



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

MA-022-22

26th April 2022

Forward Planning,
Mayo County Council,
Aras an Chontae,
The Mall,
Castlebar,
Co. Mayo,
F23 WF90.

Re: Material Alterations to Draft Mayo County Development Plan 2021 - 2027

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft Mayo County Development Plan 2021 - 2027 (the MAs to the draft Plan).

As your authority will be aware, a key function of the Office of the Planning Regulator (the Office) is the 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.

As outlined in the submission of the Office to the draft Plan, the Office recommended changes to ensure consistency with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly area, and having regard to the *Housing Supply Target Methodology for Development Planning (2020)*; *Sustainable Residential Development in Urban Areas Guidelines (2009)*; *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*; *Guidelines for Planning Authorities, Retail Planning (2012)*; the *Climate Action Plan 2021*; *Interim Guidelines for Planning*

Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

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 that the Chief Executive's Report (CE Report) on submissions accepted the majority of recommendations and observations of the Office and recommended changes in response to the issues raised.

In particular, the Office welcomes the response of your authority in addressing the issue raised in relation to the settlement hierarchy identifying Ballina and Castlebar as Key Towns, distinct from Westport.



Your efforts in promoting and monitoring active land management measures and your commitment to the commencement of a review of the Mayo County Renewable Energy Strategy 2011-2022 within one year of adopting the plan are also welcomed. In particular, the proposal to provide for a minimum renewable energy target of 600MW, pending targets being set at a regional level, demonstrates Mayo County Council's commitment towards contributing to the national renewable electricity target under the *Climate Action Plan 2021*.

The Office notes, however, that many of the chief executive's (CE) recommendations were not accepted by elected members.

In this submission, the Office outlines its serious concerns regarding a considerable number of the material amendments proposed.

In many cases, the proposed amendments contradict existing and wider policy commitments in the draft Plan to enhance the regeneration, population and economic growth of towns and villages in the County in a sustainable and compact manner.

As stated in the submission to the draft Plan, the Office fully recognises that Mayo is a predominantly rural county and that it is important that the countryside continues to be a living and lived-in landscape, focusing on the requirements of rural economies and rural communities as recognised by national policy.

At the same time, it is imperative that development plan policy protects against ribbon and over-spill development from urban areas, and supports the National Strategic Outcomes set out in the National Planning Framework for compact growth, sustainable mobility, transition to a low carbon and climate resilient society and sustainable management of environmental resources.

The Office considers that an appropriate balance in the overall development of both urban and rural areas across Mayo has not been achieved in your draft Plan.

The Office also notes the extent of additional residential zoning objectives and extensions to settlement boundaries proposed as material amendments to the draft Plan. Not only are these amendments inconsistent with the significant reduction in the proportion of housing allocated to these towns in the revised core strategy, but

they would facilitate sprawl on the edge of settlements and over reliance on transport by private car.

There are, therefore, a number of areas where the Office is of the view that the material amendments and/or the response to the recommendations of the Office in the submission to the draft Plan are not consistent with national or regional policies.

These instances are clearly identified in the submission below and the reasons and considerations of the Office in reaching this conclusion are set out.

In addition, in its evaluation of the Material Alterations, the Office has been struck by the overall pattern of the amendments which both individually and cumulatively conflict with the national strategy outcomes of the National Planning Framework and associated NPOs, to the extent that it could reasonably be considered to demonstrate a disregard for the statutory obligations of a local authority under section 12(18) of the Act.

It is within this context the submission below sets out 12 recommendations and 1 observation under the following 10 themes:

Key theme	MA Recommendations / MA Observation
Core strategy and settlement strategy	MA Recommendations 1 and 2
Sustainable development and regeneration	MA Recommendations 3 , 4 and 5
Zoning for residential development	MA Recommendations 6 and 7
Rural Housing and Regeneration	MA Recommendation 8
Economic and employment zoning	MA Recommendation 9
Flood risk management	MA Recommendation 10
Sustainable Transport and Accessibility	MA Recommendations 11 and 12
Renewable energy and landscape appraisal	-
Rights of Way	-
Miscellaneous	MA Observation 1



1. Core Strategy and Settlement Strategy

The Office welcomes the revised Housing Supply Target (HST) prepared in response to Recommendation 1 of the Office's submission to the draft Plan, which calculates the need for 3,252 housing units over the plan-period consistent with the methodology set out in the section 28 guidelines *Housing Supply Target (HST) Methodology for Development Planning (2020)*.

Recommendation 3 of the Office's submission to the draft Plan sought to rebalance the overall allocation of population growth and housing supply across the settlement hierarchy to achieve a more sustainable distribution of growth focused on towns and villages across the county.

While the revised HST figure of 3,252 housing units has correctly informed the revised Core Strategy Table, contrary to Recommendation 3 of the Office's submission to the draft Plan, the required adjustments have been largely made by reducing the housing growth for towns such as Ballina, Castlebar, Westport, Ballinrobe, Ballyhaunis, Belmullet, Claremorris and Swinford (by 43% compared to the draft Plan).

In contrast, the housing growth at the amalgamated 'Tier V villages and open countryside' has been adjusted by a significantly lesser extent (13%).

As a consequence, the proportion of total housing growth for the county in the Tier I towns of Ballina, Castlebar and Westport is reduced to 39%. At the same time, the amalgamated 'Tier V villages and open countryside' has increased from 28% to 36%.

This means that the core strategy now proposes a greater level of housing development in the open countryside¹ than the combined total for the Key Towns of Ballina and Castlebar, and only slightly less than the combined total for Ballina, Castlebar and Westport.

In addition, the combined level of housing development for the remaining towns and villages across the county (Tiers II – IV), which includes the towns of Ballinrobe,

¹ With a very small provision for Tier V villages in the draft Plan.



Ballyhaunis, Belmullet, Claremorris and Swinford, is just 69% that of the open countryside.

The Office also notes that Tier V Rural Villages has been merged with the Rural Countryside which is not in accordance with section 10(2A)(vi)(iii) of the Act which requires a development plan to set out a settlement hierarchy with aggregate projected population for “open countryside outside of villages and towns”.

