



Arklow Local Area Plan Submission - Report

Who are you:	State Body
Name:	Office of the Planning Regulator
Email Address:	[REDACTED]
Reference:	ARKLAP-161459
Submission Made	April 2, 2024 4:22 PM

Topic

Other topics for you to have your say on! - Environmental Assessment - Plan Implementation -Plan Delivery

Submission

A chara,

Please see attached the OPR submission on the Issues Paper for the Arklow and Environs Local Area Plan. Please note that this submission applies to the issues paper in its entirety.

Kind regards,
Miriam Conlon

File

2024.04.02 OPR Submission on the Issues Paper for the Arklow Local Area Plan.pdf, 0.26MB

2nd April 2024

Administrative Officer,
Planning Department,
Wicklow County Council,
County Buildings,
Station Road,
Wicklow Town,
A67 FW96.

Re: Issues Paper for the Arklow and Environs Local Area Plan

A chara,

Thank you for your authority's work in preparing the Issues Paper (the Issues Paper) for the proposed Arklow and Environs Local Area Plan (the LAP).

The planning authority is commended for publishing an Issues Paper, engaging proactively with the public, and notifying the Office of the Planning Regulator (the Office) of the intention to prepare the LAP.

In accordance with the provisions of section 31AO of the *Planning and Development Act 2000*, as amended (the Act), the Office is obliged to evaluate and assess local area plans to ensure alignment with national and regional planning policy and the objectives of your county development plan.

The Office has set out some broad issues relevant to the preparation of local area plans, in addition to some specific issues of particular relevance to the preparation of the LAP, under the following headings:

1. [Strategic policy framework](#)
2. [Development plan core strategy](#)
3. [Regeneration](#)
4. [Education, social and community amenities](#)
5. [Economic development, employment and retail](#)
6. [Transport and mobility](#)

7. [Flood risk management](#)
8. [Climate action](#)
9. [Environment, built and natural heritage](#)
10. [Implementation and monitoring](#)

The comments are offered without prejudice to any observations and recommendations by the Office at future stages of the plan-making process. They also do not affect the obligation on your planning authority to comply with the relevant legislative requirements, or to be consistent with the fullness of the detailed policy context of the higher order plans and strategies and Ministerial guidelines.

1. Strategic policy framework

Section 20(5) of the Act requires the LAP to be consistent with the objectives of the Regional Spatial and Economic Strategy (RSES), *National Planning Framework* (NPF), the specific planning policy requirements (SPPRs) of section 28 guidelines and the relevant development plan.

The Office encourages the planning authority to liaise with the Eastern and Midland Regional Assembly in preparation of the draft LAP, particularly where clarity is required on how the objectives and guiding principles set out in the RSES relate to the LAP. This is particularly important in the context of section 6.3 of the RSES which relates to Economic Strategy and is supported by RPO 6.1. The Office notes that as part of the guiding principles outlined in this section, the capacity of locations for employment has to be considered as well as the impact on commuting patterns. This is also outlined in section 4.3 of the RSES which notes the need to align population, employment and housing growth so as to avoid long distance commuting which impacts on quality of life.

Arklow is classified as a Self-Sustaining Growth Town under the Wicklow County Development Plan 2022-2028 (the Development Plan). The Office advises that the draft LAP should clearly demonstrate the role of Arklow as recognised in the Development Plan, as a strategic location, in County Wicklow, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery.

2. Development plan core strategy

Section 19(2)(b) of the Act requires the LAP to be consistent with the objectives of the development plan and its core strategy. This is also a key message of the section 28 *Local Area Plans, Guidelines for Planning Authorities* (2013) (LAP Guidelines).

For Arklow, the core strategy of the Development Plan estimates a population increase to 15,419 people by 2028, with a requirement for 790 housing units between Q3 2022-Q3 2028. The LAP is required to be consistent with the core strategy of the Development Plan.

The Office notes that a housing growth target of 1,221 units up to 2031 is specified in the Issues Paper, and the rationale to support this level of growth should therefore be clearly explained and justified with reference to the core strategy of the Development Plan.

