MA-027-22



4th March 2022 Forward Planning Department, Galway County Council, Áras an Chontae, Prospect Hill, Galway

Re: Material Alterations to Draft Galway County Development Plan 2022-2028

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft Galway County Development Plan 2022-2028 (the draft Plan).

As your authority will be aware, one of the key functions of the Office of the Planning Regulator (the Office) includes strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the material alterations to the draft Plan under the provisions of sections 31AM(1) and (2) of the *Planning and Development Act 2000*, as amended, (the Act) and within the context of the Office's earlier recommendations and observations.

The Office acknowledges the recent additional correspondence in relation to material alteration 4.18 and advises that we will duly respond separately as requested.

As outlined in the submission of the Office to the draft Plan, the Office considered the draft Plan to be generally consistent with policies in the *National Planning Framework* (NPF) and the *Regional Spatial and Economic Strategy* (RSES) for the Northern and Western Regional Assembly area, and recommended changes to enhance its alignment with national and regional policies in the aforementioned, and for consistency with, among other things, the *Housing Supply Target Methodology for Development Planning Guidelines for Planning Authorities* (2020), *the Planning*



System and Flood Risk Management Guidelines for Planning Authorities (2009), the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2012) and the Spatial Planning and National Road Guidelines for Planning Authorities (2012).

The planning authority is advised that section 12(10) of the Act provides the members of the planning authority with scope to make a further modification to a material alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

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

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

Overview

The Office acknowledges the major task undertaken by Galway County Council in preparing and publishing the material alteration of the draft Plan, with over 250 material amendments and appendices containing the associated technical and environmental reports. The presentation of the amendments in a systematic and coherent manner has allowed all parties to access and understand the proposed



amendments. The Office would like to commend the planning authority for its approach.

Many of the material amendments will strengthen the Plan in respect of delivering on the national and regional policy framework to achieve significant growth in the Galway metropolitan area and create a regional driver for growth.

The Office particularly commends the planning authority for establishing formal mechanisms for engagement with Galway City Council to ensure collaboration and coordination in respect of planning and transportation matters.

It is acknowledged that progress has advanced on commitments to prepare a joint Retail Strategy and a Building Typology and Height Study, and polices are in place to ensure a plan-led approach to new development areas in the metropolitan area and the airport site. The inclusion of the national transport authorities, NTA and TII, in this process is also to be welcomed.

Notwithstanding these efforts, the Office urges your authority, in consultation with the City Council, to reconsider the possibility for a Joint LAP or strategy to provide a coordinated and strategic approach to the Gaurran, Ardaun (City) and Briarhill urban expansion within the Galway metropolitan area.

The Office also wishes to acknowledge the significant work undertaken in incorporating the housing supply targets into the core strategy and the update of the Strategic Flood Risk Assessment and the consequential amendments to the land use zoning throughout the Plan area. The clarity in relation to the future masterplan for the airport lands is also welcomed.

There are, however, a number of areas where the Office is of the view that the amendments are not consistent with national or regional policies, the key principles of Core Strategy of the draft Plan itself, the SFRA or the plan's environmental reports prepared under the European Directives on Strategic Environmental Assessment



(SEA) and Habitats. These instances have been clearly identified in the submission below and the reasons and considerations of the Office in reaching this conclusion have been set out.

In relation to rural housing policies, the amendments identified by the Office in section 4 below, do not take account of the new planning policy context for planning authorities set by Government in relation to climate action and sustainable patterns of development, or tackling the issue of urban generated housing in the open countryside and the sustainable regeneration of rural towns and villages.

Finally, some further careful consideration needs to be given to the potential of the Plan to affect the delivery of objectives in the National Wastewater Sludge Management Plan (NWSMP) and the provision of key public infrastructure (An Cheathrú Rua WWTP) in accordance with the statutory requirement that objectives in the development plan are consistent with the conservation and protection of the environment and make adequate provision for wastewater infrastructure.

It is within this context the submission below sets out 10 recommendations and 1 observation under the following 9 themes:

Key theme	MA Recommendation	MA Observation
Core strategy and settlement	-	-
strategy		
Sustainable Development	MA Recommendation	MA Observation 1
	<u>1, 2</u> and <u>3</u>	
Housing Strategy and relevant	MA Recommendation	-
policies	<u>4</u>	
Rural Housing and Regeneration	MA Recommendation	-
	<u>5</u> and <u>6</u>	
Economic Development and	MA Recommendation	-
Employment	<u>7</u>	
Sustainable Transport and	-	-
<u>Accessibility</u>		



Climate Action and Renewable	-	-
<u>Energy</u>		
Flood Risk Management	MA Recommendation	-
	<u>8</u>	
Environment, Heritage and	MA Recommendation	-
Amenities	<u>9</u> and <u>10</u>	

1. Core Strategy and Settlement Strategy

1.1 Settlement Hierarchy and distribution of growth

The Office welcomes the material alterations made to the Core Strategy in response to Recommendation 1 of the Office's submission on the draft Plan. The planning authority has substantially retained the distribution of growth across the settlement hierarchy, in accordance with the NPF and RSES, so that the emphasis is on the Galway metropolitan area, the key towns of Ballinasloe and Tuam, and strengthening rural towns and villages in the county.