In support of the increase in population to rural areas, Proposed Amendment CH2.22 seeks to amend the settlement strategy from that of the draft Plan which sought *‘to provide the framework for the sustainable development of the county by balancing the distribution of Mayo’s population to the ratio of 60:40 Rural to Urban by ensuring development is targeted in a manner that revitalises Mayo’s rural population without compromising the growth of its urban areas.’*

Instead, the amendment seeks to maintain the distribution of Mayo’s population at current rural to urban ratio levels, and to remove specific reference to compromising the growth of urban areas.

Furthermore, contrary to Recommendation 3c of the Office’s submission on the draft Plan, no clear evidence approach has been provided in respect of the level of rural housing in Tier V village and the open countryside over the plan period (1,157 units) as required under NPO 20 and under the *Sustainable Rural Housing Guidelines for Planning Authorities* (2005).

The Office also has concerns regarding the proposed amendments to the core strategy which significantly reduce population and housing growth to Ballina and Castlebar (Tier I towns) without any clear evidential basis. Indeed, this approach would appear to be at odds with Mayo’s position of successfully arguing the case for two Key Towns (Castlebar & Ballina) in the county under the RSES, and the additional elevated position of Westport as a Strategic Growth town in the draft Plan.

This approach would also appear to be inconsistent with the overarching strategic objective in the draft Plan to achieve the sustainable, balanced development of the

Rural Settlements and Rural Villages (SSP 5), compact growth (SSO 6 & SSO 8) and sustainable transport (SSO 6 & SSO 7).

There is a real danger, therefore, that the net effect of this strategy will be to significantly undermine the potential for growth and regeneration within the towns and villages across the county. Furthermore, it does not reflect the changing policy context set out in the National Planning Framework in response to the need for compact growth, sustainable mobility, transition to a low carbon and climate resilient society, sustainable management of environmental resources, and reversal of rural decline in villages.

In considering this matter, your authority will of course be aware of the requirement under section 10(2A) of the Act for the core strategy to provide relevant information to show that the development plan is consistent with the NPF and the RSES. As such, the Office has significant concerns that the proposed strategy fails to achieve a reasonable or appropriate balance in relation to housing and population growth across the settlement hierarchy, of the nature required to ensure consistency with national and regional policy and to deliver good planning outcomes for both urban and rural communities in Mayo.

In addition to the above concerns regarding the core strategy and associated settlement strategy, the Office notes that Proposed Amendments CH2.11 and CH2.19 introduce a provision to allow housing targets within settlements to be exceeded, but within the confines of the overall population target for the county.

This approach is contrary to the provisions of section 10(2A) of the Act and would undermine the very purpose of the decisions to be made by a planning authority in devising its core strategy and settlement strategy, to the extent that at the very least it cannot be evaluated in the context of national and regional policy, or by extension cannot reasonably be considered to constitute a strategy at all within the meaning of the Act.

Some of the issues raised above can be addressed by way of a decision of the planning authority to make the Plan without specific material amendments. However, the amendments made to the core strategy present deeper challenges at this stage



in the process, in relation to whether or not an overall strategy for proper planning and development can be achieved at all.

The above is the case because to revert to the draft Plan would mean that the Plan is not only made contrary to Recommendation 3 of the Office's submission to the draft Plan, but also to Recommendation 1(a) regarding compliance with the requirements of the *section 28 Guidelines: Housing Supply Target Methodology for Development Planning 2020* and Appendix 1 of the accompanying Ministerial Letter (i.e. with the incorrect Housing Supply Target).

Given the serious concerns of the Office regarding the consistency of the core strategy and associated settlement strategy with the national and regional policy that have been set out above, any recommendations in respect of minor modifications or omissions of material amendments are made without prejudice to the Office's ultimate determination as to whether the adopted Plan fails to set out an overall strategy for proper planning and sustainable development of the area.

MA Recommendation 1 – Core strategy and settlement strategy

In accordance with the provisions for the development plan core strategy set out in Section 10(2A) of the *Planning and Development Act 2000*, as amended, and having regard to:

- (i) the National Strategic Outcomes for compact growth, sustainable mobility, transition to a low carbon and climate resilient society and sustainable management of environmental resources set out in the National Planning Framework;
- (ii) Regional Policy Objectives (RPOs) 3.1 – 'Develop urban places of regional-scale';
- (iii) NPO 6, 15, 18, 20 in respect of the regeneration and renewal of towns and villages, evidence based approach to single housing in the open countryside and avoiding over-development while sustaining vibrant rural communities;

- (iv) the requirement for objectives to promote sustainable settlement and transport strategies under section 10(2)(n) of the Act;
- (v) the overarching strategic objective in the draft Plan to achieve the sustainable, balanced development of the Rural Settlements and Rural Villages (SSP 5), compact growth (SSO 6 & SSO 8) and sustainable transport (SSO 6 & SSO 7); and
- (vi) Recommendation 3a-3c of the Office's submission to the draft Plan.

The planning authority is required to make the Plan without the following amendments:

- Proposed Amendment CH2.11 relating to modified text under Section 2.7.9 of the draft Plan.
- Proposed Amendment CH2.19 which seeks to introduce a new objective to facilitate flexibility in the housing unit allocation between Tier I and Tier II towns.
- Proposed Amendment CH2.22 which removes the population ratio of 60:40 Rural to Urban and the specific commitment to the growth of urban areas.

Notwithstanding the Plan is to be made without the above amendments, the Office notes that the planning authority has, through Proposed Amendment CH2.7, introduced a revised core strategy which is not consistent with national and regional policy under (i) to (iv) above, but where the reversion to the draft Plan would not be consistent with the correct Housing Supply Target calculated in accordance with the *section 28: Housing Supply Target Methodology Guidelines* (2020) or with Recommendation 3a; 3b; and 3c of the Office's submission to the draft Plan.



1.1 Settlement Hierarchy

The Office welcomes the response to Recommendation 2 of the Office's submission to the draft Plan, to revise the settlement hierarchy such that Tier 1 is now split into Tier 1(a) Key Towns (Ballina and Castlebar) and Tier 1(b) Strategic Growth Town (Westport). However, there remains inconsistencies in the draft Plan as Westport is referenced as a Key Town in section 3.4.8 and in policies and objectives SSP 2; SSO 2 and EDP 8. It is therefore recommended that these inconsistencies are corrected by means of a minor modification.