A key part of the Office's assessment of the draft LAP is to consider whether the objectives and zoning provisions of the LAP are consistent with the level of growth set out in the core strategy for the settlement. In this regard the zoning provision in the LAP should be consistent with the core strategy of the Development Plan, in order to comply with section 19(2B) of the Act.

The Office's assessment of the draft LAP will carefully consider whether proposed zoning objectives are consistent with the core strategy and objectives of the Development Plan and whether they can demonstrate consistency with the objectives for compact growth and densification¹ under the NPF (NPO 3 and NPO 35) and the RSES (RPO 3.2). The implementation of effective compact growth to avoid urban sprawl also plays a key role in climate change mitigation.

Zoning objectives should also be consistent with any strategic development sites for the delivery of residential, employment or other uses identified in the RSES.

In relation to residential development, any provisions or standards for density or building height in the LAP should have regard to relevant section 28 guidelines and any SPPRs therein, including, in particular:

¹ Including through reductions in vacancy, re-use of existing buildings, infill development, area or site-based regeneration and increase building heights.

- *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024)*;
- *Urban Development and Building Heights, Guidelines for Planning Authorities (2018)*; and
- *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023)*.

Land use zoning should follow a sequential approach so that the development of lands closest to the town centre are prioritised over lands on the outskirts of the town, as set out under section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities (2022)* (the Development Plans Guidelines).

The planning authority also needs to ensure that lands that cannot be serviced within the lifetime of the LAP are not zoned for development, consistent with the tiered approach to zoning under NPO 72 a-c of the NPF. In this regard, an infrastructure assessment should be prepared in accordance with Appendix 3 of the NPF and having regard to section 4.5.2 (Settlement Capacity Audit) of the Development Plans Guidelines.

The Office notes that Uisce Éireann has identified wastewater treatment as an issue. It is noted that it is expected that the Arklow wastewater treatment project will be completed in 2025. This will address a longstanding issue with wastewater treatment and the capacity of this new plant should be considered as part of the preparation of the draft LAP. Uisce Éireann have noted that there is capacity in the water supply network. The details of the capacity of this infrastructure should, however, be considered when identifying appropriate land use zonings.

The planning authority is advised to liaise closely with the relevant prescribed authorities concerning the delivery of essential services and infrastructure.

3. Regeneration

Both the NPF (NPO 4 urban places; NPO 6 urban regeneration; NPO 18a proportionate growth; NPO 18b new homes and NPO 35 increasing residential use) and the policy objectives of the RSES emphasise the importance of opportunities for urban and village regeneration to create attractive, liveable, and high quality urban places. The reuse of brownfield sites and vacant buildings will also contribute to climate change mitigation. The Development Plan policy objective CPO 4.9 places a firm focus on regeneration in all

towns in Wicklow, including Arklow. In addition, CPO 5.1 and CPO 5.2 also promote town centre regeneration in settlements in County Wicklow. Policy objectives CPO 5.15 and CPO 5.16, which relate to placemaking, highlight the need for the improvement of the public realm in towns such as Arklow. All of these policy objectives should be considered as part of the preparation of the draft LAP.

The Development Plan identifies areas/sites for regeneration as part of policy objective CPO 5.6. This objective notes the revitalisation of Arklow Main Street, associated side streets, Castle Park, the riverside and the quays. This includes the regeneration and re-use of vacant sites and buildings. The objective also notes the intention to prepare and implement an integrated urban renewal plan for Arklow Harbour, the development of a National Maritime Centre of Excellence as well as other key projects such as the Arklow Pottery Museum.

The published Issues Paper also identifies areas for revitalisation/regeneration including;

- The Quays/Waterfront;
- Former Morgan Doyle/Marine Hotel/56 Bar; and
- The Alps site.

The Issues Paper and the Development Plan also identify vacant sites in Arklow which have the potential to revitalise/regenerate the town. It will be important that these sites and the regeneration policy objectives relating to the regeneration of the town are incorporated into the draft LAP.

