



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

3rd June 2022

Mr. Peter Burke TD
Minister for Local Government and Planning
Department of Housing, Local Government and Heritage
Custom House
Dublin 1
D01 W6X0

BY HAND AND BY EMAIL

Re: Notice Pursuant to section 31AM(8) of the Planning and Development Act 2000 (as amended) – Galway County Development Plan 2022-2028

A chara,

I am writing to you in relation to the recent adoption by the elected members of the Galway County Development Plan 2022 - 2028 (the 'Development Plan').

In particular, I am writing to you in the context of the statutory duty of the Office of the Planning Regulator ('the Office') pursuant to section 31AM(8) of the *Planning and Development Act 2000* (as amended) (the 'Act') to issue a Notice to you on the basis that, having considered the Development Plan, the Office is of the opinion that:

- a) the Development Plan has not been made in a manner consistent with and fails to implement recommendations of the Office, which required specific changes to the Development Plan:
 - i. to ensure consistency with the core strategy of the adopted Development Plan;
 - ii. to ensure consistency with the national policy objectives (NPOs) of *Project Ireland 2040 National Planning Framework* (the NPF) and the regional policy objectives (RPOs) of the *Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy* (the RSES),

specifically that in relation to particular material amendments to the draft development plan adopted by the elected members, the Development Plan does not support compact growth of certain towns and villages;

- iii. having regard to the *Development Plan Guidelines for Planning Authorities* (2007) and the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August, 2021), specifically the Development Plan zones land for development in peripheral locations, leapfrogging unzoned and/ or undeveloped land, and in so doing does not apply the sequential approach to development to support compact growth of certain towns and villages;
- iv. to ensure consistency with the national policy objectives (NPOs) of *Project Ireland 2040 National Planning Framework* (the NPF) and having regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), specifically that in relation to particular material amendments to the draft development plan adopted by the elected members, the Development Plan zones land for development in areas of flood risk;
- v. having regard to the *Spatial Planning and National Roads, Guidelines for Planning Authorities* (2012), specifically that in relation to the material amendment to the draft development plan adopted by the elected members, the Development Plan zones land for development adjacent to the route of the proposed N59 Maigh Cuilinn Bypass Scheme;
- vi. to ensure consistency with section 10(1D) of the Act, specifically that the Development Plan as made includes Policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua;
- vii. to ensure consistency with the national policy objectives (NPOs) of *Project Ireland 2040 National Planning Framework* (the NPF) and the regional policy objectives (RPOs) of the *Northern and Western Regional Assembly Regional Spatial and Economic Strategy* (the RSES), specifically in relation to the material amendments to the draft

development plan in respect of sludge management and wastewater infrastructure adopted by the elected members

- b) as a consequence of the above, the Development Plan made by Galway County Council (“the Council”) fails to set out an overall strategy for the proper planning and sustainable development of the area concerned, contrary to the requirements of the Act; and
- c) the use by you of your function to issue a direction under section 31 of the Act would be merited.

The reasons for the Opinion of the Office are set out in further detail in section 2 of this Notice letter. This letter is a Notice to you pursuant to section 31AM(8) of the Act.

1. Background

1.1 Draft Galway County Development Plan 2022-2028

The Draft Galway County Development Plan 2022 – 2028 (the draft Plan) was on public display from 20th May 2021 to 30th July 2021.

A statement was appended to the draft Development Plan, as required under section 28(1A)(b) of the Act, concerning the implementation of Ministerial Guidelines. The statement did not include any information to demonstrate that the planning authority had formed the opinion that it is not possible to implement certain policies and objectives of the Minister contained in any relevant guidelines, as outlined in further detail below, and did not provide any reasons for not implementing any such policies or objectives. Such information and reasons are required where section 28(1B)(b) applies.

The Office made a submission to the draft Plan containing 17 recommendations and 12 observations on 30th July 2021.

In relation to the overall pattern of development proposed by the Council under the core strategy of the draft Plan, the Office was generally satisfied with the plan-led approach to the key development areas within the county, subject to revisions to the

Core Strategy Table 2.9 in accordance with sections 10 (2A) (c) and (d) and 10 (2C) (b)(ii) of the Act, and having regard to the section 28 Guidelines *Housing Supply Target Methodology for Development Planning (2021)* (Recommendations 1 and 2 of the Office's submission to the draft Plan).

The Office was also generally satisfied that the settlement hierarchy and distribution of growth across the settlements was generally consistent with the national and regional policy framework.

Recommendation 7 (Residential Zoning) of the Office's submission to the draft Plan did, however, raise concerns in relation to a number of specific residential zonings in Oranmore and Oughterard.

Having given consideration to the Chief Executive's report (CE Report) on the draft Plan, the reasons in the notice letter and the reasons given by the elected members, the Office accepts the clear and evidence based rationale for making the Plan with these zoning objectives.

In relation to employment and enterprise type policies and zoning objectives (including industry and related uses) the Office was generally satisfied that the draft Plan provided a strategic approach to the development of employment and enterprise development in the county focused on strategic employment locations.

Recommendation 11 (Land zoned for employment uses) of the Office's submission to the draft Plan did, however, raise concerns in relation to two specific residential zonings, (a) lands zoned Business and Enterprise to the south of Headford and (b) lands zoned Tourism to the northeast of Oughterard, which were considered contrary to the objectives for compact growth and sequential approach to development under the section 28 guidelines *Development Plan Guidelines for Planning Authorities (2007)*.

Recommendation 11 Land zoned for employment uses states:

Having regard to the National Strategic Outcome for Compact Growth, the principles of sequential approach to zoning (section 28 Development Plan Guidelines, paragraph 4.19) the planning authority is required to remove the following land use zonings:

- (i) Business and Enterprise lands zoned to the south of Headford, on the eastern side of the N84 road to Galway; and*
- (ii) Tourism lands to the Northeast of Oughterard, accessed from the Pier Road.*

In relation to the lands zoned Tourism to the northeast of Oughterard, the Office accepts the reasons given by the elected members for making the plan with this zoning objective.

In relation to the lands zoned Business and Enterprise to the south of Headford, the submission of the Office to the material alterations noted the decision of the elected members not to accept the recommendation of the chief executive to remove the zoning in accordance with Recommendation 11. This issue is addressed in detail below in conjunction with other matters relevant to Headford (section 1.4.2 of this notice letter).

In relation to the settlement of An Cheathrú Rua, the Office's submission to the draft Plan noted the lack of a wastewater treatment facility for the village and that untreated waste is currently discharged to the sea. The submission further pointed out that the draft Plan's core strategy allocated a further 60 dwellings for the village, which would further add to the loading and exacerbate the negative impacts on the environment contrary to section 10(1D) of the Act which requires that the development objectives in the development plan are consistent with the conservation and protection of the environment.

The Office's submission letter notes that Irish Water have advanced plans to develop a waste water treatment plant for An Cheathrú Rua to address this situation and facilitate the growth of the village.

In this context, the Office considered that the inclusion of Policy WW9 to require a minimum 100m setback for all new wastewater treatment plants in An Cheathrú Rua without policy or environmental justification may prejudice the delivery of this key infrastructure and should be removed.

Policy Objective WW9 Municipal Wastewater Treatment Plants in An Cheathrú Rua states:

There shall of be a minimum 100m setback for all new wastewater treatment plants in An Cheathrú Rua.

Recommendation 16 (Cheathrú Rua WWTP) states:

Having regard to Section 10(1D) and Section 12(11) of the Planning Act, the planning authority is required to remove policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua

The submission of the Office to the material alterations noted the decision of the elected members not accept the recommendation of the chief executive to remove Policy WW9. This issue is addressed in detail at section 1.6 of this notice letter.

1.2 Material Alterations to the Draft Galway County Development Plan 2022-2028

The elected members, having considered the draft Plan and the CE Report on submissions (dated October 2021), resolved to amend the draft Galway County Development Plan 2022 - 2028 on 13th January 2022.

The material alterations to the draft Plan were on public display from 3rd February 2022 to 4th March 2022.

The material alterations included a number of changes including:

- A series of individual material amendments to the following land use zoning objectives:
 - Residential (Phase 1/ Existing/Infill)
 - Residential (Phase 2)
 - Lands zoned for Employment Uses including Tourism
- An amendment 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'.

- Amendments to Policy Objectives WW1 and WW2 which identify Ballinasloe and Tuam as being unsuitable locations for a regional waste management facility and/or sludge hub centre.

The Office made a submission on 4th March 2022 to the material alterations to the draft Plan containing ten (10) recommendations. The Office's submission stated:

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.

The Office's submission further stated:

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.

The letter also noted the decision of the planning authority not to comply, in particular, with Recommendation 11 of the Office's submission on the draft Plan concerning the employment zoning at Headford, and Recommendation 16 concerning the omission of policy objective WW9 and its reference to a separation distance of 100 metres for all new wastewater treatment plants in An Cheathrú Rua.

The Office recommendations at Material Alterations stage included:

- MA Recommendation 2 – Residential zoning (Phase 1/Existing/Infill):
Additional Residential Zoning in Baile Chláir, Bearna, Oranmore, Oughterard, An Cheathrú Rua, An Spidéal and Woodlawn;

- MA Recommendation 3 – Residential (Phase 2): Additional Residential Zoning in Baile an Chláir, Oranmore, Clifden, Headford, Oughterard, An Cheathrú Rua and Kinvarra;
- MA Recommendation 7 – Employment Zoned Land: Additional Employment Zoned Land in Oughterard, Glennascaul, Portumna, Maigh Cuillinn and lands north of Galway Airport site;
- MA Recommendation 8 – Flood Risk Management: Additional zoned lands that are identified as being within a flood zone at Baile Chláir, Bearna, Oranmore, Headford and Portumna;
- MA Recommendation 9 – Additional lands zoned as open recreation An Cheathrú Rua; and
- MA Recommendation 10 – Wastewater Management Infrastructure policy amendments.

The elected members of Galway County Council resolved to make the Galway County Development Plan 2022 – 2028 at a council meeting on 9th May 2022.

Subsequently, the chief executive sent a notice letter under section 31(AM)(6) of the Act dated 16th May 2022 to the Office advising of the making of the Development Plan and specifying the recommendations of the Office not complied with.

The section 31AM (6) notice letter stated that all ten recommendations of the Office had not been complied with, either in full or in part.

Having reviewed the CE's reports on the draft Plan and material alterations to the draft Plan, the notice of the making of the Development Plan and the reasons in the notice letter, the Office has concluded that, with the exception of the below, the recommendations of the Office have been responded to in the reports and/or section 31AM (6) notice letter and have been addressed to the satisfaction of the Office, or are otherwise considered satisfactory within the legislative and policy context.

In relation to the rural housing policy (MA Recommendations 5 and 6) the Office notes the reasons given by the elected members for not accepting the recommendation of the chief executive to revert to the draft Plan or the recommendations of the Office. Having regard to the current policy framework,

however, on balance, the Office does not consider that there are sufficient grounds to make a recommendation to the Minister to issue a draft Direction in respect of this matter.

Residential land use zoning objectives

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

However, an extensive number of material amendments were introduced which increased the area zoned Residential (Phase 2) by in excess of 50ha, contrary to the recommendations of the SEA in most cases. Furthermore, all but c.3ha is located in settlements outside of the Galway MASP.

MA Recommendation 2 and MA Recommendation 3 of the Office's submission on the material alterations to the draft Plan required the planning authority to make the plan without several material amendments introducing additional land use zoning objectives for residential (existing/infill and phase 1) and residential reserve (phase 2).

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

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*
- *SGV LUZ An Cheathrú Rua 11.1a*
- *SGV LUZ An Spidéal 12.2*
- *RSA LUZ Woodlawn 20.1*

MA Recommendation 3 - Residential (Phase 2) stated:

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.*

Flood Risk Management

A number of these sites were also identified in MA Recommendation 8 (Flood Risk Management) given that the making of the Plan with these proposed amendments

would be contrary to the provisions of the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) and NPO 57.

MA Recommendation 8 - Flood Risk Management stated:

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 CE's recommendation was to accept the recommendations of the Office and to make the Plan without the zoning amendments listed in MA Recommendation 2 and MA Recommendation 3.

The elected members voted to make the Plan in accordance with the recommendation of the chief executive and the Office for the following zoning amendments listed:

- Recommendation 2 – MASP LUZ Oranmore 3.14
- Recommendation 7 – RSA LUZ Glennascaul 18.1
- Recommendation 8 – MASP LUZ Bearna no 2.4, SGT LUZ Portumna 10.4 and MASP LUZ Baile Chláir 1.3

The elected members voted to amend the zoning objective to exclude lands within flood zones A and B for the following zoning amendments listed:

- Recommendation 8 – Baile Chláir1.2, Headford 7.4 and 7.10

The elected members voted to make the Plan contrary to the recommendation of the chief executive and the Office in respect of the remaining zoning amendments. The section 31AM(6) notice detailed the reasons given by the elected members.