MA Recommendation 2 - Settlement Hierarchy - Westport

Having regard to Table 4.0 (Key Towns) and section 3.8 of the Regional Spatial and Economic Strategy (RSES), the settlement strategy objectives set out under Regional Policy Objective 3.1 and National Policy Objective 9, and to ensure consistency between the revised Core Strategy Table and other policies and objectives of the draft Plan in the interests of clarity and transparency, the planning authority is required to amend wording in the draft Plan by means of a minor modification that makes reference to Westport as a Key Town within Section 3.4.8 of the draft Plan and SSP 2; SSO 2 and EDP 8, as initially proposed in the Chief Executive's Report.

2. Sustainable Development and Regeneration

2.1 Material amendments relating to compact growth and core strategy

The Office notes with serious concern the extent to which the proposed amendments to the draft Plan proposed by elected members seek to at least weaken or remove those objectives in the draft Plan intended to ensure that the level of growth in each settlement fits within the core strategy, promotes compact growth, adopts a sequential approach to development, and ultimately delivers good planning outcomes for communities in Mayo in a manner consistent with wider Government and regional planning policies.



Moreover, the proposed amendments result in internal inconsistencies within the draft Plan itself resulting in a lack of clarity and transparency for the public, and an unsound basis for decision making by your authority in its statutory development management functions.

The relevant material amendments identified by the Office include:

CH 2.12

CSP 1 To promote and facilitate the development of ~~sustainable~~ all communities in the county. ~~, by managing the level of growth in each settlement to ensure future growth is in accordance with the Core Strategy and County Settlement Hierarchy, in order to deliver sustainable and vibrant rural and urban communities.~~

CH 2.13

Delete CDP 2.

~~**CSP 2** To support the implementation of the Core Strategy for Mayo in a manner that is consistent with policies at a national and regional level, in particular population targets and distribution.~~

CH 2.14

CSP 4: To support the ~~compact~~ growth of towns and villages and open countryside to ensure that development proceeds sustainably and at an appropriate scale. ~~, density and sequence and in line with the Core Strategy Table.~~

CH 2.15

CSO 4 To move towards more compact towns by promoting the development of infill and brownfield/consolidation/regeneration sites where available and the redevelopment of underutilised land within and close to the existing built up footprint of existing settlements ~~in preference as an alternative~~ to edge of centre locations.

CH 2.16

Delete CSO 5 text and replace with "To encourage where possible the delivery of 30% of new homes in urban areas within the existing built up footprint of settlement."

~~**CSO 5** To deliver at least 30% of all new homes in urban areas within the existing built up footprint of settlements.~~

CSO 5 To encourage where possible the delivery of 30% of new homes in urban areas within the existing built up footprint of settlement.



CH 2.17

To deliver at least 20% of all new homes in the rural area on suitable brownfield sites, including rural towns, villages and the open countryside ~~within the existing built up footprint of settlements~~. For the purpose of clarity, rural towns/villages are settlements with population levels less than 1,500 persons.

CH 2.18

Delete CSO 7.

~~CSO 7 To implement all land use planning policies and objectives in a manner which takes account of and is consistent with the Core Strategy, in order to accelerate a transition to a greener, low carbon and climate resilient county with a focus on reduced travel demand through the promotion of sustainable settlement patterns.~~

CH 2.21

Delete CSO 8.

~~CSO 8 To monitor development for compliance with the objectives of the Core Strategy and adjust, where necessary, the approach taken to the consideration of development proposals, in order to ensure effective and reasonable alignment with national and regional policy and objectives.~~

In addition to the above, Proposed Amendment DMS.1 seeks to amend the residential density requirements set out in Table 2 of Vol. 2, Chapter 3: Development Management Standards.

Whereas the draft Plan specified 'Minimum' density standards of between 20 – 35 units per hectare in urban areas, the proposed amendment seeks to change the stated density to 'maximum' standards.

Such maximum densities proposed are not in accordance with recommended density standards detailed in the section 28 *Residential Development in Urban Areas Guidelines* (2009) and would further comprise the ability to deliver compact and sustainable growth as required by national and regional policy, and indeed the draft Plan itself.

MA Recommendation 3 - Sustainable development and regeneration

Having regard to national and regional policy objectives NPO3, NPO 13, and RPO 3.2, the *Development Plans Guidelines for Planning Authorities (2007)* and *Development Plans Guidelines for Planning Authorities - Draft for Consultation (2021)*, *Residential Development in Urban Areas Guidelines (2009)*, section 10(2)(n) of the *Planning and Development Act 2000*, as amended, and to ensure consistency between the core strategy and other policies and objectives of the draft Plan in the interests of clarity and transparency, the planning authority is required to make the Plan without following material amendments:

- CH 2.12
- CH 2.13
- CH 2.14
- CH 2.15
- CH 2.16
- CH 2.17
- CH 2.18
- CH 2.21
- DMS. 1

2.2 Development Approach Tier 1 Towns

Recommendation 4 of the Office's submission to the draft Plan requested the planning authority to clearly set out how the objectives in section 10(2) of the Act were to be achieved pending the adoption of local area plans for Ballina, Castlebar and Westport.

While the planning authority has not complied with the specifics of this recommendation, the Office does welcome the commitment to prepare and adopt local area plans (LAPs) for these towns and the inclusion of additional objectives in relation to sustainable settlement and transportation.

Future housing and employment growth will be crucial to achieving the critical mass necessary to enable the potential of these towns to be realised, and in particular the objectives for the key towns of Ballina and Castlebar set out in RPO 3.1 and 7.16 of the RSES.

Your authority will be aware, however, that under section 11A of the Act, land use zoning maps as contained in the existing Town & Environs Development Plans will have no legal standing upon adoption of the County Development Plan.

While the Office notes the statement to the effect that the land use zoning provisions of the existing town and environs development plans continue to be implemented on an interim basis until such time as local area plans are adopted, these plans predate the NPF & RSES and are now outdated.

The Office considers, therefore, that a firm time commitment to the LAP process should be set out in the Plan by way of a minor modification.

In relation to the preparation of a Retail Strategy (Recommendation 13 of the Office's submission to the draft Plan), the Office welcomes the commitment to undertake this exercise. However there are concerns with the 3-year timeframe. The Office advises that the retail strategy precedes the local area plans for the Tier 1 towns of Castlebar, Ballina and Westport, thereby ensuring that the spatial strategy for the LAP's are informed by the retail strategy.

MA Recommendation 4 – Development Approach Tier 1 Towns

Arising from Recommendation 4 of the Office's submission to the draft Plan and having regard to section 11A of the *Planning & Development Act 2000*, as amended, the planning authority is required to include a minor modification to provide that the local area plans for Ballina, Castlebar and Westport shall be made and have effect within 12 months of the adopted county development plan.