The Development Plans Guidelines advise that larger settlements normally have certain development sites that play a critical role in achieving the core strategy and NPF policy objectives for consolidation and compact growth. These sites should be specifically identified as Settlement Consolidation Sites and integrated into the wider regeneration strategy for the settlement.

Where such sites are identified, the planning authority should prepare a development framework for future development with appropriate guidance regarding layout, massing, permeability, green infrastructure and Sustainable urban Drainage Systems (SuDS) etc., as set out in section 5.7 of the LAP Guidelines.

The Office recommends that the LAP includes a strong policy framework to support the utilisation of existing buildings, brownfield/infill sites, and derelict and underutilised sites. The Office acknowledges the strong policy content in the Development Plan in relation to regeneration, including CPO 6.35, and recommends that the policy objective relating to existing buildings, brownfield/infill sites, and derelict and underutilised sites, is incorporated into the draft LAP. The planning authority should consider proactive land activation measures including the planning authority's powers for land acquisition/compulsory purchase and derelict sites and vacant land. The plan should also align with sources of funding to facilitate key regeneration projects such as the recently announced *Croí Cónaithe (Towns) Fund Scheme*, and TCF-aligned funding streams under the Government's *Town Centre First: A Policy Approach for Irish Towns (2022)*.

4. Education, social and community amenities

Access to quality childcare, education and health services is a National Strategic Outcome of the NPF. The LAP should therefore seek to align population growth with investment in childcare and education facilities on well-located sites within or close to the existing built-up areas, to meet the diverse needs of local populations.

As such, the LAP should be informed by a social or civic infrastructure audit to establish the capacity of existing facilities, including community centres, leisure, amenity and cultural facilities to serve existing and future residents, and identify the need for any additional facilities.

It is also important that access to existing and proposed facilities by walking or cycling is prioritised consistent with the sustainable approach to settlement and mobility discussed below.

Specifically, in relation to schools, the planning authority should consult with the Forward Planning Section and Site Acquisition and Property Management Section of the Department of Education.

The planning authority's *Local Economic and Community Plan 2016-2022 (LECP)* and *Traveller Accommodation Programme 2019-2024 (TAP)* should also inform the LAP to provide for the co-ordinated spatial planning of housing and community services for the area.

It is noted that there has been consultation on preparing a new LECP for County Wicklow and the information gathered for the preparation of the draft LAP could inform the LECP preparation process and vice versa.

Also, the Office notes that the material alterations to the Housing Strategy² in the Development Plan (included in Table 8.4 of the Housing Strategy), outline the demands for Traveller accommodation up to 2024 of 80 homes (59 standard housing type and 21 Traveller-specific accommodation) across the county. This includes provision for 7 standard housing units as well as 11 Traveller-specific accommodation units in the Arklow Municipal District within the lifetime of the TAP. It is important that the draft LAP addresses for the provision of accommodation for Travellers consistent with the estimated need for the Arklow Municipal District.

5. Economic development, employment and retail

The NPF, RSES and section 28 guidelines emphasise the need to take an evidence-based approach to the inclusion of objectives for employment and other commercial uses.

In particular, the LAP should be aligned with the detailed economic strategy and all relevant guiding principles of the RSES, in addition to any objectives concerning strategic enterprise/employment sites. It will also need to ensure it is consistent with the economic strategy of the Development Plan and any associated objectives. As noted above, it is important that locations of employment are provided that will reduce long distance commuting patterns. This should be considered as part of the preparation of the economic section of the draft LAP.

The Office considers, in particular, that the following should inform the preparation of the draft LAP:

- the identification of the harbour and quays area as a place for renewal/regeneration in the Development Plan. These lands have the potential to be a strategic employment landbank for Arklow with the potential to deliver c. 1,200 jobs on these lands;

² Amendment V3 – 129

- Arklow Port is a regionally significant port and the operation/expansion of the port is supported by RPO 8.22 of the RSES and CPO 12.62 of the Development Plan; and
- section 11.2.5, CPO 11.30 and CPO 11.45 of the Development Plan support the provision of tourism facilities as well as the development of tourist attractions.