The Office has assessed each of the zoning amendments and considered the reasons provided by the elected members for rejecting the CE’s recommendation in each case.

In respect of the following zoning amendments the Office **accepts** the reasons provided by the elected members in support of the zoning amendments and considers that these changes would not unduly impact on the overall core strategy, or the compact and sequential growth of the aforementioned settlements:

MA Recommendation 2	MA Recommendation 3	MA Recommendation 8
MASP LUZ Baile Chlair 1.2, 1.5, 1.6 MASP LUZ Bearna 2.2 SGV LUZ An Spidéal 12.2	MASP LUZ Baile Chlair 1.4a MASP LUZ Oranmore 3.1 SGT LUZ Clifden 6.2 & 6.4a SGT LUZ Oughterard 9.5, 9.6a, 9.6b, 9.8, 9.9 SGT LUZ Headford 7.3 SGV LUZ Kinvara 15.1 SGV LUZ An Cheathrú Rua 11.2	SGT LUZ Portumna 10.2

In relation to MASP LUZ Bearna 2.1b it is noted that this small area of land is located contiguous to the town centre and has the potential to demonstrate compliance with *The Planning System and Flood Risk Management Guidelines 2009*. Furthermore, the Office considers that Policy Objectives FL1, FL2 and FL8 of the adopted Plan, which require development proposals in areas which are at potential risk of flooding to carry out a Flood Risk Assessment, and the Justification Test where appropriate, will provide a robust policy approach for any proposals for development of these lands. As such, MASP LUZ Bearna 2.1b is considered acceptable and no further action is required.

However, the Office considers that the reasons provided by the elected members in respect of the following zoning amendments do not satisfactorily address MA Recommendations 2 and 3, which identified inconsistencies with NPO 3c and RPO 3.2 (compact growth) and NPO 18a (proportionate growth of rural towns).

MA Recommendation 2	MA Recommendation 3	MA Recommendation 8
SGT LUZ An Cheathrú Rua 11.1a RSA LUZ Woodlawn 20.1 SGT LUZ Oughterard 9.4	MASP LUZ Oranmore 3.5 SGT LUZ Clifden 6.1, 6.4b & 6.5 SGT LUZ Headford 7.2, 7.4, 7.7, 7.8, 7.10 SGV LUZ An Cheathrú Rua 11.1b	MASP LUZ Oranmore 3.5

Further consideration of these zoning amendments, and the reasons provided by the elected members, is addressed in a grouped format under the relevant settlement below.

1.3 SEA Environmental Report for Relevant Proposed Material Alterations to the Draft Galway County Development Plan 2022 – 2028.

With the exception of zoning amendments SGT LUZ Clifden 6.1 and SGT LUZ Headford 7.7 the consideration of the above referenced zoning objectives in the SEA Environmental Report for proposed material alterations to the draft Plan (section 8.8, February 2022) states:

These alterations would not be consistent with established population targets and/or the proper planning and sustainable development of the County. As a result they would present additional, unnecessary and potentially significant adverse effects on various environmental components, including soil, water, biodiversity, air and climatic factors and material assets.

For alterations relating to zoning, much of the zoning proposed is considered to be premature in the context of current population targets. Potentially significant adverse unnecessary effects, would be likely to include:

- *Effects on non-designated habitats and species*
- *Loss of an extent of soil function arising from the replacement of semi-natural land covers with artificial surfaces*
- *Increased loadings on water bodies*
- *Conflict with efforts to maximise sustainable compact growth and sustainable mobility*

- *Occurrence of adverse visual impacts*

Where such alterations are further from the centre of settlements, potentially significant unnecessary adverse effects would be likely to include:

- *Difficulty in providing adequate and appropriate waste water treatment as a result of zoning*
- *outside of established built development envelopes of settlements*
- *Adverse impacts upon the economic viability of providing for public assets and infrastructure*
- *Adverse impacts upon carbon emission reduction targets in line with local, national and European environmental objectives*
- *Conflicts between transport emissions, including those from cars, and air quality*
- *Conflicts between increased frequency of noise emissions and protection of sensitive receptors*
- *Potential effects on human health as a result of potential interactions with environmental vectors.*

The SEA Environmental Report recommends that the Plan is made without these zoning objectives.

In addition, in relation to SGT LUZ Oughterard 9.4 it states:

Proposed Material Alteration No. Volume 2 - 9.4 relates to land use zoning and an access road to these lands intersects the Lough Corrib SAC and has the potential, if unmitigated, to impact upon the integrity of the SAC.

1.4 Residential Zoning Objectives - Settlements

1.4.1 Clifden

Under Table 2.9 Core Strategy Table (updated by MA Ref 2.12), the housing land requirement necessary to accommodate the town's housing supply target (271 units) over the plan period is identified as 11.8 ha. The draft Plan provided for 18.5 ha of Residential Phase 1 lands and 21ha of Residential Phase 2 lands. Land zoned primarily for residential use, therefore, exceeds the core strategy requirement.

Six (6) zoning amendments were proposed at material alterations stage which increase the extent of Residential zoned lands (Phase 1 and 2) by 14ha.

While the Office accepts that zoning amendments 6.2, 6.3 and 6.4a are reasonable having regard to their location, scale and characteristics, zoning amendments 6.1, 6.4b and 6.5 are not sequential to the built up footprint of the town, and in particular 6.4b and 6.5 seek to extend the town boundary north in an uncoordinated and piecemeal manner.

SGT LUZ 6.1 amended the zoning of the draft Plan from Agriculture to Residential Phase 2. The site is located to the south of the town centre to the east of the R341. The land parcel extends to 1.45 hectares.

This zoning amendment leapfrogs beyond lands zoned Agriculture (in the development plan, as made) to a peripheral and non-sequential location beyond the CSO boundary.

The elected members rejected the CE's Recommendation to remove this amendment for the following reasons:

It is expected that most of the Phase 1 lands in Clifden will be developed or not available for development in the lifetime of the Plan. It is therefore important to have Phase 2 lands available for development to ensure that adequate housing is available for people to live in.

SGT LUZ 6.4b and 6.5 amends the zoning from unzoned land to Residential Phase 2, and to extend the settlement boundary to include the subject land beyond the CSO boundary. Both land parcels are adjacent to each other, and are located outside of the settlement boundary as per the draft Plan and the CSO boundary. The combined area of these land parcels is 9.4 hectares.

The elected members rejected the CE Recommendation to remove material amendment 6.1 following reason:

- *It is expected that most of the Phase 1 lands in Clifden will be developed or not available for development in the lifetime of the Plan. It is therefore important to have R2 lands available for development for development to ensure that there is adequate housing available to meet local demand.*

The elected members rejected the CE Recommendation to remove material amendment 6.4b for the following reasons:

- *The Clifden Local Area Plan 2018 – 2024 adopted in November 2018 and there was an expectation that the plan would be in place for a period of 5 years. As the Clifden LAP now forms part of the CDP it was necessary to ensure that the lands zoned in 2018 remained in place.*

The elected members rejected the CE Recommendation to remove material amendment for 6.5 for the following reasons:

- *They were removed from the current CDP unknown to the landowner*
- *There is a shortage of this type of land in Clifden*
- *There is no flooding designation issues here.*

In relation to the reason given that the zoned land is required to ensure that adequate housing is available to meet demand, the Office notes that the draft Plan provided sufficient land to meet anticipated development requirements in a sequential and coordinated manner. There is, therefore, no evidence based rationale to support the requirement for the subject zoning objective to ensure that adequate housing is available.

In relation to the reason given in respect of SGT LUZ 6.4b and 6.5 that the land was zoned in the *Clifden Local Area Plan 2018 – 2024*, sections 10(8) and 19(6) of the Act provides that there is no presumption in law that any land zoned in a particular development plan or local area plan shall remain so zoned in any subsequent plan.

The reasons given do not, therefore, address the substantive issue in the recommendation that the Plan be made without zoning amendments SGT LUZ Clifden 6.1, 6.4b and 6.5 due to the peripheral location of the land and inconsistency with NPO 3c and RPO 3.2, compact growth and the sequential approach to development, and with the core strategy of the adopted plan.

The SEA Environmental Report recommends that the Plan is made without these zoning objectives SGT LUZ 6.4b and SGT LUZ 6.5.

1.4.2 Headford

Under Table 2.9 Core Strategy Table of the draft Plan (and updated by MA Ref 2.12) the housing land requirement necessary to accommodate the town's housing target (167 units) over the plan period is identified as 7.3 ha.

The draft Plan provides for 7.3 hectares of Residential Phase 1 lands and 13 ha as Residential Phase 2. The material amendments to the draft Plan increased the extent of Residential Phase 2 lands to 27.8 ha. Land zoned primarily for residential use, therefore, exceeds the core strategy requirement.

Six (6) zoning amendments were proposed at material alterations stage which increase the extent of Residential Phase 2 lands from 13 ha to 27.8ha.

While the Office accepts that zoning amendment 7.3 is reasonable having regard to its limited scale and location relative to zoned and developed land, the remaining five (5) zoning amendments are not sequential to the built up footprint of the town, and extend the town boundary to both the southeast and south in an uncoordinated and piecemeal manner. With the exception of SGT LUZ 7.8, the land is also located outside of the CSO boundary.

SGT LUZ 7.2 and 7.7 amended the zoning in the draft Plan from Open Space / Recreation and Amenity to Residential Phase 2.

SGT LUZ 7.4, 7.8 and 7.10 amended the zoning in the draft Plan from unzoned to Residential Phase 2.

SGT LUZ 7.4 and 7.10 are located in an area where the 80kph speed limit applies along the N84 national road and are reliant on direct access to the national road. Furthermore, there are no public footpaths or public lighting provided to these lands.

SGT LUZ 7.2, 7.8 and 7.7 adjoin a small development (Deer Park Woods) which is accessed via single width carriageway that has no footpaths or public lighting along large stretches of the public road in an area where the 80kmph speed limit applies.

The Elected Members rejected the CE's Recommendation to remove these amendments for the following reasons:

- *Cannot accept CER as there is a housing crises in Headford and surrounding area so must plan for future housing need in the area*

In relation to the reason given, the Office notes that the draft Plan provided sufficient land to meet anticipated development requirements in a sequential and coordinated manner. Additional land zoned at material alteration stage further increased the land available for Phase 2 lands. There is, therefore, no evidence based rationale to support the requirement for the subject zoning objective to ensure that adequate housing is available.

The reasons given do not, therefore, address the substantive issue in the recommendation that the Plan be made without zoning amendments SGT LUZ Headford 7.2, 7.4, 7.7, 7.8, and 7.10 due to the peripheral location of the land and inconsistency with compact growth and the sequential approach to development, and with the core strategy of the adopted plan.

With the exception of Headford 7.7, the SEA Environmental report recommends that the Plan is made without these zoning objectives.

In relation to the Business and Enterprise zoning to the south of the existing settlement boundary, the subject of Recommendation 11 of the Office's submission to the draft Plan, the SEA Environmental Report states:

There is no established planning justification for this Amendment. The addition Business and Enterprise to the south of the existing development envelope would be likely to hinder the achievement of objectives relating to compact sustainable development. The additional zoning would present additional, unnecessary and potentially significant adverse effects on various environmental components.

The elected members rejected the CE Recommendation to remove the zoning for following reasons:

- *Headford lacks zoning for enterprise despite demand being present for start-up businesses, industry, manufacturing, service industry;*
- *Currently a list of ten candidates seeking warehouses to rent for business development in this area;*
- *This would have a positive impact in terms of employment;*

- *An enterprise zone would be positive step for sustainability of Headford; and*
- *Landowners have large business across the road and have a history of delivering.*

There is 4.2 ha of undeveloped lands zoned in the draft Plan for Business and Enterprise, all of which are located closer proximity to the town centre. The reasons given do not, however, address the substantive issue in the recommendation regarding compact growth and the sequential approach to zoning.

Both on its own and taken together with the Residential Phase 2 lands immediately to the north (Headford 7.4 and 7.10) the extension of the settlement boundary beyond the CSO boundary and outside of the 60 kph speed limit on the N84 national road, and zoning of this land for Business and Enterprise without an evidence based rationale, is not consistent with compact growth and the sequential approach to development.

1.4.3 An Cheathrú Rua

An Cheathrú Rua, with a population of 718 (2016), does not have an existing wastewater treatment plant. Effluent from the network discharges untreated to a sea outfall at Sruffaun Pier at Casla Bay (also known as Costello Bay).

Under Table 2.9 Core Strategy of the draft Plan (and updated by MA Ref 2.12) the housing supply target provides for an additional 86 units, and identifies a housing land requirement of 5.5 ha.

The draft Plan provides for 5.5 hectares of Residential Phase 1 lands and 18 ha/ as Residential Phase 2. The material amendments to the draft Plan increased the extent of Residential Phase 2 lands to 35 ha. Land zoned primarily for residential use, therefore, exceeds the core strategy requirement.