2.3 Development Approach Tier III - V Towns

Recommendation 5 of the Office's submission to the draft Plan set out a range of requirements in order to provide a clearer and more detailed planning framework for smaller towns and villages consistent with policy objective CSO1 (core strategy) and policy objective CSO4 (compact growth) of the draft Plan (Tiers III – V).

The Office notes the considerable work undertaken in satisfying Recommendation 5c and considers that a refinement of the consolidated approach to zoning, strengthens the Plan's overall policy framework to development in Tier IV – V towns and villages.

The Office also notes the planning authority's response to Recommendation 5a which seeks to provide a flexible zoning approach to Tier III settlements in an attempt to arrest population decline and encourage investment.

While the Office welcomes the commitment that these settlements are to be guided by the principles of proper planning and sustainable development and the provisions of the draft Plan, no objectives have been included to ensure that such principles are adhered to.

It therefore remains unclear how the objectives of section 10(2A) of the Act can be achieved in Tier III settlements and the delivery of compact growth and appropriate regeneration can be achieved, in accordance with the requirements of Recommendation 5a.

The Office also notes that the consolidated zoning has been extended in a number of Tier III settlements, effectively undermining the draft Plan's policy framework, consistent with policy objective CSO1 (core strategy) and policy objective CSO4 (compact growth), all contrary to Recommendation 5a.

For example, the land settlement boundary for Balla (Proposed Amendment Tier III Balla 2) and Killala have been extended (Proposed Amendment Tier III Killala 3, 4 and 5) while the boundary of Kiltimagh has been extended to the northwest (Proposed Amendment Tier III Kilti 2) and reduced at the south west.

Notwithstanding Recommendation 5b, to reduce the extent of consolidated zoning in Tier IV and Tier V towns and villages, cognisant also of the extent of land in some settlements that is subject to flooding and which has not been subject to a Justification Test, the consolidated zoning has been increased in 12 settlements (Attymass, Pollythomlish, Partry, Bangor Erris, Belcarra, Aghagower, Aghamore, Ballyheane, Crossboyne, Glenisland, Hollymount and Roundfort) and only reduced in two (Islandeady and Tourmakeady). It is noted that many of these settlements are unserved.

While the Office has accepted many of the proposed extensions having regard to their scale and location relative to the centre of the settlement, concerns have been identified in respect of the amendments specified below.

The effect of these material amendments is to facilitate an uncoordinated, random, and ultimately unsustainable pattern of development to the detriment of local communities that will erode the rural environment, make the reuse of existing buildings or brownfield/ infill development in the centre of the towns and villages less likely, and provision of physical and social infrastructure in a properly co-ordinated way, more difficult.

Noting that the housing supply targets for Tier III to IV settlements in the amended Core Strategy Table have been substantially reduced, no evidence-based rationale is provided for the extension of the development boundary and the provision of additional consolidated zoned lands.

The Office also notes that the SEA Environmental Report has raised concerns with the extension of lands in Belcarra and Bangor Erris.

MA Recommendation 5 - Development Approach Tier III to V Towns

Arising from Recommendation 5 of the Office's submission to the draft Plan, and having regard to section 10 (2A)(a) of the *Planning and Development Act 2000*, as amended, the National Strategic Outcome for compact growth, National Planning Objectives 3c, 6, 16, 18a, and 53, and Regional Policy Objectives 3.3 and 7.16, the

planning authority is required to make the Plan without the following material amendments to the settlement boundaries of Tier III, IV and V settlements:

- Proposed Amendment Tier III Balla 2.
- Proposed Amendment Tier III Killala 3, 4 and & 5.
- Proposed Amendment Tier III Kilti 2
- Proposed Amendment Tier IV BER 1 (Bangor Erris)
- Proposed Amendment Tier IV BEL 1 (Belcarra)
- Proposed Amendment Tier V ATT 1 (Attymass)
- Proposed Amendment Tier V POL 1 (Pollathomish)
- Proposed Amendment Tier V PTY 1 (Partry)
- Proposed Amendment Tier V GIL (Glenisland)

3. Zoning for Residential Development

3.1 Quantity of Zoned Residential Land / Strategic Reserve Residential

Recommendation 6a of the Office's submission to the draft Plan identified that the amount of land zoned for residential development, including Strategic Residential Reserve land was significantly in excess of population growth and likely demand in all settlements.

The Office acknowledges and welcomes the planning authority's approach to consolidating some of the new residential zoning objectives in the settlements. It is noted that the material alterations have amended the zoning objective for certain lands from 'New Residential' to long term residential zoning objective 'Strategic Reserve Residential Tier I'. The material amendments have also introduced a new zoning objective namely 'Strategic Reserve Residential Tier II'.



The Office notes the material amendment to amend the Strategic Reserve Land Use Zoning Objective in Table 12.2 which states that these lands are generally not developable during the lifetime of the plan, however where it is apparent that 'New Residential' lands cannot or will not be developed within the plan-period, residential development may be considered.

The Office further notes, however, that the proposed amendments afford a similar objective to 'Strategic Reserve Residential Tier II' lands, also allowing for potential residential development to occur where it is apparent that 'New Residential' or 'Strategic Reserve Tier I' lands cannot or will not be developed.

The Office considers, however, that the quantum of Strategic Residential Reserve Tier II lands proposed in the Plan, which significantly exceeds that required under the core strategy and in most instances (except for Ballyhaunis) significantly exceeds the quantum of Strategic Residential Reserve Tier I lands within settlements, goes against national and 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.

By providing a policy framework that allows this land to come forward within the plan-period there is significant danger of housing being provided in peripheral locations remote from service and facilities.

The Office acknowledges that the draft Plan was published before the publication of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (2021), which sets out an approach to ensure alignment between the housing supply targets in the core strategy and zoning in the development plan.

However, in the absence of any clear and transparent justification for the extensive provision of Strategic Residential Reserve zoned lands, concerns remain that the additional proposed Strategic Residential Reserve Tier II lands are not necessary for the purposes of ensuring sufficient choice for development lands, and are not long-term strategic and sustainable development sites within the context of the guidelines.



The Office also advises the planning authority to give careful consideration at this stage as to how such lands will be affected by the forthcoming Residential Zoned Land Tax.