However, the Office notes that one of the amendments made to the Core Strategy table (MA 2.12), has re-allocated the housing units within the 'Rural Remainder' tier, from the Greenfield to the 'Brownfield' column, thus leaving no quantum indicated, or allocated, as being required on 'Greenfield' sites. While not in conflict with the 20% minimum requirement for brownfield in rural areas of RPO 3.3, the Office considers this may lead to difficulties for the planning authority in the interpretation and implementation of the plan through the development management process, post adoption.

2. Sustainable Development

2.1 Development approach for settlements

The Office strongly welcomes the engagement between Galway County and Galway City Councils, and the commitment to working together to coordinate planning and transportation across the city and county in response to Recommendation 4 of the Office's submission on the draft Plan.



In particular, the Office welcomes that agreements have been put in place to undertake a joint 'typology and height study/framework' and a joint retail strategy commencing in early 2022.

The Office, however, remains of the view that a joint LAP for the connected metropolitan settlements of Gaurran, Ardaun (City) and Briarhill would be the best approach in terms of coordinating infrastructure delivery, in particular sustainable transport, and providing good planning outcomes for the community.

The Office urges your authority, in consultation with the City Council, to reconsider the possibility for a co-ordinated and strategic approach to what is a significant urban expansion within the Galway metropolitan area, albeit that it occurs across the jurisdiction of two authorities.

The Office does, however, commend your authority for the engagement with the City Council, TII and NTA in respect of transportation across the metropolitan area, and the commitment to the preparation of an Area Based Transport Assessment (ABTA) for the Briarhill Urban Framework and surrounding growth areas under MASP MA1 and MA9 (policy GCMA24).

It is noted, however, that the wording of part (b) of GCMA24 seeks to pre-determine vehicular access points within the Briarhill framework lands. The Office concurs with the NTA concerns that this has potential to jeopardise the long-term sustainable planning of the area and considers that this element should be omitted.

Furthermore, in order to underscore co-ordination of development, promote compact growth and sustainable patterns of development, policy GCMA24 should firmly acknowledge and integrate with the existing Parkmore Area - Strategic Transport Framework.



MA Recommendation 1- Co-ordination with Galway City Council

The planning authority is required to include a minor modification to Policy GCMA 24 (volume 2 MASP MA 1) to omit Part (b) of the proposed Objective GCMA 24, which is considered to predetermine a key transport policy decision in advance of the preparation of the Area Based Transport Assessment.

2.2 Residential Land Use Zoning – Phase 1/ Existing/ Infill

The Office notes the decision of elected members not to amend specified residential zoning objectives in Oranmore and Oughterard in accordance with Recommendation 7 of the Office's submission to the draft Plan.

As outlined in the section 12(5)(aa) notice issued by the planning authority to the Office, the draft Plan, as amended, has not accepted the recommendation of the Office.

Turning to the material amendments proposed to the draft Plan relating to the residential zoning of lands, the Office considers the proposed amendments increasing Residential (Phase 1) within Briarhill and Residential (Phase 1 & 2) within Garraun to be acceptable due to their strategic location within the MASP area, the overall level of net density that would be achieved in those settlements and the guiding of future development through the preparation of Urban Framework Plans. The Office also notes the €9.8m funding of Oranmore railway station under the Urban Regeneration and Development Fund (URDF), which will benefit Garraun.

In relation to other settlements, the Office accepts the rationale for many of the proposed amendments to facilitate additional residential zoning, and the Office acknowledges and welcomes the carrying out of an infrastructure assessment of the lands concerned in accordance with the requirements of NPO 72a and NPO 72c.

A number of the amendments, however, are considered to be inconsistent with the planning authority's own Core Strategy (Table 2.9¹), and to go against national and

¹ As reference in the draft Plan.



regional policy in respect of achieving a sustainable pattern of development through compact growth, sequential approach to development, and the ability to deliver the social and physical infrastructure to serve these communities. In this regard the Office notes the recommendations of the Strategic Environmental Assessment (SEA) Environmental Report concerning proposed land use zoning amendments and that no assessment of the infrastructure capacity of these lands is evident.

In particular, the extent of the additional proposed Residential zoning for Baile an Chláir is not consistent with the housing allocation (393 units to greenfield) set out in the Core Strategy.

Furthermore, the lands zoned under proposed amendments MASP LUZ Baile Chláir 1.2, 1.5 and 1.6² are located in peripheral locations on the edge of the town, outside of the CSO boundary, but within the settlement boundary proposed in the draft Plan. The proposed amendments do not represent a sequential approach to residential zoning. Proposed amendment MA MASP LUZ Baile Chláir 1.2 is also identified in the Strategic Flood Risk Assessment (SFRA) as being at risk of flooding (see MA Recommendation 8 below) and both the SFRA and SEA Environmental Report recommend the Plan be made without the amendment.

A similar issue arises in respect of a number of proposed amendments to the settlements of Bearna (MASP LUZ Bearna 2.2), Oughterard (SGT LUZ Oughterard 9.4) and An Spidéal (MASP LUZ Spidéal 12.2) which are unjustified in terms of their designation of Residential (Infill), due to their locations on the periphery or detached from the existing built up area. Given the extent of more preferably located zoned land in these towns, the subject amendments are not justified in relation to the Core Strategy. The SEA Environmental Report recommends that the Plan be made without the subject amendments.