SGV LUZ 11.1a amended the zoning in the draft Plan from unzoned to Residential Existing, and extends the settlement boundary to include the rezoned land. This amendment includes a number of land parcels (16 in total), all of which are dispersed from the settlement and piecemeal in nature.

The Office acknowledges that the majority of the lands are already developed and as such, there is extremely limited potential for further development of residential units on these land parcels. Notwithstanding, the manner in which these lands, which are effectively ribbon development of one off houses which are not part of the built up footprint of the village settlement is unsustainable and adverse to the national and regional policy objectives to deliver on compact growth.

SGV LUZ 11.1b amended the zoning in the draft Plan from unzoned to Residential Phase 2. This amendment includes a number of land parcels which combined extend to 17.2ha, more than 3 times the housing land requirement in the core strategy.

The elected members rejected the CE's Recommendation to remove this amendment for the following reasons:

- *Lands were previously zoned in 2015-2021 plan; Simply asking town boundary is retained as per previous plan.*
- *When government policy is to encourage people to live in towns and villages it is contradictory to reduce the town boundary of the largest Gaeltacht village in Connemara.*
- *Reducing the village boundary could potentially impact the village gaining Gaeltacht service town status where a population of 1000 people is required.*
- *Udaras na Gaeltachta have provided significant funding to develop the village as a Gaeltacht service town.*
- *Development of Gaeltacht hubs has increased number of businesses and workers operating and looking to settle in the village.*
- *Village has all the key services – garda station, fire station, ambulance, schools, shops, nursing home, library, area office and motor tax office for GCC.*
- *Believe projected census and growth of the village is incorrect and significant growth will happen and has already taken place in the village and additional land required to cater for this increase in population and demand.*
- *Village is vibrant and growing with significant potential for growth and development.*
- *ABP recent approval for a heritage centre further highlight potential and growth of the village.*

- *No rationale for reducing the town boundary and condensing same which is a retrograde step and stifle the potential development and growth of the village.*

While the Office fully acknowledges and supports the importance of facilitating An Cheathrú Rua to grow in a sustainable manner, particularly given its role as a Gaeltacht service town, there is more than 7 times the amount of land zoned for development than needed to meet the housing supply target in the planning authority's own core strategy.

Further, there are three designated opportunity sites (combined area of circa 4 hectares) zoned as 'village centre' identified in the draft Plan to '*provide for a mix of uses accommodating village centre/residential*'. These sites have the potential to provide significant opportunities to support the vitality and vibrancy of An Cheathrú Rua and to ensure that the village expands in a sustainable manner in the context of the serious constraints currently experienced in the settlement due to the absence of a waste water treatment plant.

As such, there is no evidence basis for the need to zone the subject lands to meet anticipated development requirements.

The extent of lands zoned must also be considered in the context of the lack of wastewater treatment to serve future development over the plan period in advance of the provision of the planned new waste water treatment plant. This matter is addressed further at section 1.6 of this letter in respect of the An Cheathrú Rua WWTP.

In relation to the reason given that the land was zoned in the An Cheathrú Rua Local Area Plan 2015 - 2021, sections 10(8) and 19(6) of the Act provides that there is no presumption in law that any land zoned in a particular development plan or local area plan shall remain so zoned in any subsequent plan.

The reasons given do not, therefore, address the substantive issue in the recommendation that the Plan be made without zoning amendments An Cheathrú Rua 11.1a and 11.1b due to inconsistency with the core strategy of the adopted plan and the peripheral location of the land.

The SEA Environmental Report recommends that the Plan is made without these zoning objectives.

1.4.4 Oranmore

MASP LUZ Oranmore 3.5 amended the settlement boundary to include this land parcel and to zone this land as 'Residential Phase 2'. The land parcel extends to 0.48hectares.

The elected members rejected the CE's Recommendation to remove this amendment for the following reasons:

- *The R2 zoning reflects the previous 2006 – 2012 CDP residential zoning as this site has previously (2020) satisfied the 2009 OPW Justification Test for the Planning Section, as the proposed Finished Floor Level of 5m OD is almost 1m above 1:1,000 extreme flood level of 4.06m and will be 1.3m above the recently realigned regional road adjoining the site.*

In relation to the previous zoning objective, the Office notes that these lands are zoned as 'Environmental Management' in the Oranmore Local Area Plan 2012 – 2022, the most recent Local Area Plan for the settlement. Notwithstanding, sections 10(8) and 19(6) of the Act provides that there is no presumption in law that any land zoned in a particular development plan or local area plan shall remain so zoned in any subsequent plan.

In relation to flood risk, the Office notes the reason given by elected members that "*the previous 2006 – 2012 CDP residential zoning as this site has previously (2020) satisfied the 2009 OPW Justification Test for the Planning Section*". However, the Plan Making Justification Test for this land parcel has not been carried out for the adopted Plan and the *Updates to the Strategic Flood Risk Assessment for the Draft Galway County Development Plan 2022 – 2028 (February 2022)* prepared by the planning authority for the proposed material alterations recommends that this zoning amendment not be adopted as it "*would potentially conflict proper flood risk management and not comply with the Flood Risk Management Guidelines*".

The Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009) are aimed at ensuring a more consistent, rigorous and systematic

approach to flood risk identification, assessment and management within the planning system. In summary these guidelines provide that:

- development in areas at risk of flooding should be avoided unless there are wider sustainability grounds that justify appropriate development and where the risk to development on site and to other areas can be reduced or managed to an acceptable level;
- a sequential approach must be adopted to flood risk management when assessing the location of new development based on avoidance, reduction and mitigation of flood risk; and
- that where a planning authority is considering (in the plan) the future development (for vulnerable development) of areas at a high or moderate risk of flooding, that would generally be inappropriate under the sequential approach (section 3.2), the planning authority must be satisfied that it can clearly demonstrate on a solid evidence base that the zoning or designation for development will satisfy the Justification Test for the plan making stage (Box 4.1).

These statutory guidelines provide a sound basis for planning authorities to identify, assess and take appropriate steps to manage flood risk in a sustainable manner within their area.

The making of the Plan with the proposed amendment would, therefore, be contrary to NPO 57 of the NPF and the provisions of *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* to avoid development in areas at risk of flooding. In respect of the guidelines, no or no adequate reasons have been provided to explain why the said guidelines have not been followed.

Furthermore, the site is also within the Galway Bay Complex Special Area of Conservation (SAC). The SEA Environmental report of the Material Alterations to the draft Plan states that “*Proposed Material Alteration No. Volume 2 - 3.5 relate to land use zoning and intersect the Galway Bay Complex SAC and have the potential, if unmitigated, to impact upon the integrity of the SAC*” and “*would present additional, unnecessary and potentially significant adverse effects on various environmental components, including soil, water, biodiversity, air and climatic factors and material assets.*”

Having considered the reasons given by the elected members, the Office remains of the view that the zoning amendment MASP LUZ Oranmore 3.5 comprises inappropriate zoning for development where the land is identified as Flood Zone B in the SFRA.

The SEA Environmental Report recommends that the Plan is made without this zoning objective.

1.4.5 Oughterard

SGT LUZ Oughterard 9.4 amends the zoning from unzoned land to Residential Infill, and to extend the settlement boundary to include the subject land.

This zoning amendment leapfrogs beyond unzoned land (in the development plan, as made) to a peripheral and non-sequential location, and seeks to extend the town boundary north in an uncoordinated and piecemeal manner.

The elected members rejected the CE's Recommendation to remove this amendment for the following reasons:

- *this is a unique and exceptional case*
- *the land is in a built up residential area and the proposed zoning is in keeping with the area.*

The location of the lands beyond the built up area of the town including the need to extend the settlement boundary to include the local road out of the town to link the site to the settlement boundary, means, however, that the lands are not 'infill' within the settlement context.

The reasons given do not, therefore, address the substantive issue in the recommendation that the Plan be made without zoning amendments Oughterard 9.4 due to the peripheral location of the land and inconsistency with the sequential approach to development.

The SEA Environmental Report recommends that the Plan is made without this zoning objective.

1.4.6 Woodlawn

RSA LUZ Woodlawn 20.1 amended the zoning from unzoned to Residential Phase 1. The land parcel extends to 18.3ha.

The land is undeveloped green field land located outside of any CSO settlement boundary. The closest designated settlements are Ballinasloe, some 15 km to the east and Athenry 18km to the west.

There is a farmhouse and farm buildings located on a part of the land and the R359 runs along the boundary. Although the lands are circa 500metres south of Woodlawn train station this is essentially a rural area with a pattern of dispersed one off rural dwellings in a linear pattern along the regional road. A rural national school (Woodlawn NS) and a church lie further along the regional road to the south. There is, however, no footpath along any part of the regional road.

Furthermore, the lands are unserviced and lack the basic economic, physical and social infrastructure to support the development of these lands in a manner consistent with the proper planning and sustainable development of the area.

The elected members rejected the CE's Recommendation to remove this amendment for the reasons which are summarised as follows:

- *The proposed development is adjacent to Dublin Galway Mainline Rail, will represent compact growth and tick boxes against climate change.*
- *Water capacity is available from New Inns GWS which is part of Bundle No 1 and this scheme has the same status and is equivalent in its Quality standards as any public supply from Irish Water.*
- *The site will be serviced via a group water supply and an integrated constructed wetland (reference is made to a similar one permitted in Lixnaw, Co Kerry).*
- *In zoning land beside the train station the members are carrying out their role to 'make a development plan that must have regard to Government policies and objectives.*
- *Development is about implementation of sustainable transport strategy – what applies to Ballinasloe also applies to Woodlawn and can be clearly seen by the revised rural typologies map*

- *Woodland is strategically located on its mainline train network and commuter times compare with that from Cobh, Malahide and Dundrum to their respective cities with added advantage for Woodlawn that everyone gets a seat.*
- *Not proper or sustainable to fail to make greater use of Woodlawn's great train service*
- *Outlines a number of points as to why the OPR is clearly in conflict with PFG and government policy takes precedence*
- *A second document is attached with the reasons of the Elected Members which sets out the factual position in relation to rezoning of lands at Woodlawn specifically in the areas of;*
 - I. Water supply - Contrary to Irish Water submission the factual position is that water can be supplied by New Inn Group Water Supply*
 - II. Village status – GCC minutes of 10th December 2021 shows the councillors decision to restore Woodlawn to village status*
 - III. Government Policy – development at Woodlawn is clearly in line with Programme for Government.*
- *A third document is attached with is titled 'Submission to Galway County Draft Development Plan 2022 – 2028' as submitted to Galway County Council on 23rd July 2021. This submission raises points as per those detailed above and references sections of the draft Plan for which development at the site would be in compliance with the spirit and provisions of the Plan.*

The Office acknowledges that Woodlawn is one of 100 villages listed within Level 7 of the Core Strategy (Table 2.9) and the Settlement Hierarchy (Section 2.4.3) of the Plan, as adopted, wherein it describes this level as '*Rural villages and the wider rural region*'.

Volume 2 of the Plan provides the specific policy context for the Level 7 Small Villages and states that development shall be considered on the basis of its connectivity, capacity and compliance with the Core Strategy and Settlement Hierarchy (SS7), and also to encourage sustainable balanced development in an

incremental manner with the emphasis on small scale development in keeping with the character of the settlement (RC1).

As such, the policy approach for the Level 7 villages, including Woodlawn, is to develop them in a manner that is balanced and supports the rural population in a sustainable manner. The inclusion of 18 hectares of lands for Residential Phase 1 in the rural area has the potential to create a policy conflict within the Plan and the overarching policy objectives of the Core Strategy to achieve compact growth through the delivery of new homes in urban areas within the existing footprint of settlements (CS2) and to support the sustainable development of all settlements in a planned manner with economic, physical and social infrastructure (CS3).

Furthermore, there are no defined village boundaries in the adopted Plan for the Level 7 Villages and it is therefore unclear what lands are actually included within Woodlawn village. The train station, the national school and the church are all located in different locations along a 1.5km stretch of the R359 road.

In relation to the unserviced nature of the site and the proposal for an integrated constructed wetland, Irish Water have confirmed that the Lixnaw scheme is an Irish Water led project and was developed as a site solution model for settlements listed in the development plan as ones which have a deficiency. Irish Water have no such plans in place to develop this type of scheme for Woodlawn.

The reasons given do not, therefore, address the substantive issue in the recommendation that the Plan be made without zoning amendment Woodland 20.1 due to the peripheral location of the land, isolated from any serviced settlement, and inconsistency with compact growth and the sequential approach to development, and with the core strategy of the adopted plan.

The SEA Environmental Report recommends that the Plan is made without this zoning objectives.

1.5 Employment Land Use Zoning Objectives

MA Recommendation 7 of the Office's submission on the material alteration to the draft Plan required the planning authority to make the plan without several material amendments relating to lands zoned for employment uses.

MA Recommendation 7 - Employment Zoned Land states:

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.*

The CE's recommendation was to accept the recommendation of the OPR and to make the Plan without the seven (7) zoning amendments listed in MA Recommendation 7.