Given the sufficiency of the land zoned for residential development and Strategic Residential Reserve Tier I over the plan period, the Office considers that stronger measures should be put in place to ensure that Strategic Residential Reserve Tier II land is not developable over the next 6 years.

MA Recommendation 6 – Strategic Residential Reserve Tier II Lands

Having regard to the sufficiency of land zoned for residential development over the plan period, including the ‘Strategic Residential Reserve Tier I’ land, the introduction of the ‘Strategic Residential Reserve Tier II’ land use zoning objective at material alteration stage is not consistent with the Core Strategy (Proposed Amendment CH2.7 & 2.8) or the approach to the zoning for residential lands under the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation (2021)*. Further to NPO3c and RPO 10 which promote compact growth; NPO 18a which encourages proportionate growth of rural towns / villages; and the delivery of sustainable settlement strategies objectives under section 10(2)(n) of the *Planning and Development Act 2000*, as amended. the planning authority is required to clarify the landuse zoning objective for ‘Strategic Residential Reserve Tier II’ lands as detailed in proposed material amendment CH 12.2; CH12.3 an CH12.4 so as to ensure that no multiple residential development proposals will be considered by the planning authority until after the full lifetime period of the development plan 2021 – 2027.

3.2 Tiered Approach to Zoning

The Office acknowledges the efforts of the planning authority in consulting with Irish Water and the Council’s Water Services Department to inform the extent of lands that can connect to existing development services.



However, there continues to be no Infrastructural Assessment Report (IAR), contrary to NPO72 and as required under Recommendation 7 of the Office's submission to the draft Plan. A comprehensive IAR prepared in accordance with Appendix 3 of the NPF is intended to provide all stakeholders, including elected members with relevant information to determine which areas to be zoned can readily be implemented to accommodate the delivery of housing and employment development targets under the plan.

Notwithstanding the Office's concerns in respect of the Plan, it will be imperative that a full settlement capacity audit/ Infrastructural Assessment Report, consistent with NPO 72 and the methodology for a Tiered Approach to Zoning under Appendix 3 of the NPF and section 4.5.2 of the *Development Plans Guidelines for Planning Authorities – Draft for Consultation (2021)*, is prepared to inform the development strategy for future LAPs in the county including Ballina, Castlebar and Westport.

3.3 Residential Zoning Amendments

Having reviewed the proposed material amendments in respect of the zoning objectives for individual sites and changes to settlement boundaries, the Office accepts the rationale presented by the Chief Executive and elected members for many of the proposed material amendments.

The Office has, however, identified a number of instances where the amendments are not consistent with compact growth under NPO 3c of the National Planning Framework (NPF), and RPO 3.2 of the Regional Spatial and Economic Strategy (RSES), and/ or the sequential approach to development set out in the *Development Plans, Guidelines for Planning Authorities (2007)* and the *Development Plans Guidelines for Planning Authorities - Draft for Consultation (2021)*.

In Ballinrobe, agricultural land and unzoned land outside the western boundary of the settlement was rezoned to new residential use (Proposed Amendment Tier II BROBE 1).

In Swinford, lands zoned for Recreation & Amenities /Rural Transition Zone and Agriculture Use were rezoned to New Residential Use (Proposed Amendment Tier II



SFORD 1). The land is also situated in in Flood Zone A/ B where not all conditions of the Justification test have been satisfied.

In both cases, these lands are peripherally located and are sequentially further removed from the town centre than other land already identified as Strategic Residential Reserve, contrary to principles of compact growth and sequential approach to development. The extent of the additional proposed residential zoning is also not consistent with the housing supply target set out in the core strategy.

The extent of land zoned Strategic Reserve Land has also been increased in Swinford and Claremorris without any evidential need, and contrary to the requirements of the core strategy and Recommendation 6b of the Office's submission to the draft Plan.

In Swinford:

- Proposed Amendment Tier II SFORD 2 rezones circa 4 hectares of land east of Meadow Park from Rural Transition Zone / Recreation & Amenities to Strategic Residential Reserve Tier I, notwithstanding circa 11 hectares of Strategic Residential Reserve Tier II land is already provided for and which is in excess of core strategy requirements. The land is situated in in Flood Zone A/ B where not all conditions of the Justification test have been satisfied.
- Proposed Amendment Tier II SFORD 7 rezones circa 1.3 hectares of lands to the west of Carrowbeg & south of Baxter from Enterprise & Employment to Strategic Residential Reserve Tier I notwithstanding circa 7.5 hectares of Strategic Residential Reserve land is already provided and which is in excess of core strategy requirements.

In Claremorris, c.37 hectares of additional land is proposed as follows:

- Proposed Amendment Tier II CLARE 1 – Rezones unzoned lands in Drumkeen to Strategic Residential Reserve Tier II, located remotely and well removed from the development boundary.



- Proposed Amendment Tier II CLARE 2 – Rezones lands adjoining Cluain Aoibhinn from Rural Transition Zone to Strategic Residential Reserve Tier II notwithstanding extensive provision of Strategic Reserve Lands already in the area and no demonstrable need for additional lands.
- Proposed Amendment Tier II CLARE 3 – Rezones land along the N60 at a location where 100kph applies, from Agriculture to Strategic Residential Reserve Tier II, on the periphery of the town, remote from other developable land which could result in piecemeal development and whose access may also be contrary to the provisions of official policy outlined in the section 28, *Spatial Planning and National Roads Guidelines (2012)*.
- Proposed Amendment Tier II CLARE 4 – Rezones 2.7 hectares of land north of Clareville from Recreation & Amenities to Strategic Residential Reserve Tier II. The northern extent of the land is in Flood Zone A and not all conditions of the Justification test have been satisfied. Having regard to the existing 46.9 hectares of Strategic Residential Reserve Tier II land in Claremorris, there is no evidential need for additional land as proposed.
- Proposed Amendment Tier II CLARE 5 – Rezones lands between Mayfield and Mayfield lake from unzoned lands/existing residential & agriculture to Strategic Residential Reserve Tier II, outside the settlement boundary, contrary to sequential approach to development and compact growth.
- Proposed Amendment Tier II CLARE 6 – Rezones lands adjoining Rushbrook from unzoned lands to Strategic Residential Reserve Tier II, located outside the settlement boundary contrary to sequential approach to development and compact growth.

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 *Development Plans Guidelines for Planning Authorities – Draft for Consultation*



(2021), 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.