The aforementioned amendments are, therefore, considered to be inconsistent with national and regional policy in respect of compact growth (NPO 3c and RPO 3) and/or with sequential residential zoning under the Minister's Guidelines, the

² The Office notes that the SEA Environmental Report determined that SEA was not required for proposed amendments MASP LUZ Baile Chláir nos. 1.5 and 1.6.



proportionate growth of settlements (NPO 18a), and the provision of a sustainable settlement and transport strategy in accordance with section 10(2n) of the Act.

The Office also has particular concerns regarding proposed amendments to zone land for residential use beyond the settlement boundary for An Cheathrú Rua and in the open countryside.

In relation to An Cheathrú Rua, the proposed amendments to zone additional lands as Residential (Existing) outside the proposed settlement boundary are contrary to the recommendation of the SEA Environmental Report. These additional zonings, which allow for further residential development in these areas, are not evidencebased; are contrary to the national strategic outcome of the NPF in respect of compact growth (NSO 1) and NPO3; and are particularly inappropriate in view of the severe waste water treatment capacity constraints experienced by this settlement.

Material amendment RSA Woodlawn 20.1 (Volume 1) proposes to zone a large area of land (18.1ha) for Residential (Phase 1) development in the open countryside outside of any village or town, which is not consistent with the Core Strategy, and is also contrary to the implementation of compact growth, sequential residential zoning and the implementation of sustainable settlement and transport strategies.

Finally, the Office notes the proposed amendment (MASP LUZ Oranmore 3.14) to change the zoning of sequentially preferable infill lands from R Residential (Phase 1) to Open Space / Recreation & Amenity. While the Office fully supports the planning authority's objective to provide for the recreational amenity of the community, the evidence-basis for the proposed change is not clear in this instance, particularly given the contribution that the development of homes on these lands would make in terms of compact growth.



MA Recommendation 2- Residential zoning (Phase 1/ Existing/Infill)

Having regard to national and regional policy objectives NPO 3c, RPO 3.2 and NPO 18a, the *Development Plans, Guidelines for Planning Authorities* (2007) and *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August 2021), and section 10(2)(n) of the *Planning and Development Act 2000*, as amended, the Office considers that the following residential zonings proposed under the material amendments are inconsistent with the Core Strategy and/or contrary to the implementation of compact growth, sequential zoning and the provision of a sustainable settlement and transport strategy. The planning authority is therefore required to make the Plan without the following material amendments to Volume 1 and 2 of the material alterations:

- MASP LUZ Baile Chláir 1.2, 1.5 and 1.6
- MASP LUZ Bearna 2.2
- MASP LUZ Oranmore 3.14
- SGT LUZ Oughterard 9.4
- SGT LUZ An Cheathrú Rua 11.1a
- SGV LUZ An Spidéal 12.2
- RSA LUZ Woodlawn 20.1

2.3 Residential Land Use Zoning – Phase 2

The draft Plan applied a phased approach to residential zoning, with significant areas of Residential (Phase 2) lands. According to objectives GCMA 1, SGT 1 and SV 1 of the draft Plan, these lands are generally not developable for housing within the lifetime of the Plan except under specified conditions, which, as appropriate, are more onerous in settlements located outside of the MASP. This approach provided for a reasonable level of flexibility, subject to appropriate safeguards, and was considered generally acceptable to the Office.

However, the Office notes the extensive number of proposed material amendments relating to the area zoned Residential (Phase 2), which on balance have been



increased in excess of 50ha, contrary to the recommendations of the SEA in most cases. The area of additional Phase 2 lands alone amounts to in excess of 20% of Residential (Phase 1), all but c.3ha located in settlements outside of the Galway MASP.

The majority of the subject lands are situated in peripheral and non-sequential locations. This is inconsistent with the provisions for a sequential approach to zoning for residential development under section 4.19 of the *Development Plans, Guidelines for Planning Authorities* (2007) and section 6.2.3 and SPPR DPG 7 of the draft guidelines, which require planning authorities to adopt a sequential approach when zoning lands for development, and contrary to NPO 3 and RPO 3.2 for compact growth and NPO 18a for proportionate growth.

The draft Plan was published before the publication of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (August, 2021)*, which set out an approach to ensure alignment between the housing supply targets in the Core Strategy and zoning in the development plan. The Office is concerned, however, that the additional proposed Residential (Phase 2) lands are not necessary to ensure that sufficient choice for development potential is safeguarded, and are not long-term strategic and sustainable development sites within the context of the guidelines.

It has also not been demonstrated that the subject lands are serviced or serviceable, including by sustainable transport modes (section 10(2)(n)), refers within the planperiod, consistent with the requirement for a tiered approach to zoning under the NPO 72a-c, and the proposed amendments are therefore considered to be inconsistent with the evidence-based approach to land use zoning required under the draft guidelines.