The elected members voted to make the Plan in accordance with the recommendation of the chief executive and the Office for one (1) of the zoning amendments (RSA LUZ Glennascaul 18.1).

The section 31AM(6) notice letter detailed the reasons why the elected members voted to make the Plan contrary to the recommendation of the CE's Report (with the exception of the RSA LUZ Glennascaul 18.1 listed above). The Office has assessed each of the zoning amendments and considered the reasons provided by the elected members in each case.

Having regard to their location and characteristics, with the exception of SGT LUZ Maigh Cuillinn 8.4, the Office accepts the reasons provided by the elected members in support of the remaining zoning amendments.

Zoning amendment *SGT LUZ Maigh Cuillinn S 8.4* amended the zoning in the draft Plan from unzoned to Tourism.

The inclusion of the SGT LUZ Maigh Cuillinn 8.4 lands as 'Tourism' will extend the settlement boundary beyond the N59 bypass and outside the existing built up footprint of the town.

The Elected Members rejected the CE Recommendation to remove this amendment for the following reasons:

- *These lands should be zoned as Tourism as they adjoin a new and very prosperous adventure centre in Maigh Cuilinn which creates a lot of employment in the area. It is also a great economic benefit to the village and by zoning these lands as tourism the opportunity for expansion of this business would increased.*

It is noted, however, that while zoning amendment 8.2a does adjoin the adventure centre to the north, zoning amendment 8.4 does not, and indeed is located on the far side of the route of the proposed N59 bypass which would further exacerbate this disconnect resulting in a piecemeal approach to development.

Further the CE's report stated that there *"is no justification for the zoning of these additional lands on the eastern side of the Maigh Cuilinn Bypass which is currently under construction"*.

The zoning amendment also conflicts with the objective included into the Maigh Cuilinn Land Use Zoning Map¹ to *"protect the route of the proposed N59 Maigh Cuilinn Bypass Scheme which is located within the Plan area from future inappropriate development and prohibit new accesses onto the proposed Bypass route that have not been accommodated in the Bypass design in the interest of traffic safety"*.

Transport Infrastructure Ireland (TII) also recommended that this proposed amendment is not adopted by the Council as they consider *"it is premature to include the proposed zoning amendments in advance of the development of an appropriate evidence base....and in the absence of the development of any appropriate evidence base and access strategy demonstrating compliance with the provisions of official*

¹ Amendment no Maigh Cuilinn MA2

policy, in the interests of safeguarding the strategic function of the national road network in the area and safeguarding the significant Exchequer investment in the N59 Moycullen Bypass Scheme”.

Having regard to the above, the Office does not consider that the reasons provided by the elected members provide an evidence based rationale for zoning amendment SGT LUZ Maigh Cuillinn 8.4 such that would set aside the CE’s recommendation, the policy of the Development Plan in relation to the Bypass, and national roads planning policy including the implementation of an evidence-based approach.

1.6 Policy Objective WW 9 An Cheathrú Rua

Recommendation 16 – An Cheathrú Rua WWTP of the Office’s submission to the draft Plan required the removal of policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua.

The CE’s Report (October 2021) recommended the removal of the policy objective from the Plan consistent with the recommendation of the Office.

The reasons given by the elected members for not complying with the recommendation are detailed in the section 12(5)(aa) notice letter as follows:

- *due to the proximity of the proposed WWTP and the site currently identified by Irish Water for a Municipal WWTP and its proximity to the sea shore and coast by not enforcing a 100m set back and projected sea rise due to climate change the current site will be in contravention of Section 10 (1D) as it will pose a risk to the environment and public. There are also alternative sites and options available to Irish Water to develop a WWTP within an Cheathrú Rua.*
- *In relation to section 12 (11) of The Planning Act there is currently no statutory minimum buffer zones set for wastewater treatment plants and therefore it is open to elected representatives to set minimum setbacks in the making of County Development plans. The 100m setback for An Cheathrú Rua WWTP would add to proper planning and sustainable development as the current site identified is not suitable given its close proximity to the sea shore, houses and residents. Irish Water state that there is capacity within the village at present.*

The Office acknowledges the desire of the elected members to protect the sea shore, houses and residents, and to protect the environment and the public against impacts consequent to rising sea levels and due to climate change.

However, there are extensive and reasonable provisions in the plan to protect the environment, as outlined in the Environmental Reports which accompany the Plan.

Notwithstanding the fact that no evidence has been provided to support the claim that the current site will be in contravention of Section 10(1D) as it will pose a risk to the environment and public. Objective WW9 and the 100 m separation distance apply to all potential locations to service An Cheathrú Rua. There is no basis, therefore, to support the generalised assertion that all WWTP within the 100 m separation distance would be in contravention of section 10(1D) of the Act.

It is further noted that the Strategic Environmental Assessment (SEA) prepared for the Plan advised against the inclusion of this policy and states:

There is no established planning justification for this Amendment. New wastewater treatment plants must comply with existing provisions requiring the protection and management of the environment. The establishment of a setback from all new wastewater treatment plants would prevent development, including that which may be appropriate, in areas adjacent to any such plants. This could hinder the achievement of objectives relating to compact sustainable development.

The Office also notes that the stated objectives of the Plan with respect to An Cheathrú Rua (CSGV 1, CSGV 2) to promote the development of the village as a sustainable residential community and an accessible environment that provides a range of services, facilities and amenities can only be delivered upon if the necessary infrastructure is in place. The inclusion of this constraint without justification may prejudice the delivery of this key infrastructure and prejudice the planned sustainable growth of An Cheathrú Rua over the plan period.

Irish Water also made a submission to the draft Plan requesting the policy is removed and whilst acknowledging “*the need for appropriate separation between WWTPs and sensitive receptors there is no official policy or guidance in Ireland with regard to such setbacks*”. The submission from Irish Water to the Material Amendments outlined their disappointment at the continued inclusion of Policy

Objective WW9 which causes *“uncertainty over the timeline for the delivery of the ongoing project to provide wastewater treatment for this untreated agglomeration and mean that Irish Water are unable to commit to the provision of a WWTP for An Cheathrú Rua within the lifetime of the Draft Plan”*.

In addition, retaining Policy WW9 could have unintended consequences for considering the proper planning and sustainable development of the area into the future, given that it is not clear from the policy where the 100m separation distance to be applied is taken from, and what type of development may be required to retain a 100m separation distance from any wastewater treatment plants in the vicinity of the site boundary.

Having regard to the above, the Office does not consider that the reasons provided by the elected members provide an evidence based rationale for the inclusion of Objective WW9 and the 100m separation distance such that would set aside the CE’s recommendation, the recommendation of the planning authority’s SEA Environmental Report, and the statutory requirement in section 10(1D) of the Act which requires that that the development objectives in the development plan are consistent, as far as practicable, with the conservation and protection of the environment.

1.7 Waste Sludge Hub

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.

The following three (3) material amendments were introduced to amend the draft Plan in respect of the location of such a facility, specifically to identify Ballinasloe and Tuam as being unsuitable locations for a regional waste management facility and/or sludge hub centre:

- MA 7.8 s to amend text in Section 7.5.10 (Sludge Management),

- MA 7.9 to amend Policy Objective WW1 Enhancement of Wastewater Supply Infrastructure), and
- MA 7.10 to amend Policy Objective WW 2 Delivery of Wastewater Infrastructure.

MA Recommendation 10 - Wastewater Management Infrastructure states:

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 1*
- *MA 7.10 Amendment to policy objective WW 2”*

The CE’s Report (dated March 2022) recommended that the text of section 7.5.10, Policy WW1 and Policy WW2 would revert back to that of the draft Plan consistent with the recommendation of the Office.

The Elected Members rejected the CE’s Recommendation to remove this amendment for the reasons which are summarised as follows:

- *both Tuam and Ballinasloe are not suitable locations. The Key towns are already under severe pressure as regards dealing with legacy issues.*
- *Galway County Council adopts the Principles of Environmental Justice in its decision-making processes and strives to ensure a ‘fair’ distribution of environmental benefits and burdens within the county in its application of environmental policy, planning, implementation and governance. This includes ensuring that no one town within Galway county is continually subjected to large-scale waste facility developments and commercial waste operations which can impact negatively upon that community in terms of environment, quality of life, health wellbeing, placemaking, and/or future economic growth opportunities including attracting investment & sustainable tourism.*

The Office acknowledges the reasons given by elected members in terms of the protection of the environment and amenities of Tuam and Ballinalsoe. However, there are extensive and reasonable provisions in the plan to protect the environment and amenities of the county, as outlined in the Environmental Reports which accompany the Plan.

Furthermore, there is no evidence basis to support the reason that both settlements are unsuitable locations, particularly having regard to the provisions in the plan to protect the environment and amenities of the county.

The reasons given do not, therefore, address the substantive issue in the recommendation that the Plan be made without material amendments MA 7.8, MA 7.9 and MA 7.10 which are inconsistent with national and regional policy to promote circular economy principles to maximise waste as a resource and to ensure that sustainable water services infrastructure is in place to meet the demands of continuing population growth and the developing economy.

It is further noted that the SEA Environmental Report prepared for the Plan states that there is no policy or evidence basis for the inclusion of the material amendments and recommends that the Plan is made without these zoning objectives.

The Office also notes the submission from Irish Water to the Material Alterations which recommends that MAs 7.8, 7.9 and 7.10 are not adopted as they would negatively impact on the achievement of objectives of the National Sludge Management Plan (NWSMP) and that the site selection process for a sludge hub site in the region, which is influenced by multiple factors, is ongoing.

2. Opinion of the Office and Reasons

Having considered the adopted Development Plan, the Office notes, under section 31 AM(7) of the Act, that the said Development Plan has not been made in a manner consistent with the recommendations of the Office.

Further, the Office does not accept that the reasons given for not implementing the Office's recommendations in the notice letters dated 21st January and 16th May 2022 issued under section 12(5)(aa) and section 31AM(6) respectively, adequately justify the failure to implement those recommendations or explain how, notwithstanding that failure, the Development Plan as adopted sets out an overall strategy for the proper

planning and sustainable development of the area as required by section 10(1) of the Act.

As you will be aware, under section 31AM(1)(a-e) of the Act, the Office has a statutory duty to evaluate and assess local authority development plans.

The following provisions of the Act are relevant in terms of the evaluation and assessment of local authority development plans such as this Development Plan:

- The provisions of section 31AM(2) in relation to the legislative and policy matters to be addressed by the Office in assessing and evaluating the draft Development Plan and Material Alterations of a Development Plan.
- Under section 31AM(3)(a), the Office shall make such recommendations in relation to the Office's evaluation and assessments to those authorities as it considers necessary in order to ensure effective co-ordination of national, regional and local planning requirements by the relevant planning authority in the discharge of its development planning functions.
- In performing its functions, the Office must, under section 31P(3), take account of the objective for contributing to proper planning and sustainable development and the optimal functioning of planning under the Act.
- Under section 31S, the Office must, in performing its functions, have regard to:
 - a) the policies and objectives for the time being of the Government, a State authority (including Ministerial guidelines, policy directives and directions issued under *Chapter IV of Part II*), planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns, villages or other areas, whether urban or rural;
 - b) the public interest and any effect the performance of the Office's functions may have on issues of strategic, economic or social importance to the State;
 - c) the National Planning Framework (or, where appropriate, the National Spatial Strategy) and any regional spatial and economic strategy for the time being in force; and

- d) the requirements of relevant acts of the European Union, in particular, those relating to—
- (i) the Environmental Impact Assessment Directive;
 - (ii) Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment;
 - (iii) the Habitats Directive; and
 - (iv) the Birds Directives;

in so far as those requirements relate to planning authorities by virtue of being designated competent authorities for the purposes of those acts.

Accordingly, having considered the Development Plan in light of section 31AM(1)(a-e), section 31AM(2), section 31AM(3)(a), section 31P(3) and section 31S, and the notice letters from the planning authority issued on 21st January and 16th May 2022 under sections 12(5)(aa) and 31AM(6) respectively, the Office is of the opinion that the Development Plan has not been made in a manner consistent with the recommendations of the Office under section 31AM (7).

