenous local resources, particularly agriculture, agri-business and forestry are important in building local community resilience. To address the climate and biodiversity crises, the CDP should focus on the development of sustainable agriculture and forestry through the production of vegetable crops and the planting of native woodland.

5.2 RETAIL DEVELOPMENT

Over the past decade there has been sustained pressure from multiple retail operators for out-of-town big box retailing and to circumvent the sequential approach. The key drivers of this trend are convenient access to publicly subsidised road networks, increased price competition and the ability to provide significant amounts of free surface car-parking.

The granting of out-of-town centres as resulted in the decimation of historic town centres and the loss of many long-established local retailers. This in turn has had a knock-on impact for built heritage, social capital and quality of life. To protect the vitality of Offaly's town centres while promoting economic development, An Taisce make the following recommendations regarding retail and commercial development:

Economic, Employment and Retail Development Recommendations

- Ireland's principle resource is our abundant availability of fertile agricultural land. The CDP must include policies to promote sustainable agriculture, particularly the production of vegetables.
- The CDP should include a policy for the promotion of local farmers markets and identify locations where farmers markets can take place.
- Out-of-town commercial and/or retail development must be strictly prohibited. Where it has been permitted historically, car parking charges must be made mandatory to level the playing field and the unfair competitive advantage accruing to 'big box' out-of-town retailer from free car parking and publicly subsidized road infrastructure.
- The PA must take an active role in site assembly for new retail development on brownfield and infill sites, including using CPO powers where necessary to provide for the sensitive revitalisation of town centres.

- The PA must require the introduction of car parking charges for out-of-centre retail development and introduce a corresponding S.48 waiver for development contribution levies in lieu of off-street car parking for new retail development in town centre locations.
- The CDP must include a specific policy that explicitly provides that the change of use of retail warehouse units to non-bulky goods comparison and/or convenience uses will not be permitted.
- The CDP should include a policy which restricts large floor-plate multiples, which are dependent on complex oil-dependent supply chains, in favour of smaller floor-plate local shops.

6.0 WATER

The PDA 2010 includes specific mandatory objectives to ensure the integration of water quality management requirements into the physical planning process. The management of surface and ground water in accordance with the provisions of the EU Water Framework Directive (WFD) will be one of the most crucial overarching challenges for the PA in this CDP. Human activities have led to deterioration in water quality over many years. Ireland faces an immense challenge in achieving 'good' status in all water bodies as required by the WFD.

The achievement of our Water Framework Directive obligations will have linked benefits in the protection and enhancement of biodiversity, combating climate change, improving human health, protecting landscape, and creating more sustainable settlement patterns. Irish legislation now provides that local authorities can be sued for failing to meet water quality standards.

6.1 MUNICIPAL WASTEWATER TREATMENT

After agriculture, wastewater discharges to water from human settlements, including towns, villages and rural houses was the biggest source of water pollution. In 2012, the relative contribution of nitrogen and phosphorus to surface waters was 5% of nitrogen and 30% of phosphorus from wastewater discharges. The Implementation Review County Report issued by the European Commission highlighted Ireland's position stating there are substantial implementation issues in Ireland when it comes to the Urban Waste Water Treatment Directive. (EC, 2017).

Municipal sources of pollution accounted for 28% of the river and canal sites with slight pollution. The majority of these cases were due to suspected nutrient losses from municipal wastewater treatment plants. Municipal wastewater accounted for 39% of the moderate pollution in our rivers and canals. Municipal wastewater treatment plants are the suspected cause of pollution for eight of the 13 seriously polluted river sites (bad ecological status). Serious pollution resulting from urban wastewater and industrial pollution was reduced to 17 km of river channel length. This was down from 53 km in 2009. Urban wastewater

treatment (UWT) also accounted for 4.9% of N and 28.7% of P in the marine environment (EPA, 2015). Wastewater discharges, emergency discharges from storm water outfalls, and drainage from domestic wastewater systems are the greatest issue for bathing water quality in Ireland. In 2014 there were 27 incidents related to sewage pollution (EPA, 2015). Wastewater discharges were considered a contributing factor to the poor classification of all seven of the 136 EU identified bathing waters which failed to comply with minimum water quality standards and were classified as 'poor' in 2014. These pollution incidences have serious impacts on the environment, human health and tourism.