MA Recommendation 3 - Residential (Phase 2)

Having regard to national and regional policy objectives NPO 3c, RPO 3.2 and NPO 18a 2, the *Development Plans, Guidelines for Planning Authorities* (2007) and *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August 2021), and section 10(2)(n) of the *Planning and Development Act 2000,* as amended, the planning authority is required to make the plan without the following R Residential (Phase 2) proposed in Volume 2 of the material alterations:

- MASP LUZ Baile an Chláir 1.4a
- MASP LUZ Oranmore 3.1 and 3.5
- SGT LUZ Clifden 6.1, 6.2, 6.4a, 6.4b, and 6.5
- SGT LUZ Headford 7.2, 7.3, 7.4, 7.7, 7.8, 7.10
- SGT LUZ Oughterard 9.5, 9.6a, 9.6b, 9.8 and 9.9
- SGV LUZ An Cheathrú Rua 11.1b (and associated open space 11.2), and
- SGV LUZ Kinvarra (Cinn Mhara) 15.1

2.4 Standards and Guidelines

The Office welcomes the proposed amendments to the development management standards in respect of densities, building heights and maximum car parking requirements, consistent with Recommendation 8 of the Office's submission to the draft Plan.

Minor modifications to the material amendments would, however, provide further clarity in relation to the guidelines on *Sustainable Residential Development in Urban Areas* 2009 (SRDUA) and other relevant policy.



MA Observation 1 - Development Management Standards

In the interests of clarity and to ensure consistency with the section 28 Guidelines: *Sustainable Residential Development in Urban Areas* 2009 and *Circular 02/2021,* and to ensure internal consistency within the Plan, the planning authority is advised to include additional narrative to provide a policy context for table 15.3. In particular the narrative should:

- (i) make clear reference the guidelines set out in the Sustainable Residential Development in Urban Areas 2009 and Circular 02/2021;
- (ii) refer to the controls on applying lower densities as outlined in paragraph 6.12 of the Guidelines;
- (iii) cross reference the role of the council's local area plans, the urban design framework plans, the forthcoming building typology and height study (Policy CGR7, MA3.1), the proposed development briefs for strategic sites (Policy CGR11, MA 3.2), and the village design statements (Policy RC7, MA 4.11) in determining site specific densities; and
- (iv) cross-reference the Urban Design Manual, in order to demonstrate that density is only one variable used in the assessment of development proposals.

3. Housing Strategy and relevant policies

3.1 Social and Affordable Housing

The Office is unclear as to the purpose of proposed amendment MA 2.6 which amends Policy SH1 Affordable Housing to *'Promote the provision of an affordable housing scheme* <u>on the outskirts</u> of An Spidéal' (our emphasis).

In the first instance, it is not clear which, if any of the zoned lands the proposed amendment would apply to. The Authority will also be aware that all zoned lands if



developed, would be required to demonstrate compliance with Part V provision in relation to both social and affordable housing.

Furthermore, the draft Plan seeks to deliver affordable homes in towns and villages in close proximity to services and employment and policy HS2 seeks to actively procure vacant homes and develop housing in infill and brownfield sites within town and village centres for social and affordable housing.

The specific reference to 'the outskirts' of An Spidéal as stated in the amendment, is inconsistent with these objectives, and to national and regional objectives for compact growth under NPO 3c and RPO 3.2, sequential approach to the zoning of lands under Ministerial Guidelines, and the tiered approach to zoning outlined in NPO 72.

MA Recommendation 4 – Affordable Housing An Spidéal

Having regard to the national and regional objectives for compact growth NPO 3 and RPO 3.2; the requirement under the *Development Plans, Guidelines for Planning Authorities* (2007) and *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August 2021) that a sequential approach to the zoning of lands is applied, and the tiered approach to zoning outlined in NPO72, as well as the statutory requirements to comply with Part V of the Planning and Development Act 2000 (as amended), the planning authority is required to remove proposed amendment MA 2.6 in its entirety or to make a minor modification to remove reference to '*on the outskirts*'.

3.2 Traveller accommodation

The Office notes the decision of the planning authority not to include objectives in the plan for the provision of accommodation for Travellers and the use of particular areas for that purpose in accordance with Recommendation 3 of the Office's submission to the draft Plan.



The Office acknowledges response in the Chief Executive's report (CE report) and that Galway County Council has provided Traveller specific accommodation at a number of locations.

The Office accepts that there appears to be no immediate demand for significant new sites and/or zonings for Traveller specific accommodation arising from the Galway County Traveller Accommodation Programme 2019-2024 (TAP). Nonetheless, the existing provision and intentions to expand existing sites could be communicated more effectively in the plan and on mapping.

In this respect the planning authority is advised to consider the OPR's Case Study Paper 03 (CSP03) which identifies some best practice examples of integrating the TAP into the Development Plan. The Office appreciates that the CE report was published prior to the publication of the CSP03 and acknowledges that the Galway County TAP will be reviewed in 2024.

The Office also advises that following the new TAP, the planning authority should consider whether a Variation to the Plan is required in order to ensure that the Development Plan is consistent with the needs identified in the TAP.

4. Rural Housing and Regeneration

Galway County has historically been predominantly rural in character and the Office fully appreciates the intent to ensure that rural areas are supported through active policies in the development plan. Within more recent times, however, urban generated pressure for houses in the open countryside has increased substantially, with consequences not only for the environment, but also population decline in rural towns and villages.