The Development Plan as made includes material amendments to the draft Plan which include individual instances of piecemeal residential zoning where the Office has identified inconsistency with national and regional policy and where the plan has failed to have regard to section 28 Guidelines including:

- (i) land zoned for Residential Phase 1 and Residential Phase 2 significantly in excess of the housing land requirement necessary to accommodate the town's housing supply target in the adopted Plan (Table 2.9 Core Strategy) and where Objectives GCMA 1, SGT 1 and SV 1 provide that such lands are developable for housing within the lifetime of the Plan albeit under certain specified conditions. (Clifden SGT LUZ 6.1, 6.4b, 6.5; and Headford 7.2, 7.4, 7.7, 7.8, 7.10; and An Cheathrú Rua SGV LUZ 11.1b; and Woodlawn RSA LUZ 20.1)

In making the Development Plan with residential zoning in excess of that determined to be required under the Core Strategy, the planning authority has failed to have regard to the requirement under section 4.5 of the *Development Plan Guidelines for Planning Authorities (2007)* and section

4.4 of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation (2021)* to ensure enough land is zoned and to avoid zoning too much land;

- (ii) land zoned for development (Residential Phase 1 and 2) located in peripheral locations outside the CSO settlement boundary for the settlement, or in the case of Woodlawn any existing settlement, inconsistent with the requirements for compact growth in NPO 3c and RPO 3.2. (Clifden SGT LUZ 6.1, 6.4b, 6.5; and Headford 7.2, 7.4, 7.7, 7.10; and Woodlawn RSA LUZ 20.1)
- (iii) land zoned for development located in non-sequential and peripheral locations at a distance from the centre and beyond undeveloped greenfield lands, or in the case of Woodlawn detached from any existing settlement. (Clifden SGT LUZ 6.1, 6.4b, 6.5; and Headford 7.2, 7.4, 7.7, 7.8, 7.10; and An Cheathrú Rua SGV LUZ 11.1a; Oughterard SGT LUZ 9.4; and Woodlawn RSA LUZ 20.1; and land zoned Business and Enterprise to the south of Headford on the N84)

The specified zoning amendments therefore fail to have regard to the requirement to implement or adopt the sequential approach to zoning under the *Development Plans, Guidelines for Planning Authorities (2007)* issued under Section 28 of the Act, except in exceptional circumstances (which ‘*must be clearly justified ... in the written statement*’), and under section 6.2.3 of the *Development Plans, Guidelines for Planning authorities - Draft for Consultation (2021)* and no or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why the said guidelines have not been followed;

- (iv) Land proposed for development despite the recommendation the *SEA Environmental Report for Relevant Proposed Material Alterations to the Draft Galway County Development Plan 2022 – 2028* ‘to not adopt as part of the Draft Plan’ (all material amendments the subject of this recommendation with the exception of SGT LUZ Clifden 6.1, SGT LUZ Headford 7.7 and SGT LUZ Maigh Cuillin);

- (v) land zoned for development vulnerable to flood risk in areas known to be at risk of flooding contrary to NPO 57 and fails to have regard to the statutory guidelines of the Minister *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), as revised and where the Strategic Flood Risk Assessment recommends that the zoning amendment not be adopted (MASP LUZ Oranmore 3.5).

In making the Development Plan with the subject amendment, the planning authority has made the plan inconsistent with the requirements of section 10(2A)(d)(ii) of the Act which requires the development plan to provide details of how the zoning proposals in respect of lands zoned for residential and for a mixture of residential and other uses accords with national policy that development of land shall take place on a phased basis.

The statement under section 28(1A)(b) attached to Development Plan as made fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives contained in the *Development Plan Guidelines for Planning Authorities* (2007) and / or in the *Development Plan Guidelines for Planning Authorities - Draft for Consultation* (2021), and / or *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), because of the nature and characteristics of the area, in addition to the reasons for the forming of that opinion contrary to section 28(1B)(b).

Material amendment SGT LUZ Maigh Cuillinn 8.4 is located adjacent to the route of the N59 Maigh Cuillinn by-pass, and has the potential to negatively impact the delivery of the planned national road network in the area, undermine Government investment in the N59 Moycullen Bypass Scheme and fails to have regard to Ministerial Guidelines issued under section 28 of the Act, specifically the requirement under section 2.9 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) in respect of compromising the route selection process and the broader public interest. :

The statement under section 28(1A)(b), attached to Development Plan as made, fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives contained in the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012)

because of the nature and characteristics of the area, in addition to the reasons for the forming of that opinion contrary to the requirements of section 28(1B)(b).

The Development Plan as made with policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua may unreasonably and significantly prejudice the delivery of this key infrastructure and prejudice the planned sustainable growth of An Cheathrú Rua over the plan period inconsistent with the statutory requirement in section 10(1D) of the Act that that the development objectives in the development plan are consistent, as far as practicable, with the conservation and protection of the environment.

The Development Plan as made with material amendments MA 7.8, 7.9 and 7.10, which specifically identifies Ballinasloe and Tuam as being unsuitable locations for a regional waste management facility and/or sludge hub centre contrary to the recommendation of the SEA Environmental Report is inconsistent with 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.

Moreover, neither policy WW9 and reference to the minimum 100 metre separation distance, nor MA 7.8, 7.9 and 7.10, are considered to be necessary or reasonable having regard to the comprehensive provisions within the Development Plan for the protection of the environment, heritage, character and amenities of the planning authority's functional area.

The Development Plan has not been made in a manner consistent with and has failed to implement the recommendations of the Office under section 31 AM.

Having regard to the matters set out above, the Office is therefore of the opinion that the Development Plan has not been made in a manner consistent with its recommendations and that the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area and is not in compliance with the requirements of the Act.

The factors that the Office has taken into account in forming this opinion are as follows:

- i. The Development Plan Guidelines for Planning Authorities (2007) which state:

The process of setting objectives for the zoning of land must seek to get the right balance between:

(a) Making sure that enough land is being zoned so that the development needs of the economy and society in the area in question over the plan period and for a reasonable period beyond can be met; and

(b) Avoiding the zoning of too much land and thereby creating a situation where priorities for development are not clear and where as a result it is difficult to secure an orderly and progressive approach to the development of that area, particularly in the matter of providing essential services such as roads, drainage, social infrastructure and amenities.

In order to maximise the utility of existing and future infrastructure provision and promote the achievement of sustainability, a logical sequential approach should be taken to the zoning of land for development:

(i) Zoning should extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference (i.e. 'leapfrogging' to more remote areas should be avoided);

(ii) A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands; and

(iii) Areas to be zoned should be contiguous to existing zoned development lands.

Only in exceptional circumstances should the above principles be contravened, for example, where a barrier to development is involved such as a lake close to a town. Any exceptions must be clearly justified by local circumstances and such justification must be set out in the written statement of the development plan.

- ii. The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) which:

require the planning system at national, regional and local levels to:

Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere;

Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk.;

- iii. *The Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), which state:

Development objectives including the zoning of land, must not compromise the route selection process, particularly in circumstances where road scheme planning is underway and potential route corridors or upgrades have been identified and brought to the attention of the planning authority

Inappropriate zonings are contrary to the broader public interest concerning the achievement of value for money for the taxpayer and can significantly increase the cost of land to be acquired for national road schemes. Such zoning decisions could make the road project uneconomic, potentially leading to significant material alterations to the project or even the abandonment of the scheme as well as negating the planning work undertaken and the investment made in the proposed road scheme.

- iv. Section 10(1D) of the Act which states:

The written statement referred to in subsection (1) shall also include a separate statement which shows that the development objectives in the development plan are consistent, as far as practicable, with the conservation and protection of the environment.

- v. Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.
- vi. National Policy Objective NPO3(c), NPO 54, NPO 53, and NPO 57, and Regional Policy Objective 3.2 which state:

NPO3(c)

Deliver at least 30% of all homes that are targets in settlements other than the five Cities and the suburbs, within existing built-up footprints.

NPO 56

Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.

NPO 63

Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.

NPO 57

Enhance water quality and resource management by:

- *Ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities;*
- *Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process;*

- *Integrating sustainable water management solutions, such as Sustainable Urban Drainage (SUDS), nonporous surfacing and green roofs, to create safe places.*

RPO 3.2

- (a) Deliver at least 50% of all new city homes targeted in the Galway MASP, within the existing built-up footprint of Galway City and suburbs.
- (c) Deliver at least 30% of all new homes that are targeted in settlements with a population of at least 1,500 (other than the Galway MASP and the Regional Growth Centres), within the existing built-up footprints.
- vii. The Core Strategy population in Table 2.9 of the adopted Development Plan.
- viii. The Chief Executive's reports on submissions on the draft Development Plan and material alterations to the draft Development Plan.
- ix. The requirements of sections 10(1), 10(1A), 10(1D), 10(2A), 11(1A), 12(11), 12(18), 28(1), 28(1A), 28(1B) of the Act.

3. Recommendation to the Minister

Having regard to section 31AM(8) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act taking such steps as to rectify the matter as set out in the draft direction to the planning authority accompanying this notice, i.e:

- a. Reinststate the following zoning objectives to that of the draft Plan:
 - i. Clifden SGT LUZ 6.1 - i.e. the subject land reverts to Agriculture from Residential Phase 2
 - ii. Clifden SGT LUZ 6.4b - i.e. the subject land reverts to unzoned from Residential Phase 2
 - iii. Clifden SGT LUZ 6.5 - i.e. the subject land reverts to unzoned from Residential Phase 2

- iv. Headford SGT LUZ 7.2 - i.e. the subject land reverts to Open Space/Recreation and Amenity from Residential Phase 2
 - v. Headford SGT LUZ 7.4 - i.e. the subject land reverts to unzoned from Residential Phase 2
 - vi. Headford SGT LUZ 7.7- i.e. the subject land reverts to Open Space/Recreation and Amenity from Residential Phase 2
 - vii. Headford SGT LUZ 7.8 - i.e. the subject land reverts to unzoned from Residential Phase 2
 - viii. Headford SGT LUZ 7.10 -- i.e. the subject land reverts to unzoned from Residential Phase 2
 - ix. An Cheathrú Rua SGV LUZ 11.1a - i.e. the subject land reverts to unzoned from Residential Existing
 - x. An Cheathrú Rua SGV LUZ 11.1b - i.e. the subject land reverts to unzoned from Residential Phase 1
 - xi. Oranmore MASP LUZ 3.5 - i.e. the subject land reverts to unzoned from Residential Phase 2
 - xii. Oughterard SGT LUZ 9.4 - i.e. the subject land reverts to unzoned from Residential Infill
 - xiii. Woodlawn RSA LUZ 20.1 - i.e. the subject land reverts to unzoned from Residential Phase 1
 - xiv. Maigh Cuillinn SGT 8.4 - i.e. the subject land reverts to unzoned from Tourism
- b. Delete the Business and Enterprise zoning objective on lands south of Headford, on the eastern side of the N84 road to Galway
 - c. Delete policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua

- d. Delete the amended and additional provisions inserted under:
- (i) MA 7.8 to amend text in Section 7.5.10 (Sludge Management);
 - (ii) MA 7.9 to amend Policy Objective WW1 Enhancement of Wastewater Supply Infrastructure;, and
 - (iii) MA 7.10 to amend Policy Objective WW 2 Delivery of Wastewater Infrastructure.

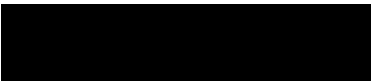
Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or a.