MA Recommendation 7 – Quantity of Zoned Residential Land

Having regard to national and regional policy objectives NPO 3 and NPO 18a, RPO 3.2, the *Development Plans, Guidelines for Planning Authorities (2007)* and *Development Plans, Guidelines for Planning Authorities - Draft for Consultation (2021)*, section 10(2)(n) of the *Planning and Development Act 2000*, as amended, and the sufficiency of land zoned for residential development including Strategic Residential Reserve Tier I in the respective towns consistent with the core strategy, the Office considers that the following zonings proposed under the material amendments are inconsistent with the core strategy, and 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 in Swinford, Ballinrobe and Claremorris:

- Proposed Amendment Tier II BROBE 1
- Proposed Amendment Tier II SFORD 1
- Proposed Amendment Tier II SFORD 2
- Proposed Amendment Tier II SFORD 7
- Proposed Amendment Tier II Clare 1
- Proposed Amendment Tier II Clare 2
- Proposed Amendment Tier II Clare 3
- Proposed Amendment Tier II Clare 4
- Proposed Amendment Tier II Clare 5
- Proposed Amendment Tier II Clare 6

4. Rural Housing and Regeneration

Mayo 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.

With the exception of social housing, the pressure for urban generated housing in the shift in house building away from Mayo's towns and villages to the open countryside will intensify if facilitated by the Development Plan and undermine the achievement of balanced and mixed communities across the county.

The Office's submission on the draft Plan supported the Plan's strategic objective to *"promote the role of Mayo's rural countryside by developing a sustainable synergy between the rural area and network of settlements, enhancing the rural economy with improved connectivity, broadband, rural economic development opportunities and smarter working opportunities, all within the context of the sustainable management of land and resources"* (SO8), 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 notes the response to Recommendation 10 of the Office's submission to the draft Plan in the CE Report, which provides a clear rationale for the approach taken.

The Office has serious concerns, however, regarding the approach taken by elected members through material amendments to the draft Plan which fails to respond to the contemporary 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 urban and rural settlements.



Furthermore, the material amendments actively undermine objectives for the protection of the environment in County Mayo, as is evidenced by the authority's own SEA Report which considers that the proposed amendments will lead to potential conflict with the Strategic Environmental Objectives and risks not meeting the objectives of the National Planning Framework and the RSES.

The revised approach is clearly demonstrated by the amendment to delete and replace the Strategy Aim as follows:

CH3.1 Strategic Aim

Delete and replace Strategic Aim with below wording:

~~The strategic aim of this chapter is to facilitate the sustainable growth of all rural areas, towns and villages throughout the county by seeking to accommodate, as far as possible, all persons in their choices to live in our rural areas, towns and villages; by supporting and strengthening the rural economy to sustain vibrant rural communities, by promoting consolidation and compact development of all urban and rural settlements in an attractive setting that provides a suitable mix of housing with supporting amenities; and by ensuring coordinated investment in infrastructure that will support economic competitiveness and create a high quality living and working environment.~~

It is the strategic aim of this chapter to facilitate the progressive growth of all rural areas, towns, villages and open countryside throughout the country by seeking to accommodate all persons in their choices to live in rural areas.

The Office's submission to the draft Plan (Recommendation 10) dealt directly with the issue of urban generated housing, and in particular a review of the rural area typologies map in respect of land in proximity to the national road network and in particular the recently upgraded N5.

The Office notes that the CE's recommendation was to maintain the map in the draft Plan. The Office further notes, however, the decision of the members not to accept the CE's recommendation and instead to introduce Proposed Amendment CH 3.8 which significantly reduces the extent of land identified as 'Rural Areas Under Strong Urban Influence' and Proposed Amendment CH 3.6 which further demonstrates that the evidence-based approach previously used has been replaced solely by a density per square km criteria.

Proposed Amendment CH 3.6 also clarifies that rural villages located in areas under urban pressure are to be excluded from the above restrictions for a radial distance of 500 metres from village centres.

Density and spatial distribution of existing rural dwellings is, however, only one indicator used in determining rural area types and should be balanced with other parameters including commuter distances and times. The evidence-base for the

threshold of 30 inhabited units per square kilometre is also not apparent. The exclusion of factors previously applied as the evidence basis for the policy, including commuter patterns, travel times, and existing pressure areas, without any clear rationale significantly weakens the evidence base for the policy.

The Office considers, therefore, that there is an inadequate evidence-based approach to support the proposal to reduce the extent of land identified as ‘Rural Areas Under Strong Urban Influence’.

In relation to the 500m (from village centres) exclusion from the rural housing criteria in areas under strong urban influence, the Office has serious concerns that this may lead to urban generated sprawl on the edge of rural villages. Furthermore, the SEA and NIR identify that there are a number of Natura 2000 sites within these areas which could be affected by this proposed amendment.

As outlined in Recommendation 10b of 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 notes, notwithstanding the recommendation in the CE Report to amend the policy, that Objective RHO 1 has not been amended to demonstrate a social or economic “need” to live in Rural Areas Under Strong Urban Influence, in accordance with NPO 19. Instead, Proposed Amendment CH 3.12 introduces criteria under RHO1 to clarify what constitutes a ‘genuine housing need’. Criteria 2 enabling sons, daughters or other relations of non-farming persons to build a home and criteria 3 which enables returning immigrants to retire in a rural area where they spent a period of their lives is not linked to economic or social need and further dilutes the overall objective of the Plan to develop a sustainable relationship between the rural area and rural towns and villages.

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, which seek to facilitate and encourage development in the open countryside in a manner that is not consistent with national policy and/ or the

protection of the environment and delivery of good planning outcomes for communities across Mayo, including:

- Proposed Amendment CH 2.28 - Introduces a new objective (SSO 1) *‘to promote rural sustainability by facilitating people who wish to live in the rural countryside’* without any reference to the policies on rural housing in Chapter 3, or other environmental or planning considerations. This objective has the potential to result in lack of clarity and transparency for members of the public.
- Proposed Amendment CH 3.8 - Changes are proposed to text to encourage rural housing in the countryside.
- Proposed Amendment CH 3.9 – Deletes Policy RHP2 and replaces with a policy which seeks *‘to support the development of all rural areas to regain sustainability and vibrancy and to reverse the significant rural population decline since 1951’* without reference to the policies on rural housing in Chapter 3, or other environmental or planning considerations. Again, this objective has the potential to result in lack of clarity and transparency for members of the public.
- Proposed Amendment CH 3.10 – Amends Policy RHP 3 by deleting the consideration of the *‘carrying capacity of natural resources’*.