This pressure for urban generated housing in the countryside, as distinct from people with a social or economic need to live in an area, will only continue if facilitated by the Development Plan.

The Office's submission on the draft Plan supported the plan's objective to 'support the role of rural areas in maintaining a stable population base through a strong



network of villages and small towns', as consistent with NPF's national strategic outcome to strengthen rural economies and communities.

Subject to a small number of recommendations, the policy approach to rural housing in the draft Plan was generally considered to be evidence-based, reasonable and generally consistent with the legislative and policy context, including NPO 15 and 19 and the *Sustainable Rural Housing Guidelines for Planning Authorities* (2005).

The Office considers, however, that a number of the proposed amendments undermine, and in some cases propose the removal of, key elements of that policy framework in a manner that is inconsistent with national and regional policy.

4.1 Identification of areas under urban influence

The Office's submission to the draft Plan (Recommendation 9) dealt directly with the issue of urban generated housing, and in particular a review of the rural area typologies map in respect of the area to the east of the county which may be within the influence, or catchment, of larger settlements, such as Athlone and Nenagh.

The Office notes that the CE's recommendation to amend the rural typologies map in response to this recommendation was based on an analysis of commuting patterns and pointed to further areas of the county under urban pressure.

The Office further notes, however, the decision of the members not to accept the CE's recommendation and what is more to revert, without any apparent evidence basis, to the current Galway CDP 2015-2021 Rural Typologies Map (MA 4.1), which is based on old census data and does not take account of very significant recent levels of rural housing in the county or the publication of the National Planning Framework in the intervening period.

By contrast, the areas defined in Map 4.1 Rural Area Types of original draft Plan was based on an analysis of housing data, population, commuter trips and landscape character assessment (section 4.6), and was arrived at through an evidence-based approach which informed its overall core strategy.



The proposed amendment therefore fails to respond to the new planning policy context for planning authorities set by Government which is centred on supporting and strengthening the rural economy through the sustainable regeneration of rural towns and villages and by promoting consolidation and compact and sequential development in of all urban and rural settlements.

MA Recommendation 5 - Rural Map / NPO19

Having regard to the requirement to implement objectives for sustainable settlement and transport strategies under section 10(2)(n) of the Act and to the Government's commitment to climate action and the need to transition to a low carbon society, the *Sustainable Rural Housing Guidelines* (2005), and NPO 19 of the National Planning Framework the planning authority is required to make the plan without material amendment 4.1

4.2 Rural Housing Criteria

As outlined in the Office's submission to the draft Plan, there were elements of the rural housing criteria that required further consideration and revision to ensure consistency with NPO 19 and the *Sustainable Rural Housing Guidelines 2005.*

The Office welcomes the inclusion of the requirement to demonstrate 'substantiated rural housing need', to policies RH 1 (metropolitan area), RH2 [part1(b)] and RH4 [part 1(b)]; within MA 4.2, 4.3 and 4.4 respectively. However, the reference to 'substantiated rural housing need' is not a requirement across many of the qualifying criteria that apply to rural areas under urban influence, which is contrary to NPO 19.

The Office welcomes the inclusion of the term 'rural need' which reflects NPO 19; but it has failed to omit the term 'link' and has opted to include both together. This lacks clarity and is inconsistent with NPO 19.

The Office also welcomes the decision to reinstate the concept of protecting the urban fringe of the larger settlements, although it notes that an urban fringe for the



Key Town of Ballinasloe does not form part of the material amendments, as recommended in the CE Report.

In addition to the above matters raised in the Office's submission to the draft Plan, it is noted that there are a number of new material amendments that relate to rural housing policy and the associated development management policy, chapters 4 and 15 of the draft Plan.

More specifically, under MA 4.3 and 4.4 significant additions are proposed to expand the number of qualifying criteria for building in Rural Housing Zone 2 and Rural Housing Zone 4. These amendments would undermine the viability of smaller towns and rural settlements inconsistent with NPO 19, and the *Sustainable Rural Housing Guidelines 2005*.

MA 4.8 seeks to omit RH14 policy in relation to linear development, contrary to the clear guidance on the need to avoid ribbon development throughout the *Sustainable Rural Housing Guidelines 2005*. Additionally the absence of a policy on linear/ribbon development could serve to undermine the draft Plan's achievement of the policy objectives for landscape conservation and management.

A number of new amendments to the rural housing policy also relate to access to restricted regional roads. In this respect, MA 4.9 and MA 15.11 seek to relax the restrictions for access onto restricted regional roads. A further amendment within chapter 7, 'Infrastructure, Utilities and Environmental Protection', MA 7.5 seeks to shift the emphasis of policy WS8 in relation to the proliferation of septic tanks, from discouraging over concentration/proliferation to encouraging the use of high standard treatment units. This creates ambiguity as to the regulatory requirements for the installation of wastewater treatment plants.

The Office is concerned that the combined effect of these proposed amendments is to undermine the Core Strategy and cause a conflict with stated policies set out elsewhere in the draft Plan. In particular, these policies will have the effect of undermining the stated strategic aims of the rural living and development strategy of the Council to reinforce the vitality and future of rural villages. They will also



undermine the achievement of RPO 3.4, NPO15 and NPO16 to reverse rural decline in small towns and villages and support their regeneration and renewal.