Yours sincerely,



Niall Cussen

Planning Regulator

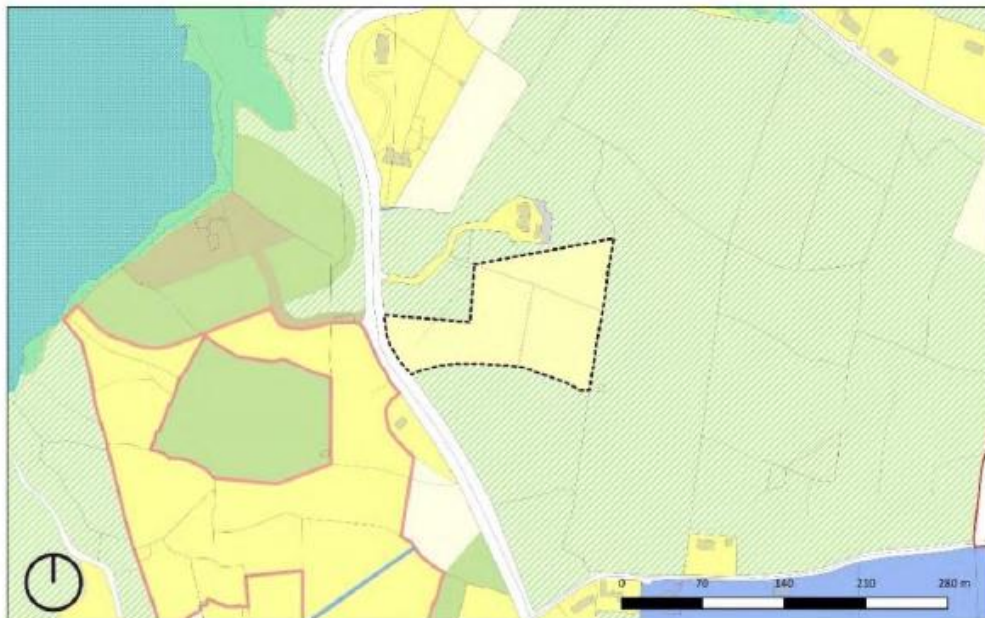


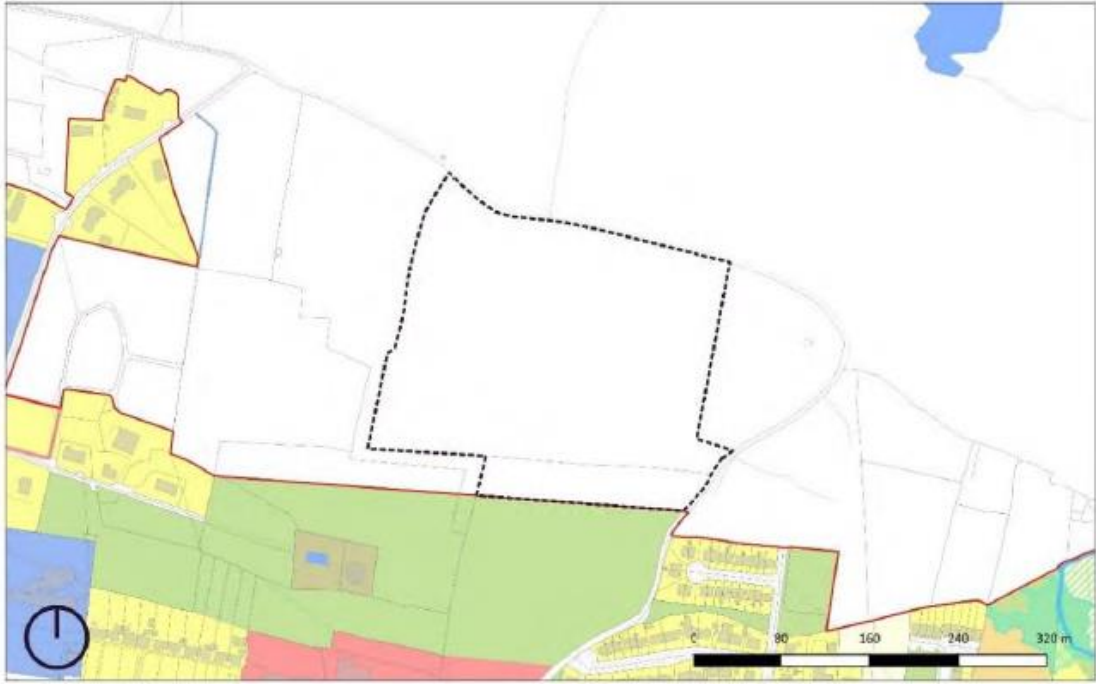
Appendix to Notice Pursuant to section 31AM(8) of the Planning and Development Act 2000 (as amended) – Galway County Development Plan 2022-2028

[Clifden land use zoning objectives](#)

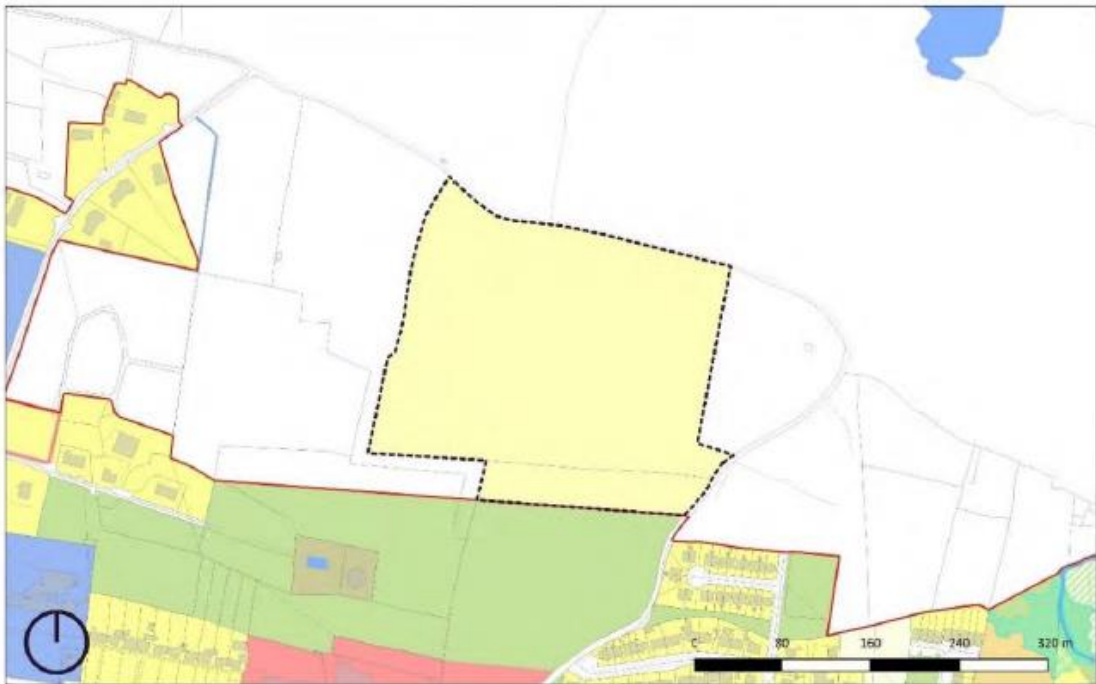


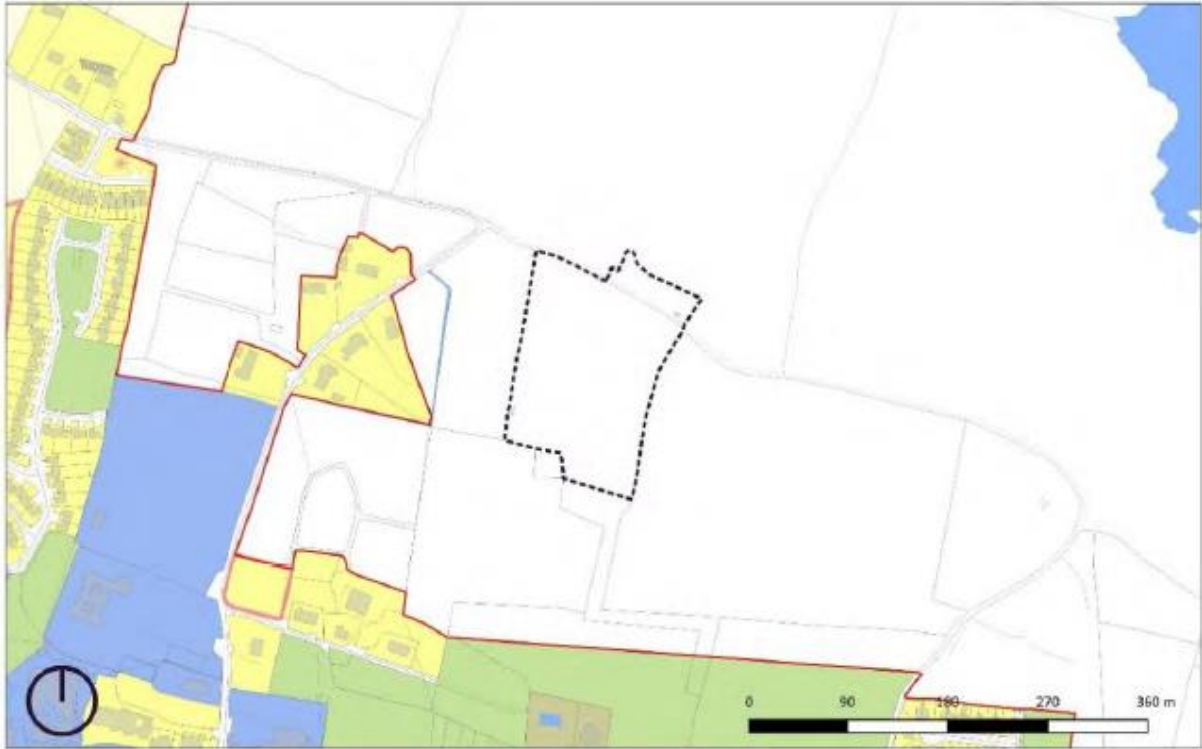
Amendment No SGT LUZ Clifden 6.1 – Change of zoning from Agriculture to Residential Phase 2



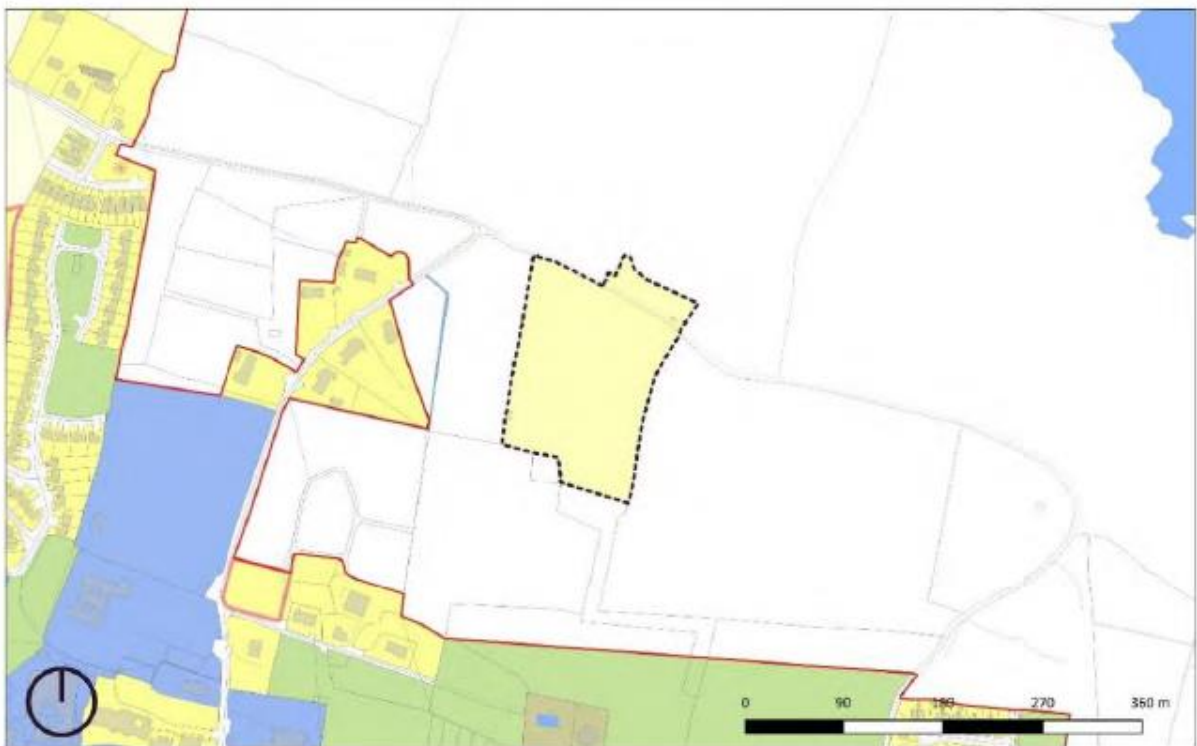


Amendment No SGT LUZ Clifden 6.4b – Change of zoning from unzoned to Residential Phase 2





Amendment No SGT LUZ Clifden 6.5 – Change of zoning from unzoned to Residential Phase 2