6.2 PRIVATE WASTEWATER TREATMENT

Despite the proliferation of dispersed settlement, much of the soil conditions throughout Ireland are unsuited to private on-site wastewater disposal. The legacy of this inappropriate development will be a significant challenge for the achievement of our binding Water Framework Directive targets.

The PA has binding legal obligations under the European Communities Environmental Objectives (Groundwater) Regulations 2010 and European Communities Environmental Objectives (Surfacewater) Regulations 2009. The EPA have issued a Code of Practice for private wastewater treatment, and PAs must adhere to a stringent compliance regime with respect to all on-site private waste water treatment facilities. These requirements coupled with other environmental regulations will mean that achieving planning permission for one-off dwellings will be increasingly more difficult. The CDP must deliver appropriate alternative locations for those wishing to live in self-build properties.

6.3 SURFACE WATER

The Intergovernmental Panel for Climate Change (IPCC) has predicted that Ireland will experience more intense and prolonged rainfall events as the climate crisis worsens. This has been evidenced by the recent serious rainfall events and flooding throughout Ireland, including in Offaly.

The Department of the Environment, Heritage & Local Government also issued the Flood Risk Assessment and Management Guidelines under Section 28 of the PDA 2010 on the management of flood risks and the planning system. This allows for the de-zoning or down-zoning of lands where their development would comprise an unacceptable flood risk.

Conventional hard-engineered storm water management systems to drain surface run-off from asphalt, concrete, and roof tiles are costly to implement and maintain. They also frequently fail causing urban flooding and degradation of water quality. Sustainable Urban Drainage Systems (SUDS) are now becoming the norm throughout Ireland. These systems aim to replicate greenfield run-off rates and include measures such as permeable paving, soft detention basins (swales), rainwater harvesting, and green/brown roofs.

Water Recommendations

- The CDP must include a suite of integrated policy measures to ensure that the PA's legal obligations under the Water Framework Directive and the operable River Basin Management Plan are achieved.
- The CDP must be fully consistent with the PA's legal obligations under the Waste Water Discharge (Authorisation) Regulations (SI No. 684 of 2007).
- Circular Letter PD7/09 issued by the Department of Environment, Heritage and Local Government sets out the "Combined Approach" and requires that planning permission should not be granted to development proposals where there is insufficient cumulative capacity within the relevant wastewater treatment plant. This further underlines the imperative for new development to be channelled to targeted development centres where the appropriate physical infrastructure is planned or present.
- The CDP must include policies to provide alternatives to unsustainable urban-generated dispersed one-off, including, for example, a serviced site policy (see Limerick County Council's Serviced Site Policy).
- The PA must ensure that all private wastewater treatment proposals comply with the EPA Code of Practice and other related regulations.
- The CDP must de-zone or down-zone lands categorized in 'Flood Zone A' of 'Flood Zone B' applying the sequential approach. Where the zoning of recognised flood-prone areas is retained, a detailed Justification Test in accordance with the Flood Risk Assessment & Management Guidelines must be carried out.
- The use of Sustainable Urban Drainage Systems (SUDS) and rainwater harvesting must be made mandatory for all new development proposals.

7.0 NATURAL, CULTURAL AND BUILT HERITAGE

Offaly is rich in both natural and built heritage, and it is imperative that these be protected in the policies and objectives of the CDP.

7.1 NATURAL ENVIRONMENT

As highlighted in 'Our Sustainable Future, a Framework for Sustainable Development for Ireland', increasing prosperity, in Ireland and across the world, has allowed many people to enjoy the benefits of goods and services which were once available to just a few. While this shared prosperity represents huge progress, it does so at a cost of unsustainable patterns of consumption and production. The pressures on resources - raw materials, minerals, metals, food, water, soil, biodiversity, air, biomass and ecosystems - continue to increase. This enduring, negative trend endangers the availability of natural resources and impacts negatively on the quality of our environment and on human health and biodiversity, both within Europe itself and globally¹⁴.

¹⁴ Department of Environment, Community and Local Government. (2012) 'Our Sustainable Future, a Framework for Sustainable Development for Ireland

The 2018 “Living Planet Report” from the World Wildlife Fund¹⁵ presented a very bleak picture of the state of global biodiversity. There has been an overall 60% decline in species population size in just over 40 years (1970-2014). This decline is at 83% for freshwater species.