In terms of identifying other optimal locations for employment zonings, the key criteria should be: compact growth, the sequential approach to development and the options for sustainable transport having regard to the need to mitigate climate change.

These should be supported by an infrastructure assessment report and/or settlement capacity audit. As noted under section 3, above, such lands should be either serviced or serviceable within the LAP period.

Furthermore, the reuse of appropriate brownfield sites and vacant premises should also be prioritised. This approach should be applied in the context of delivering CPO 9.1 of the Development Plan which supports all forms of employment creation and seeks to direct strategic employment development into towns such as Arklow.

The facilitation of retail facilities also need to be considered to provide for the anticipated population growth. Particular regard should be given to the sequential approach to the location of retail development and other provisions of the *Retail Planning, Guidelines for Planning Authorities (2012)*, and the position of the town in the retail hierarchy of the Development Plan. Arklow is noted as a Level 3 Town in the RSES as well as in the Development Plan. It is expected that Arklow's role in the regional and county level retail hierarchy will be reflected in the policies/objectives of the draft LAP.

6. Transport and mobility

The *Climate Action Plan 2024* identifies the need to significantly reduce car kilometres and increase sustainable journeys, guided by the *National Sustainable Mobility Policy (2022)* and the proposed *National Demand Management Strategy*. This is particularly relevant in a location such as Arklow where 71% of people travelled by private vehicle to work and school³.

³ Source: Table 12.01 of the Development Plan

The integration of land use and transportation is centrally important to this objective and to the objectives and provisions of the NPF (NPO 27 alternatives to the car; NPO 33 location of new homes, NPO 54 to reduce our carbon footprint and NPO 64 air quality, among others) and the RSES.

The RSES identifies the requirement for a local transport plan (LTP) for selected settlements under RPO 8.6 and in the preamble to this objective, Arklow is identified as a settlement for which an LTP will be prepared. The Development Plan (CPO 12.3) also commits to the preparation of an LTP to inform the LAP in consultation with the National Transport Authority (NTA) and Transport Infrastructure Ireland (TII). The Office understands that this LTP has commenced and that the planning authority will be re-engaging with the process prior to the drafting of the LAP. The planning authority is encouraged to engage with the NTA and TII and utilise their experience, as well as their resources, in preparing the LTP.

The NTA's *Area Based Transport Assessment Advice Note (2018) (ABTA)* and *ABTA How to Guide Guidance, Document Pilot Methodology (2021)* as well as TII's *Area Based Transport Assessment (ABTA) Guidance Notes (2018)* should be considered by the planning authority in preparing the LTP. The LTP should inform the preparation of the LAP and, in particular, the zoning provisions.

The planning authority is strongly advised to liaise with the NTA and TII in the preparation of the LTP and to incorporate the main objectives, targets and measures of the LTP, along with relevant associated maps, into the LAP in support of the NPOs referred to above.

As part of the preparation of the draft LAP, the planning authority should consider the location of park and ride facilities as noted in the CPO 12.21 of the Development Plan. This combined with the provision of improved commuter rail and regional bus services could assist in reducing the use of private vehicles.

As noted above, the identification of employment zoning should be undertaken in the context of section 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*. The location of zonings as well as new infrastructure such as the provision of an additional junctions has the potential to negatively impact on the capacity of the important national route of the M11/N11. The importance of the M11/N11 is noted as part of the submission by the TII. As such, engagement with TII will be particularly

important on these matters. It is noted that CPO 12.35 provides for the delivery of a third interchange on the Arklow by-pass linking the M11 to the Vale Road. It is recommended that this is considered as part of the preparation of the LTP in consultation with the abovementioned prescribed bodies.

In addition, the LAP should set out ambitious (but realistic) modal shift targets for the town. As noted above, there is a high dependence on the use of private vehicles and this should be addressed in the draft LAP.

In order to increase the potential for trips to be made on foot, bicycle or public transport, the LAP should demonstrate consistency with 'Avoid-Shift-Improve' principle and the '10-minute town concept', as well as providing for the proactive implementation of the *Design Manual for Urban Roads and Streets* (revised 2019) and the NTA's *Permeability Best Practice Guide*.