The Office is concerned that the cumulative and combined effect of these proposed amendments is to undermine the core strategy to such an extent that it creates wider conflicts with other stated policies 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 NPO15 and NPO16 to reverse rural decline in small towns and villages and support their regeneration and renewal.

MA Recommendation 8 – 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, and the National Strategy Outcomes for sustainable mobility, transition to a low carbon and climate resilience society, and sustainable management of environmental resources, the planning authority is required to make the Plan without the following amendments:

- Proposed Amendment CH 2.28
- Proposed Amendment CH 3.1
- Proposed Amendment CH 3.6
- Proposed Amendment CH 3.8
- Proposed Amendment CH 3.9
- Proposed Amendment CH 3.10

Notwithstanding the Plan is to be made without the above amendments, the Office notes that the planning authority has failed to act on Recommendation 10 of the Office’s submission to the draft Plan, in respect of revisions required to the policy framework in respect of Housing in the Open Countryside consistent with NPO 19 of the *National Planning Framework, and the Sustainable Rural Housing Guidelines* (2005).

4.1 Rural Regeneration

The Office notes the approach of the planning authority in proactively seeking to deliver an implementation strategy for the regeneration of its rural settlements and villages. A new objective in Chapter 2.0, which seeks to facilitate serviced sites on council acquired land, at affordable prices within the footprint of existing settlements will contribute to the regeneration of many rural towns and villages.



However, the Office notes that a number of proactive policies, recommended in the CE Report, which support the regeneration and renewal of small towns and villages were not brought forward as material amendments, including new policies and objectives RSVP and RSVO. Given the strategic direction of the draft Plan, which seeks to address Mayo's rurality and to build on the unique dispersed settlement characteristics of the county, the omission of these additional policies and objectives is considered to be a missed opportunity in further strengthening and delivering a strong rural county.

4.2 Rural Economy and Tourism

The Office notes that the CE Report proposed wording to revise EDO52 in response to Observation 5a of the Office's submission to the draft Plan, thereby supporting development outside towns and villages which are location specific, or resource based. The Office notes that this was not accepted by the elected members.

Similarly, the CE report recommended to amend the wording of objectives TRP 26, TRO 16 and TRO 20 in response to Observation 5b of the Office's submission to the draft Plan to ensure that tourism and holiday accommodation is encouraged to be located within towns and villages in the first instance.

The Office required these amendments in order to strengthen the rural economy and to promote development within towns and villages to maximise the economic benefits to the county.

5. Economic and Employment zoning amendments

Having reviewed the proposed material amendments in respect of the zoning objectives for economic and employment uses, the Office has identified four amendments where the evidence and rationale underpinning the zoning is not clear or strategic in nature as per section 6.2.5 of the *Development Plans - Guidelines for Planning Authorities - Draft for Consultation (2021)*, and are located in peripheral locations and/ or would result in a piecemeal approach to development.



In Ballinrobe, Proposed Amendment Tier II BROBE 3 seeks to rezone currently unzoned land outside of the settlement boundary to Enterprise and Employment lands. There has been no evidence provided to justify the need to extend the settlement boundary to accommodate additional enterprise and employment zoning in the town when there is already 31.1 hectares of employment land (enterprise & employment and industrial land) in the town.

Proposed Amendment Tier II BROBE 4 also proposes to identify a new 'Opportunity Site'. The site is located outside of the defined settlement boundary and is removed from the town centre. The basis for this zoning objective is not clear, and no indication of the purpose or intended use is provided. It is also noted that the southern boundary of the site is located in Flood Zone B.

In Bellmullet, Proposed Amendment Tier II BMEL 1 seeks to rezone 0.1 hectare of land from Rural Transition Zone to Enterprise and Employment. The subject lands are located on the edge of the settlement boundary, removed from the Town Centre and other Enterprise and Employment zoned lands. The change in zoning represents a small isolated parcel of Enterprise and Employment land extensively surrounded by an area zoned as Rural Transition, which is disconnected from other established uses.

In Swinford, Proposed Amendment Tier II SFORD 3 seeks to rezone 1 hectare of land from Existing Residential to Town Centre. The land comprises an established single dwelling house on a large site and the immediate surrounding area is inherently residential in nature. The zoning of this land is contrary to promoting a sequential approach to retail and commercial development in accordance with *section 28 Retail Planning Guidelines (2012)*.

MA Recommendation 9 – Additional Zoning in Tier II Settlements

Having regard to section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation (2021)*, the *Retail Planning Guidelines for Planning Authorities (2012)*, and NPO 57 and the *Planning System and Flood Risk*

Guidelines for Planning Authorities (2009), the planning authority is required to make the Plan without the following proposed amendments:

- Amendment Tier II BROBE 3
- Amendment Tier II BROBE 4
- Amendment Tier II BMUL 1
- Amendment Tier II SFORD 3

6. Flood Risk Management

The Office welcomes the planning authority's approach to updating the Strategic Flood Risk Assessment (SFRA), including the addition of Plan Making Justification Tests, an additional objective INO 26 requiring flood risk assessments for opportunity sites, and the presentation of flood risk maps for Tier II – V settlements in response to Recommendation 9 of the Office's submission to the draft Plan.

The Office would, however, advise that the flood risk maps prepared could be increased in scale and resolution in the interests of clarity and transparency.

In relation to the Justification Tests, the Office has identified at Recommendation 7 above, a number of instances where land is proposed to be zoned for highly vulnerable residential use in Flood Zone A/B where not all conditions of the Justification test have been satisfied. The omission of these material amendments is, therefore, required in accordance with NPO 57 and the *Planning System and Flood Risk Assessment Guidelines* and *Circular PL 2/2014 – Flooding Guidelines*.

There also continues to be a number of specific requirements in the SFRA that have not been effectively translated into policies in the draft Plan contrary to Recommendation 9c of the Office's submission to the draft Plan.

In particular, within Louisburgh, Newport and Swinford the SFRA confirms that it is essential that no new development is permitted within Flood Zone A/B areas and that space should be maintained for the impacts of climate change.