Finally, the Office notes that the SEA report recommends that material amendments 4.1, 4.2, 4.3, 4.4, and 4.7 are not adopted as part of the draft Plan. It advised that these amendments would dilute the management of rural housing and have the potential to result in more housing in Urban Fringe areas and the Open Countryside with associated significant adverse environmental effects including landscape, biodiversity, surface and ground water, human health and emissions from transport. It also indicates that this would present potential conflicts with legislative requirements including the European Habitats and Water Framework Directives that would be challenging to mitigate.

MA Recommendation 6 - Rural Housing Criteria

Having regard to the national and regional policy objectives to support sustainable development in rural areas by managing growth of areas that are under strong urban influence while reversing rural decline of small towns and villages (NPO 15, 16 and 19 and RPO 3.4), and the *Sustainable Rural Housing Guidelines* (2005) in respect of rural generated housing and ribbon development, the planning authority is required to make the Plan without:

- (i) MA 4.2, 4.3 and 4.4, <u>except</u> for those elements that relate to the *urban fringe*; and the reference to '*substantiated rural housing need*' and '*rural need*' that were included on foot of Recommendation 9 of the Office's submission to the draft Plan;
 - (ii) MA 4.9 to policy RH17 in respect of direct access on to restricted regional roads;
 - (iii) MA 7.5 to policy WS 8 in respect of the proliferation of septic tanks;
 - (iv) MA 15.11. to DM standard 27, in relation to access to national and other restricted roads for residential developments;



(v) MA 4.8 and to retain policy RH14 (linear development) as per the draft Plan.

5. Economic Development and Employment

5.1 Employment Zoned Land

The Office notes the decision of the members not to accept the recommendation of the chief executive to remove the zoning objective for land at Headford (Business and Enterprise) and Oughterard (Tourism) in accordance with Recommendation 11 of the Office's submission to the draft Plan.

As outlined in the Office's submission these land use zonings are not in accordance with the principle of compact growth, with possible adverse effects on the environment identified by the SEA Environmental Report in respect of the Oughterard site.

As outlined in the section 12(5)(aa) notice issued by the planning authority to the Office, the draft Plan, as amended, has not accepted the recommendation of the Office.

The Office notes that a number of material amendments in Volume 2 to zone additional lands for economic purposes, including BE Business & Enterprise, I Industrial, C1 Town Centre (retail and commercial) and for T Tourism. For the most part, these proposed amendments are considered reasonable.

The Office has, however, identified four amendments where the evidence basis for the zoning objective is not consistent with national or regional policy or the provision of a sustainable settlement and transport strategy under section 10(2)(n) of the Act.

In relation proposed amendment SGT LUZ Oughterard 9.1, extending the C1 Town Centre land use zone by c.1.9ha onto agricultural lands (zoned T Tourism in the draft Plan), the Office considers that the extension of the town centre in this manner is unwarranted in the absence of a retail strategy³ in accordance with the provisions of

³ The Office notes the intention of the planning authority to prepare a Joint Retail Strategy with Galway City Council during the Plan period.



the *Retail Planning Guidelines for Planning Authorities* (2012) to determine the retail requirements of the settlement, in an evidence-based approach, and to define the core retail area for Oughterard.

In addition, proposed amendment RSA LUZ Glennascaul 18.1 (and amendment 5.4 Volume 1 also refers) introduces a zoning objective for I Industrial (c.2.7ha) on lands reliant on direct access to the N67 where the 100kph speed limit applies, conflicting with section 2.5 of the *Spatial Planning and National Roads Guidelines for Planning Authorities 2012*. Section 2.5 requires the implementation of a policy approach in the Plan to avoid the generation of increased accesses to national roads to which speed limits >60kph apply in order to protect the carrying capacity of the national road network.

Proposed amendment SGT LUZ Portumna no. 10.2 to extend the settlement boundary to the west of the settlement for T Tourism for a site of c.4ha, outside the existing built up area where the 80kph speed limit applies. The site is isolated and lacking in terms of connectivity infrastructure from the town centre and would conflict with the implementation of objectives under section 10(2)(n) of the Act for sustainable settlement and transport strategies.

Proposed amendments SGT LUZ Maigh Cuillinn 8.2a, 8.2b and 8.4, are located adjacent the route of the proposed N59 bypass. Notwithstanding the proposed amendment Maigh Cuilinn MA 2 to safeguard the N59 Moycullen Bypass from 'future inappropriate development and new accesses', in the absence of an appropriate evidence-base assessment to determine the critical issues of access and traffic impact, the proposed amendments conflict with the objective to safeguard the N59 Moycullen Bypass from future inappropriate development and new accesses.

Finally, the Office notes that MA 5.4 as echoed in RSA LUZ Galway Airport 17.1 (Volume 2) proposes to include a Business and Enterprise zoning immediately to the north of the airport. While the existing use of part of this site for employment use is recognised, the scale of the additional lands represent a piecemeal zoning which is premature pending the strategic plan-led approach to the area through the preparation of the masterplan as indicated in policy EL4.6.