Clifden - Aerial photograph detailing three amendments in Red



6.1

6.5

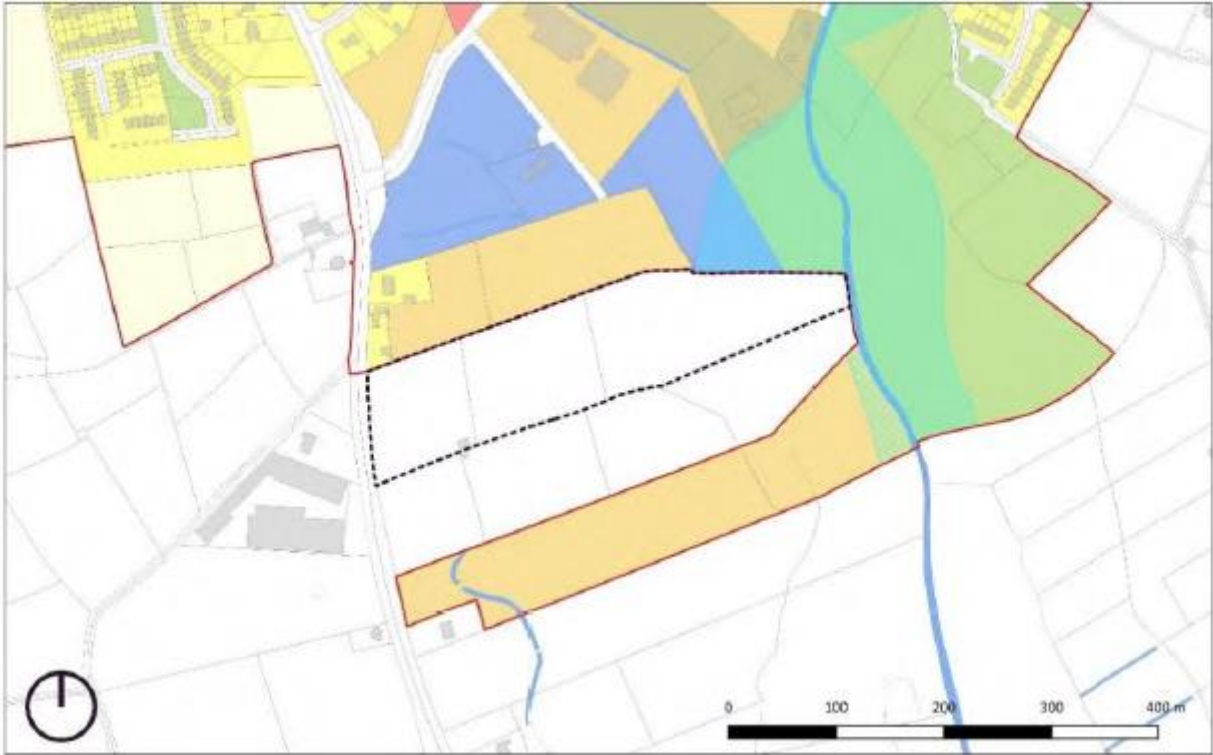
6.4b

Headford land use zoning objectives

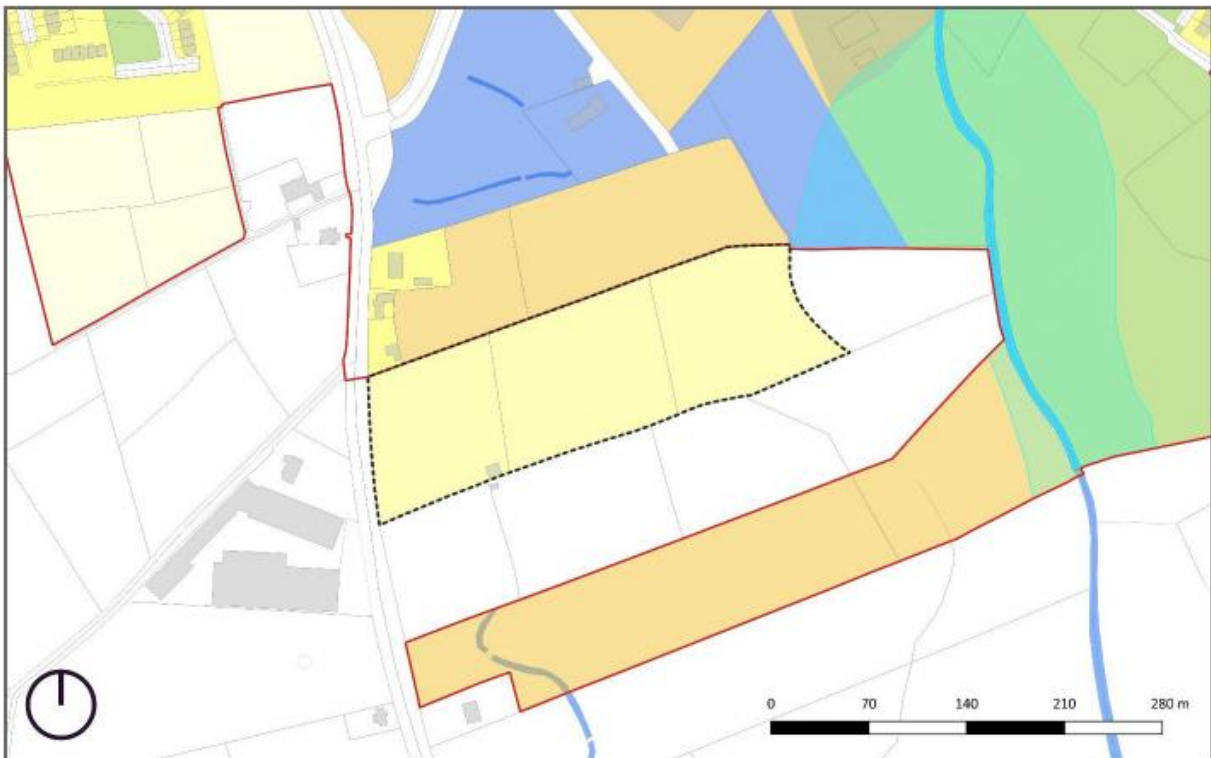


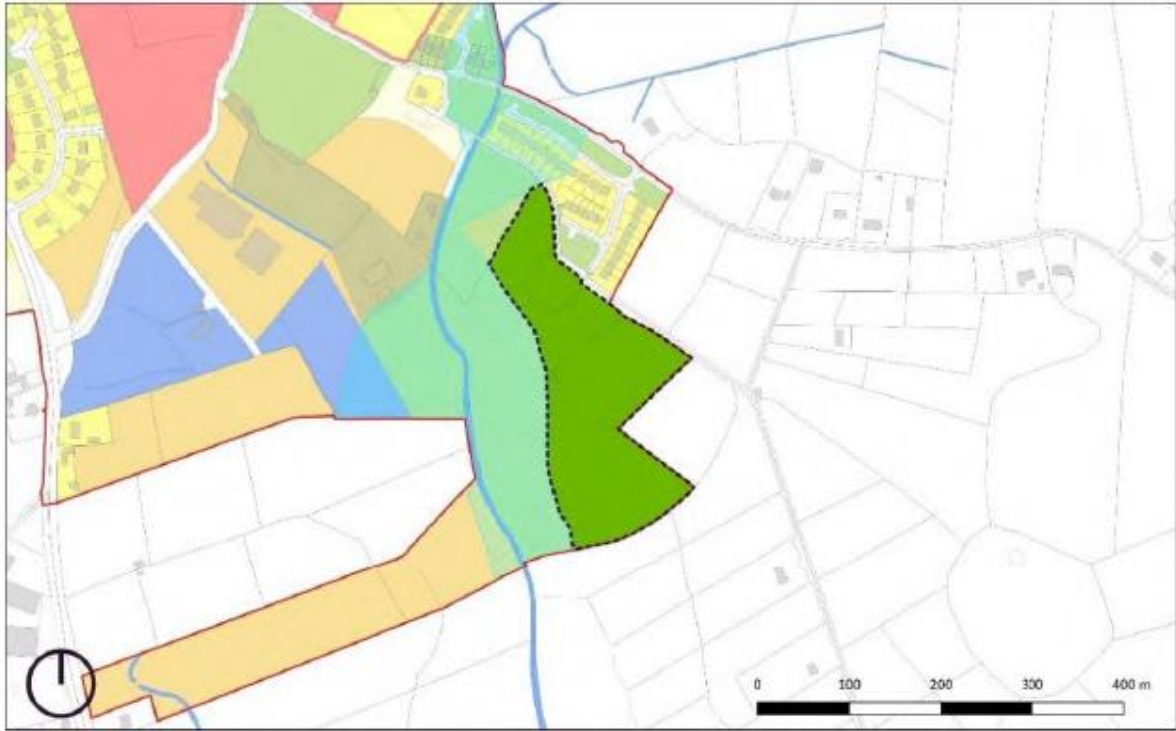
Amendment No SGT LUZ Headford 7.2 – Change of zoning from Open Space/Recreation & Amenity to Residential Phase 2



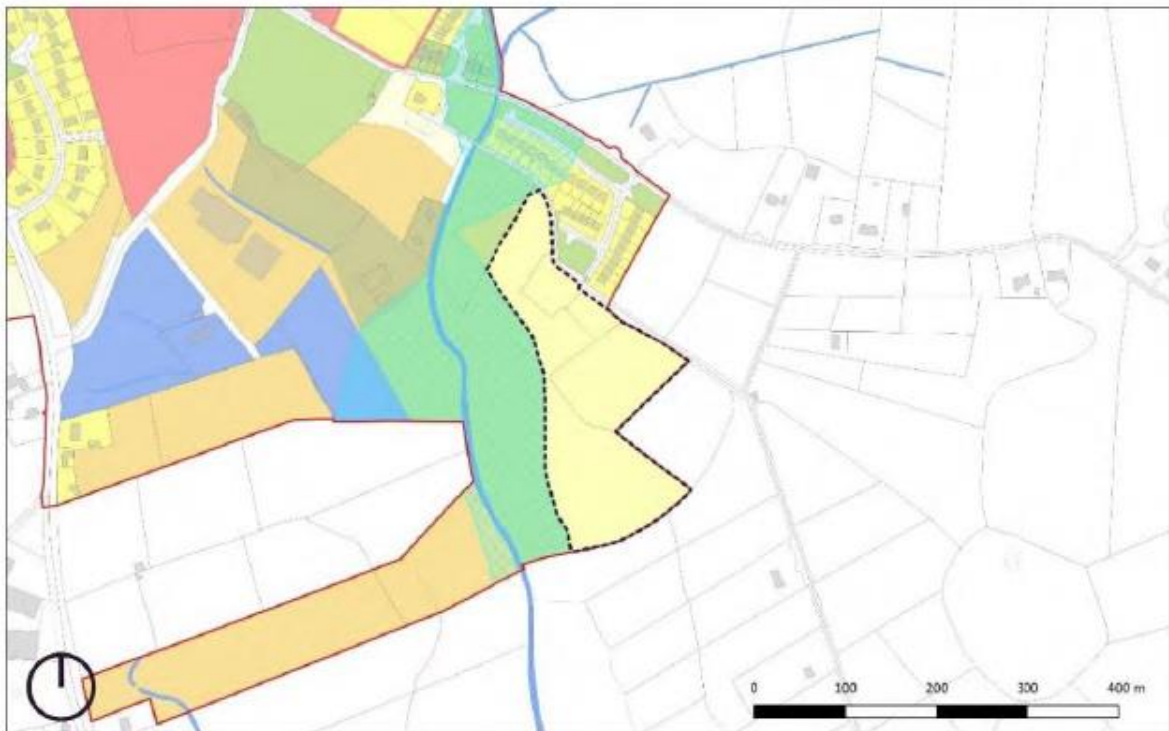


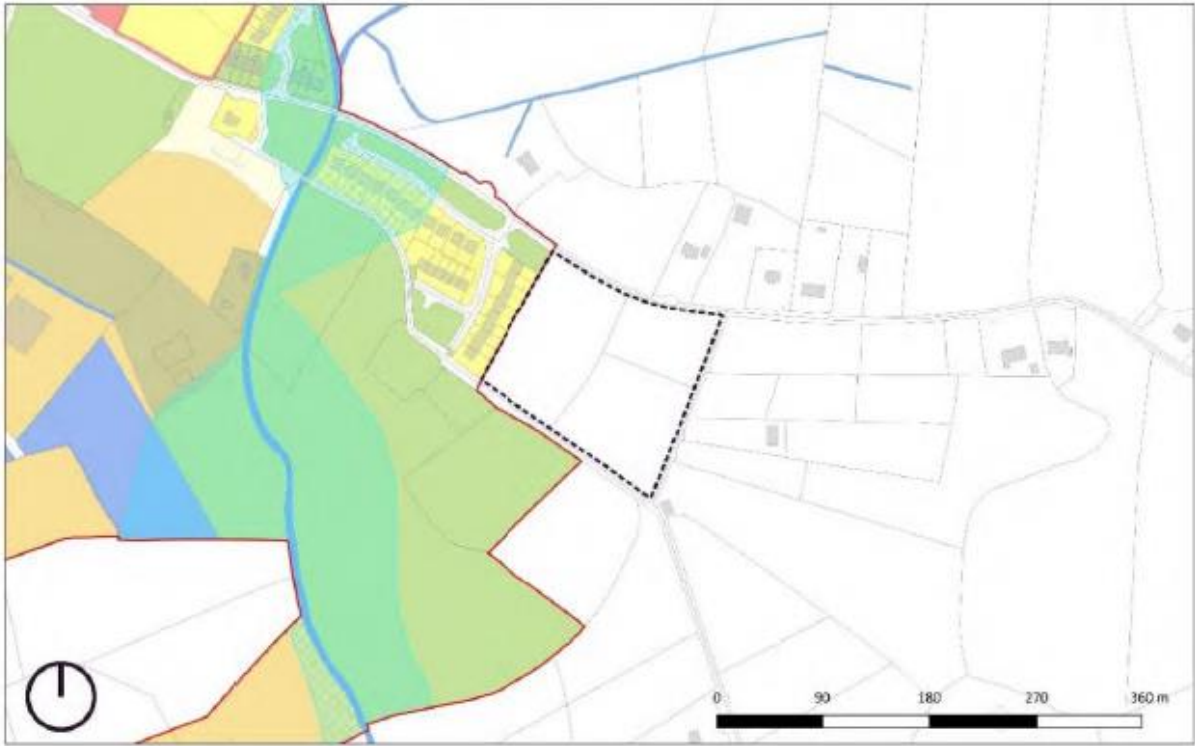
Amendment No SGT LUZ Headford 7.4 – Change of zoning from Unzoned to Residential Phase 2