MA Recommendation 10 – Flood Risk Management

Having regard to NPO 57 and the *Planning System and Flood Risk Assessment Guidelines* (2009), as revised, and *Circular PL 2/2014 – Flooding Guidelines*, the planning authority is required to incorporate the mitigation measures which have formed the basis upon which land use zonings have been justified in the Strategic Flood Risk Assessment into the Plan as policy objectives.

7. Sustainable transport and Accessibility

The Office acknowledges that considerable work and engagement is evident in relation to progressing coordinated transport planning by the Council. However, the material alterations do not include modal shift targets as required by Recommendation 14 of the Office's submission on the draft Plan.

The Office accepts the CE Report response and the difficulties in predicting modal shift and acknowledges that realistic targets for the Tier I settlements will be established from the forthcoming Local Transport Plans (LTPs) for these towns.

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 accessibility onto national primary roads and the provision of bypass routes.

Proposed Amendments CH 6.16 and 6.17 seek to weaken and/ or replace Policy MTP 16 and MTO 19 in the draft Plan relating to access onto national primary roads, contrary to the provisions of section 2.5 and 2.6 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), which details that the policy of the planning authority should be to avoid creation of new access points onto national roads to which speed limits greater than 60km/h apply and not 80km/h as specified in the amended policy, and should agree exceptional circumstances in consultation with TII.

MA Recommendation 11 – National Roads

To ensure compliance with the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) and in the interest of preserving the capacity of the national road network, the planning authority is required to make the plan without Proposed Amendments CH 6.16 and CH 6.17.

Table 6.5 of the draft Plan lists a number of road projects, inclusive of bypass routes. The proposed material amendments have introduced mapping / routes, which appear to be representative of routes that were identified in the Mayo CDP 2015-2021. Two amendments identifying bypass routes are proposed in the Tier II towns of Ballinrobe (Proposed Amendment Tier II BROBE 7) and Ballyhaunis (Proposed Amendment Tier II BHAUN 1) while the other two are proposed for the Tier III town of Killala (Proposed Amendment Tier III Killala 6) and Kiltimagh (Proposed Amendment Tier III Kilti 3). An inner relief road is also proposed for Claremorris (Proposed Amendment Tier II Clare 10).

While it may be reasonable to include general support for potential future by-passes, the identification of routes at this early stage in the process is not advisable.

Furthermore, the SEA Environmental Report states that the bypass routes proposed for Ballinrobe, Ballyhaunis, Claremorris, Killala and Kiltimagh are not recommended as they could give rise to significant adverse effects in the absence of detailed environmental studies and option appraisals. Pending further detailed studies and route selection options, it is considered that the mapping detailing the routes should be removed and the reference to maps in Proposed Amendment CH 6.21 omitted.

MA Recommendation 12 – Bypass Routes

In the absence of detailed environmental studies and option appraisals for the proposed bypass routes in Ballinrobe, Ballyhaunis, Killala and Kiltimagh and the proposed inner relief road in Claremorris and the potential for the defined routes to

give rise to significant adverse effects on the environment, the planning authority is required to make the plan without the following amendments:

- Proposed Amendment Tier II BROBE 7
- Proposed Amendment Tier II BHAUN 1
- Proposed Amendment Tier III Killala 6
- Proposed Amendment Tier III Kilti 3
- Proposed Amendment Tier II Clare 10
- Proposed Amendment CH 6.21

8. Renewable Energy and Landscape Appraisal

Noting Recommendation 15 of the Office's submission to the draft Plan to review the minimum renewable energy target of 100MW, the Office welcomes Proposed Amendment CH 11.9 which provides a new objective to give effect to the minimum renewable energy target of 600MW, as an interim target, pending targets being set at the regional level.

The Office notes that the planning authority has not coordinated the Wind Energy Strategy with neighbouring counties (Recommendation 16 of the Office's submission to the draft Plan) and has not reviewed or amended the Landscape Appraisal for Mayo (Recommendation 17 of the Office's submission to the draft Plan).

The Office welcomes a material amendment to the draft Plan, which provides a commitment to commencing a Renewable Energy Strategy (RES) within one year of adopting the plan and further welcomes amendments to Objectives NEO25, REO7 and REO8b of the draft Plan to include reference to RPO4.16 and RPO 5.2(b) and ensure a consistent approach with adjoining counties.

The Office notes the position of the planning authority in respect of the Landscape Appraisal for County Mayo and the fact that its review is considered to be premature pending the completion of the National Landscape Character Assessment, and any

associated statutory Guidelines, and subsequent Regional Landscape Character Assessment. However, there remains concern that inconsistencies between the Landscape Appraisal and Wind Energy Map as presented in the draft Plan could obstruct the planning consent process, such that, the ability of the County to achieve its wind energy targets and deliver on the Local Authority Renewable Energy Strategy may be compromised.

9. Rights of Way

Observation 8 of the Office's submission to the draft Plan required a list and location of public rights of way in the county. The Office notes the planning authority's reasoning for not providing the information but also recognises the requirements under section 10(2)(o) of the Act.

Importantly, an existing objective (TRO 27) in Chapter 5 of the draft Plan does seek to identify, preserve and enhance existing accesses and public rights of way over the lifetime of the Plan, and where necessary, establish new public rights of way. This objective is, however, identified as a long-term action within the new Implementation & Monitoring Table in Section 1.11 of the draft Plan as detailed in Proposed Amendment CH 1.3.

In compliance with section 10(2)(o) of the Act the Office advises that Objective TRO27 is elevated to a short-term timescale within the new Implementation & Monitoring Table.

10. Miscellaneous

The Office notes that proposed amendment MA DMS.3, relating to accessibility visibility requirements includes maximum standards conflicting with 'Stopping Sight Distances' contained in section 4.4.4 of the *Design Manual for Urban Roads and Streets (2019)* which include minimum standards, and which impact on urban roads and streets within the 60kph, 50kph and 30kph speed limits.



MA Observation 1 – Access Visibility Requirements

The planning authority is requested to omit proposed amendment MA DMS.3 to the development management standards to ensure the plan is consistent with the requirements of the *Design Manual for Urban Roads and Streets* (2019).

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.

The planning authority is strongly advised that the recommendations relate to significant breaches of policy and that failure to address the matters raised in the manner outlined prior to adoption of the county development plan may lead the Office to determine that the Plan fails to set out an overall strategy for proper planning and sustainable development of the area concerned.

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.



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

Is mise le meas,

A handwritten signature in black ink that reads 'AM O'Connor'.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