Ireland has a poor record when it comes to protecting the natural environment. The sprawling nature of development and settlement pattern is a driving force for habitat fragmentation, biodiversity loss, agricultural land loss and is contributing to climate change. The 2019 report on “The Status of EU Protected Habitats and Species in Ireland¹⁶” (prepared every six years as required by Article 17 of the EU Habitats Directive) illustrates the poor condition of Ireland’s biodiversity. Out of Ireland’s 59 protected habitats, 85% were assessed as being in an unfavourable conservation status and 46% suffering from ongoing declines. The report highlighted agriculture and development (housing, commercial, industrial, and recreational) as two of the primary threats facing these habitats.

Offaly has 18 Special Areas of Conservation (SACs), six Special Protection Areas (SPAs) and seven Natural Heritage Areas (NHAs). Therefore, the CDP should lay out specific actions to ensure that the protection of these designated sites, as well as biodiversity more generally, is upheld in the planning process at all levels.

7.2 BUILT AND CULTURAL HERITAGE

Ireland’s unique built and cultural heritage is increasingly threatened with destruction. Ireland is a signatory to UNESCO’s Convention Concerning the Protection of the World Cultural and Natural Heritage ratified by Ireland in 1991 and the Grand Convention ratified in Ireland in 1995. These conventions provide the basis for our national commitment to the protection of architectural heritage, the importance of “handing down to future generations a system of cultural references”. To be effective, it relies on its signatory countries implementing their own national protective regimes.

The CDP should ensure the effective promotion of the Architectural Heritage provisions of Planning and Development Act 2000 and therefore the protection of Offaly’s built heritage, including Architectural Conservation Areas (ACAs) and Protected Structures. The CDP should include policies for monitoring buildings at risk and using the provision of Section 59 of PDA 2010 to serve notices of endangerment to negligent property owners.

Natural, Cultural and Built Heritage Recommendations

- The CDP and development management decisions of the PA must rigidly adhere to its substantial legal obligations under EU law, particularly with regard to the Habitats

¹⁵ <https://www.worldwildlife.org/pages/living-planet-report-2018>

¹⁶ Article 17 Report Summary 2019

https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf

- and Birds Directives.
- Achieving adherence to the PA's legal obligations under the Habitats Directive and other environmental legislation cannot be achieved without the preparation in tandem with the CDP of a full Strategic Environmental Assessment and Habitats Directive Assessment.
 - The policy recommendations of the National Biodiversity Plan 2017-2021 should be fully incorporated into the CDP.
 - The most significant demesnes and designed landscape in the county should be identified and planning policies applied to maintain and enhance their special character and significance in considering agricultural, recreational or other development.
 - The CDP should seek to designate more ACAs and Special Planning Control Schemes.
 - S.48 development levies for Protected Structures should be waived to encourage sensitive reuse and adaptation.
 - Important views and prospects must be protected.
 - The Architectural Heritage Protection Guidelines for Planning Authorities must be implemented in full.

8.0 STRATEGIC ENVIRONMENTAL ASSESSMENT

The preparation of a draft Development Plan requires Strategic Environmental Assessment (SEA) under the SEA Directive by Offaly County Council. An Taisce highlights the following key articles:

Article 5 requires the preparation of an Environmental Report "*in which the likely significant effects on the environment of implementing the plan or programme and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated.*"

Article 6 provides for public consultation.

Article 8 on "Decision Making" requires that "*the environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of any transboundary consultations entered into pursuant to Article 7 shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.*"

Article 9(1)(b) on "Information on the Decision" requires that "*a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8 and the reasons for choosing the plan or programme as adopted in the light of other reasonable alternative dealt with.*"

Offaly County Council has a legal obligation to ensure that the SEA process is robust, effective, and identifies all likely significant effects on the environment under the range of considerations set out in the Annexes to the SEA Directive. To ensure integration of environmental considerations into the plan, a general policy or land use zoning should not be maintained where likely significant effects on the environment are identified.

9.0 IMPLEMENTATION AND MONITORING

In the absence of rigorous application of policy, the divergence between policy and practice results in unsustainable, economically inefficient, structurally weak and spatially dispersed settlement patterns. Therefore, it is of paramount importance that the PA moves beyond policy objectives within the text of the CDP and towards robust targets, actions and measures to achieve the tangible implementation of the plan's objectives and policies. The success or otherwise of the forthcoming CDP can only be judged against quantifiable and implementable criteria which are subject to ongoing monitoring. This will be fundamental in creating a low carbon, low energy, sustainable, and healthy society.

An Taisce requests your consideration of the above comments and would welcome further opportunities to engage in the review of the Offaly County Development Plan.