Having regard to the requirement to implement objectives for sustainable settlement and transport strategies under section 10(2)(n) of the Act, and to the requirements of the *Retail Planning Guidelines for Planning Authorities* (2012) and the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), including the implementation of an evidence-based approach, the planning authority is required to make the Plan without the following proposed amendments in Volume 2:

- SGT LUZ Oughterard 9.1
- RSA LUZ Glennascaul 18.1 (and 5.4 in Volume 1)
- SGT LUZ Portumna no. 10.2
- SGT LUZ Maigh Cuillinn 8.2a, 8.2b and 8.4
- MA 5.4 and RSA LUZ Galway Airport 17.1 which is also considered to be premature pending the preparation of a masterplan for the airport consistent with RPO 3.6.6 and policy EL 4.6 of the draft Plan.

5.2 Major Accidents Directive

The Office welcomes MA 7.22, which includes the identification on a map of the sites relevant to County Galway, consistent with the requirements of section 10(2)(k) of the Act. The Office notes that the relevant consultation radii are not identified in the plan and, if available, these may be worth including for transparency.

6. Sustainable Transport and Accessibility

The Office acknowledges that considerable work and engagement is evident in relation to progressing the coordinated transport planning by the Council. However, the material alterations do not include modal shift targets as required by Recommendation 13 of the Office's submission on the draft Plan.



The Office accepts the CE Report response and the difficulties in predicting modal shift. However, mindful of the significant work undertaken in the transport study and the ongoing and committed work of the planning authority in preparing Local Transport Plans and Area Based Transport Assessments, it is considered that there should be scope to outline, by way of minor modification, indicative interim targets in the Development Plan. The planning authority should consider making a positive statement or commitment to keep the issue of modal shift targets under review and if deemed necessary incorporate these into Plan by way of future variation. This is particularly relevant in the context of Section 10(2)(n) and the potential requirements arising from future local authority climate action plans.

Loughrea Rail Infrastructure

The Office notes that there has been no material amendment in respect of Observation 10 of the Office's submission, and acknowledges that the CE Report recommended the policy be removed its entirety.

The Office wishes to reiterate that the intention of policy PT8 is laudable and there is no objection in principle to the inclusion of a general policy to identify the council's long-term aspirations and ambitions, particularly where these relate to sustainable transport. However, it should be clearly communicated in the plan that this is as a long-term proposal that will require due diligence in terms of feasibility studies and consultation, as noted by the NTA.

The Office considers there is opportunity to provide this clarity by way of a minor modification to policy PT8.

6.1 Spatial Planning and National Roads Guidelines for Planning Authorities

The Office welcomes material amendments 6.18 and 6.20 (new policy objective NR4), which gives effect to the section 28 *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) in compliance to recommendation 14 (i) and (ii).



However, the planning authority has failed to act on Recommendation 14 (iii) in respect of revisions required to RH16 and development management standard 27 and the plan does not comply with the provisions of the guidelines.

7. Climate Action and Renewable Energy

The Office notes that MA 14.4 includes a new policy objective in relation to a wind energy buffer zone. The majority of the land area impacted by this buffer area is identified as 'not normally permissible' in the LARES wind potential map.

While the inclusion of the buffer zone appears to have no evidential basis and results in conflicting policy objectives⁴ within the draft Plan, it is considered that it will have minimal material impact on the ability of the County to achieve its wind energy targets and deliver on the Local Authority Renewable Energy Strategy.

8. Flood Risk Management

The Office welcomes the planning authority's approach to updating the Strategic Flood Risk Assessment (SFRA), including the application of the plan-making Justification Test and the consequential amendments to land use zoning objectives throughout the Plan area in accordance with Recommendation 15 of the Office's submission on the draft Plan. The Office also notes and welcomes the revisions to policy objective FL 8 Flood Risk Assessment for Planning Applications and CFRAM.

However, a number of material amendments have been proposed for the zoning of lands at risk of flooding for vulnerable or highly vulnerable uses in the settlements of Baile Chláir, Bearna, Oranmore, Headford and Portumna, contrary to the recommendations of the planning authority's own SFRA and the Strategic Environmental Assessment (SEA) Environmental Report.

The making of the Plan with the proposed amendments would be contrary to the provisions of *The Planning System and Flood Risk Management Guidelines for*

⁴ Chapter 14, policy CC1, CC2 and CC6.



Planning Authorities (2009) and NPO 57 of the NPF, to avoid development in areas at risk of flooding.

MA Recommendation 8 - Flood Risk Management

Having regard to NPO57 and to the provisions of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) the planning authority is required to make the Plan without the following material amendments in Volume 2 Material Alterations:

- MASP LUZ Baile Chláir nos.1.2
- MASP LUZ Bearna nos.2.1b and 2.4
- MASP LUZ Oranmore no.3.5
- SGT LUZ Headford nos.7.4 and 7.10
- SGT LUZ Portumna nos.10.2 and 10.4

The planning authority may consider making the Plan with proposed amendment SGT LUZ Portumna no.10.4 subject to a minor modification restricting development to water compatible development, as defined by the guidelines (proposed amendment SGT LUZ Portumna nos.10.2 is subject of MA Recommendation 7 - Employment Zoned Land).