Consistency with the NTA's *Transport Strategy for the Greater Dublin Area 2022-2042* (Transport Strategy) is required for LAPs within the Greater Dublin Area planning authorities. While the entirety of this document should be reviewed and incorporated into the LTP and LAP, the Office specifically highlights Measure ROAD6 of the Transport Strategy in relation to Catering for Orbital Movement in Leinster. This measure clarifies that the Leinster Outer Orbital Route, as supported in CPO 12.39 of the Development Plan, will not be progressing and an alternative to this route will be provided by improvements to existing roads. This matter should be addressed as part of the preparation of the LTP and the LAP.

7. Flood risk management

Having regard to the location of Arklow along the River Avoca, flood risk management will be the most critical climate change adaptation measure to be addressed in the LAP, informed by a Strategic Flood Risk Assessment (SFRA).

The planning authority should ensure that the LAP is consistent with NPO 57 by avoiding inappropriate development in areas at risk of flooding, in accordance with the detailed requirements and provisions of section 28 *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009). These guidelines require a staged approach to flood risk assessment and, in particular, the application of the

sequential approach and the requirement to carry out the plan-making justification test where appropriate.

Flood risk zones should also be clearly overlaid on any proposed land use zoning maps to illustrate the potential flood risk arising and to demonstrate how the sequential approach has been applied. This will be particularly important in the context of Arklow given the location of the town along the River Avoca and the historical flood events that have occurred in the town. The planning authority is also requested to make a copy of digital mapping data available to the Office and to the Office of Public Works (OPW) to facilitate assessment.

The planning authority is strongly advised to liaise with the OPW in the early stages of preparing the SFRA to avoid issues arising at draft LAP stage. In particular, you should be aware that the Preliminary Flood Risk Area maps are preliminary assessments and should not be relied upon to inform zoning decisions.

It is noted that a flood relief scheme is being delivered for Arklow. This scheme should be adequately supported in the draft LAP, whilst also ensuring that zonings and other objectives in the draft LAP do not impede the delivery and/or effectiveness of the flood relief scheme when completed. As part of the OPW submission, it is also noted that it would be useful to provide a register of key flood risk infrastructure so as to ensure that this infrastructure is identified and adequately maintained. These matters should be considered as part of the preparation of the draft LAP.

In accordance with NPO 57, the LAP is required to integrate sustainable water management solutions, such as SuDS. In this regard, the Office draws the planning authority's attention to *Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design, Best Practice Interim Guidance Document (2022)*.

8. Climate action

It is a National Strategic Outcome of the NPF to transition to a low carbon climate resilient society. The effective implementation of climate mitigation objectives through the LAP are critical to the achievement of the Government's greenhouse gas emissions reduction target to mitigate climate change under the *Climate Action and Low Carbon Development Act 2015*, as amended (the Climate Act).

The efficient use of land, including through infill development and brownfield development consistent with compact growth, will ensure consistency with NPO 53 (land use). An integrated approach to land use and transport planning will help ensure that climate action is integral to the LAP in support of national mitigation targets (NPO 54) under the Climate Act. The LAP should also consider how development in the area might best contribute to the delivery of renewable energy consistent with NPO 55. These NPOs, together with the relevant objectives of the RSES and Development Plan, will be of particular importance in this respect.

The effective implementation of climate adaption objectives through the LAP will be essential to ensure Arklow is climate resilient into the future. As noted above, flood risk management will be the most critical climate change adaptation measure to be addressed in the LAP. The National Adaptation Framework (2018)⁴ (NAF) specifies the national strategy for the application of adaptation measures in different sectors and by local authorities in their administrative areas in order to reduce the vulnerability of the State to the negative effects of climate change and to avail of any positive effects that may occur.

9. Environment, built and natural heritage

The planning authority is the competent authority for Strategic Environmental Assessment and Appropriate Assessment, and will be aware of the *Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities (2022)* issued under section 28 of the Act and the *Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (2009)*, as revised.