A minor modification to proposed amendment MASP LUZ Baile Chláir no.1.3 restricting development permissible to less vulnerable development would also be appropriate.

9. Environment, Heritage and Amenities

9.1 An Cheathrú Rua WWTP

The Office notes the decision of the members not to accept the recommendation of the chief executive to remove policy objective WW9 in accordance with Recommendation 16 of the Office's submission on the draft Plan.



Recommendation 16 advised that there was no policy basis or scientific evidence for this policy and its inclusion is contrary to Section 10(1D) of the Act, which requires that that the development objectives in the development plan are consistent with the conservation and protection of the environment.

As outlined in the section 12(5)(aa) notice issued by the planning authority to the Office, the draft Plan, as amended, has not accepted Recommendation 16 of the Office.

Moreover, the Office notes that MA 7.23 and volume 2 MA RSA LUZ 19.1 has the potential to compound the obstacles to the delivery of a WWTP for An Cheathrú Rua, which is relied on in the Plan's infrastructure assessment to facilitate growth of the village by the further 86 homes.

This proposes to change the zoning objective of the lands identified as the preferred site to provide a wastewater treatment plant for An Cheathrú Rua from 'rural countryside' to 'open recreation and amenity area' outside of the settlement boundary of An Cheathrú Rua.

The proposed amendment is, therefore consider to be contrary to the requirement for the development plan to implement objectives for the provision or facilitation of the provision of wastewater infrastructure under section 10(2)(b) of the Act, and to the aforementioned section 10(1D) in respect of the conservation and protection of the environment.

Notwithstanding the planned wastewater treatment plant, the introduction of this land use zoning to lands which are not part of the settlement boundary and are disconnected from the designated settlement is not justified, particularly given the extent of lands suitably zoned for open recreation and amenity within the An Cheathrú Rua settlement boundary.

The zoning is also contrary to the Strategic Environmental Assessment (SEA) Environment Report, which recommends that these amendments should not be adopted as part of the draft Plan as they represent non-evidence based restrictions on future growth.



MA Recommendation 9 - An Cheathrú Rua

Having regard to section 10(2)(b), section 10(1D) and section 12(11) of the *Planning and Development Act 2000*, as amended, and to section 10(2)(n) of the Act consequent to the peripheral location of the lands outside An Cheathrú Rua settlement boundary, and to the recommendation of the SEA Environment Report, the planning authority is required to make the plan without amendment MA 7.23 (and RSA LUZ 19.1).

9.2 Wastewater Supply Infrastructure Policy

The National Wastewater Sludge Management Plan (NWSMP) which outlines Irish Water's strategy to ensure a nationwide standardised approach for managing wastewater sludge over the next 25 years, identifies that a Sludge Hub Centre is required for the Galway/Mayo region and that a detailed assessment is required in order to confirm the most economically feasible treatment option and to confirm the most appropriate site. This assessment has not yet been finalised.

As such, the Office considers that the inclusion of MA 7.8, which proposes to amend text in Section 7.5.10 (Sludge Management), MA 7.9 (amend Policy Objective WW1 Enhancement of Wastewater Supply Infrastructure), and MA 7.10 (amend Policy Objective WW 2 Delivery of Wastewater Infrastructure), which identify Ballinasloe and Tuam as being unsuitable locations for a regional waste management facility and/or sludge hub centre is premature.

The Office further notes that these amendments have been identified in the SEA Environment Report as having no policy or evidence basis for their inclusion.

The Office also considers that these proposed amendments are inconsistent with RPO 8.12, RPO 8.17, NPO 56 and NPO63, all of which seek to ensure that sustainable water services infrastructure is in place to meet demands of continuing population growth and the developing economy.



MA Recommendation 10 – Wastewater Management Infrastructure

Having regard to national and regional policy objectives promoting circular economy principles to maximise waste as a resource namely NPO 56 and RPO 8.17, and the provisions of NPO 63 and RPO 8.12 which seek to ensure that sustainable water services infrastructure is in place to meet demands of continuing population growth and the developing economy, and the Strategic Environmental Assessment Report, the planning authority is required to make the Plan without the following amendments:

- MA 7.8 Amendment to Section 7.5.10 Sludge Management
- MA 7.9 Amendment to policy objective WW 21
- MA 7.10 Amendment to policy objective WW 2

9.3 Environmental Assessments

The Office recognises that the planning authority has given detailed consideration of the material amendments in respect of its environmental assessments, SEA, Natura Impact Report and the Strategic Flood Risk Assessment.

It is noted that the SEA report identifies a considerable number of proposed material alterations that require mitigation by way of omission from the draft Plan. It is also noted that certain additional mitigation is recommended for inclusion in the draft Plan, arising from the Appropriate Assessment and the Strategic Flood Risk Assessment.

The planning authority will be aware of its obligations under the SEA Directive, as transposed, to consider the likely significant effects on the environment of implementing the development plan. Likewise, the planning authority, as the Competent Authority will be aware of the requirements under Articles 6(3) and 6(4) of the Habitats Directive, as transposed.



Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the Material Alterations to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.

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

Is mise le meas,

Anne Marie O'Connor Deputy Regulator and Director of Plans Evaluations