The planning authorities should also ensure the LAP is consistent with objectives of the NPF and RSES concerning environmental protection. In this regard, the Office highlights the importance of integrating green and blue infrastructure into the LAP consistent with NPO 58 and planning for greenbelts (NPO 62). Planning for green and blue infrastructure can contribute to climate change adaptation, in particular flood risk management through nature-based solutions (NPO 57 and NPO 63). It can also make a positive contribution to climate mitigation and have positive impacts on biodiversity and clean air (NPO 64).

⁴ A new NAF is under development and will be submitted to Government for approval in early 2024.

Regarding built-heritage, the planning authority should consider what location specific objectives or measures would assist in the protection or improvement of built heritage over the period of the LAP. Accordingly, the planning authority should have regard to the *Architectural Heritage Protection Guidelines for Planning Authorities* (2011).

The Office notes that the RSES (Table 7.1) acknowledges Arklow is identified as having green infrastructure assets including maritime, beaches, and greenways. Further, the Office notes the positive policy objectives in the Development Plan, that relate specifically to Arklow, including CPO 19.25, 19.26 and 19.27 which refers to Coastal Cell Objectives in relation to Mizen Head to Arklow (Sallymount/Johnstown), Arklow Environs and Arklow Head/Clogga respectively. The draft LAP is advised to set out a policy framework to ensure delivery of this green infrastructure objective.

10. Implementation and monitoring

The NPF and the RSES place increased emphasis on the importance of monitoring the implementation of statutory strategies and plans to measure plan effectiveness and to continually update a relevant evidence base to inform future planning strategies.

The planning authority is therefore encouraged to set out specific provisions for monitoring the implementation of the objectives of the LAP, having regard to the provisions of the Development Plans Guidelines and the LAP Guidelines.

Summary

In summary, the Office commends the planning authority for the preparation of this Issues Paper. The Office advises the planning authority to pay particular attention to the following issues in the preparation of the LAP:

- the housing supply targets for Arklow should be consistent with the Development Plan, making allowance for the variation in the plan period;
- an Infrastructure Assessment/Settlement Capacity Audit should be prepared in respect of all land use zoning;
- the approach to zoning for both residential and employment purposes should be informed by this Infrastructure Assessment/Settlement Capacity Audit, with potential areas of development having access to existing services/infrastructure (or to services/infrastructure that will be provided during the plan period) being prioritised;

- address the guiding principles of the RSES that requires settlements such as Arklow to consider employment locations that could reduce long distance commuting and through this approach, improve people's quality of life;
- a LTP should be prepared to set out how the modal share targets in the Development Plan will be achieved, and to inform:
 - land use zoning objectives based on accessibility by walking, cycling and public transport;
 - transport initiatives and measures to provide sustainable mobility options for residents and visitors, and in particular providing connectivity from residential areas to services and amenities and reduce dependence on the private car;
 - the location of park and ride facilities; and
 - the efficiency and capacity of the M11/N11, including in respect of proposed zoning objectives.

The planning authority is advised to consult with the NTA and TII in this regard.

- the location of zonings, as well as new infrastructure such as the provision of an additional junction, has the potential to negatively impact on the importance of the M11/N11. The importance of this national road is noted as part of the submission by the TII;
- include land activation measures and specific objectives for sites identified for regeneration, including the utilisation of existing buildings, brownfield/infill sites, and derelict and underutilised sites, so as to ensure that such sites/lands are prioritised for development during the appropriate period of the proposed LAP;
- include objectives for the delivery of Traveller accommodation which are consistent with the objectives of the Development Plan and the intentions of the Housing Strategy; and
- prepare an updated SFRA and include policies and objectives in relation to the implementation of SuDS and nature-based solutions as a means for managing surface water run-off at key development sites. The SFRA should consider the proposed Arklow Flood Relief Scheme as well as any other existing flood infrastructure. The planning authority is advised to consult with the OPW in this regard.



The Office looks forward to reviewing the future draft LAP and to continued positive engagement with your authority in the implementation of national and regional policies at the county and local level.

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 the undersigned or at plans@opr.ie.

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