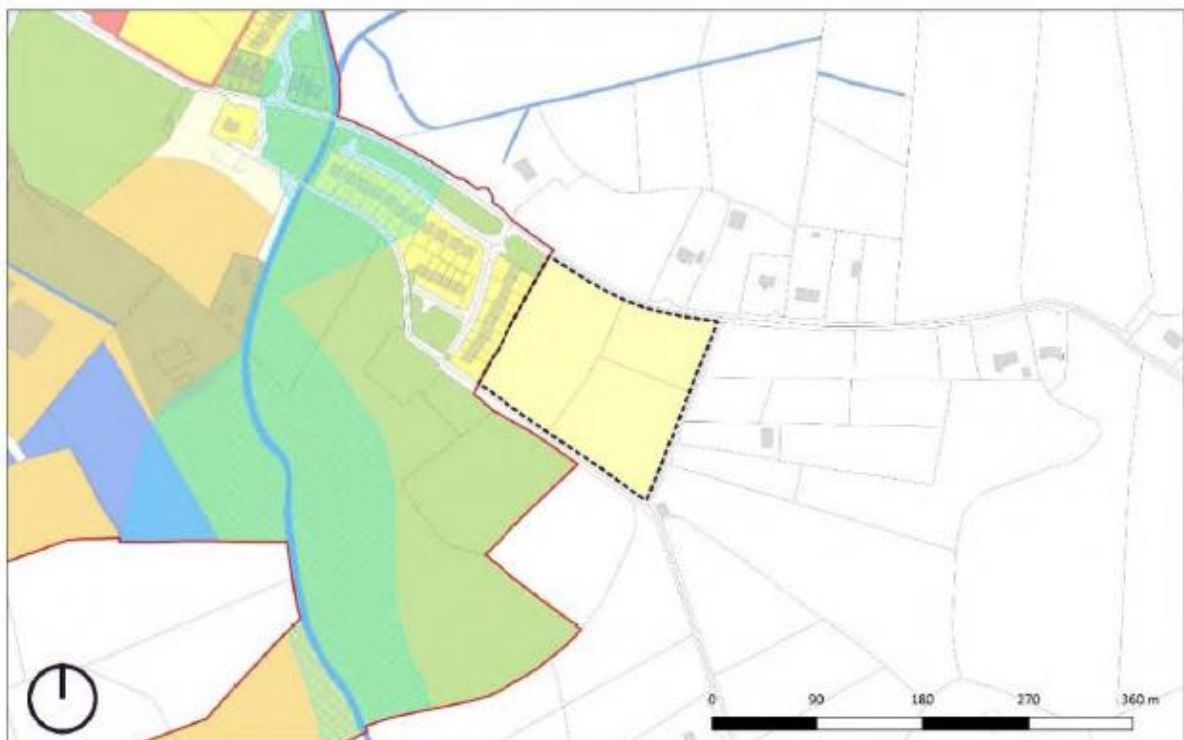


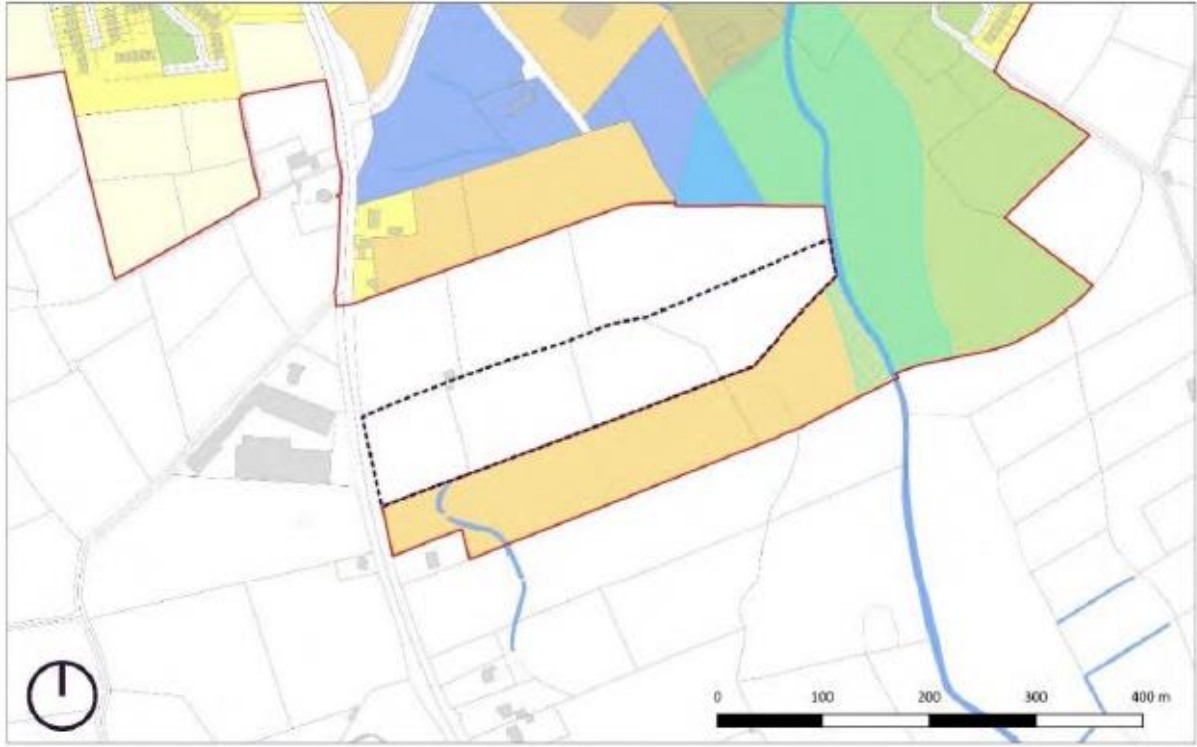
Amendment No SGT LUZ Headford 7.7 – Change of zoning from Open Space/Recreation & Amenity to Residential Phase 2



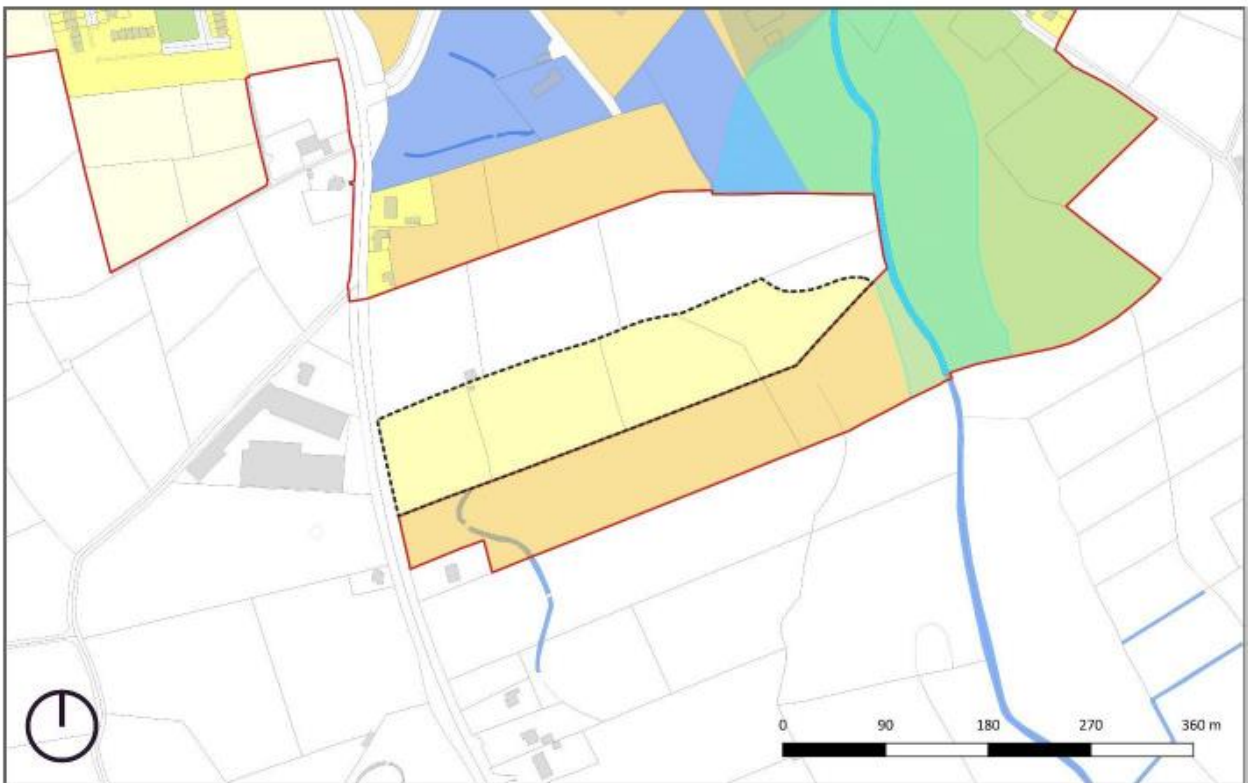


Amendment No SGT LUZ Headford 7.8 – Change of zoning from Unzoned to Residential Phase 2

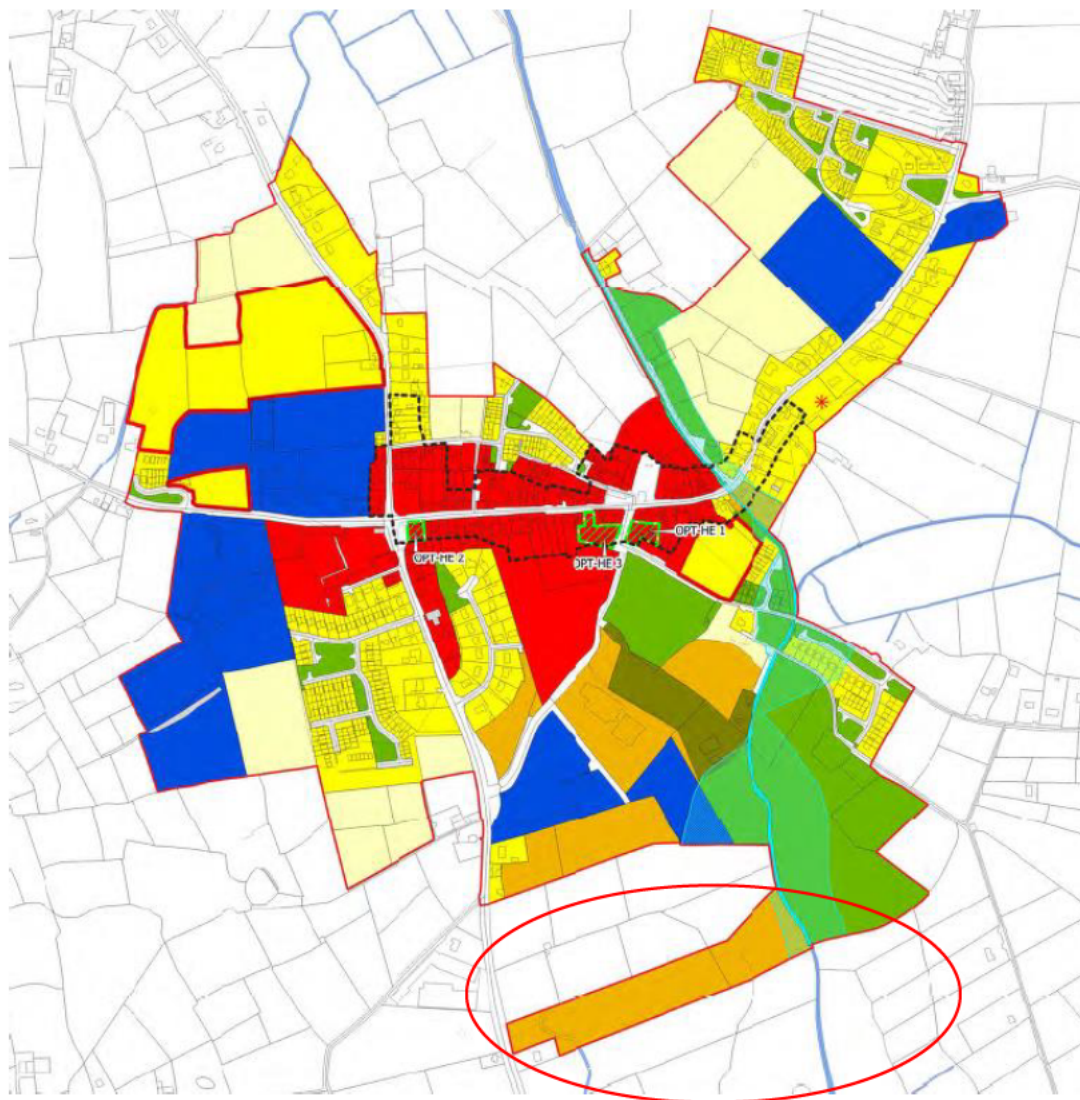




Amendment No SGT LUZ Headford 7.10 – Change of zoning from Unzoned to Residential Phase 2



Business and Enterprise Zoning highlighted in Red as per Recommendation 11 (i) of the OPR submission to the Draft Plan



Headford - Aerial photograph detailing six zoning amendments in Red



7.4

7.10

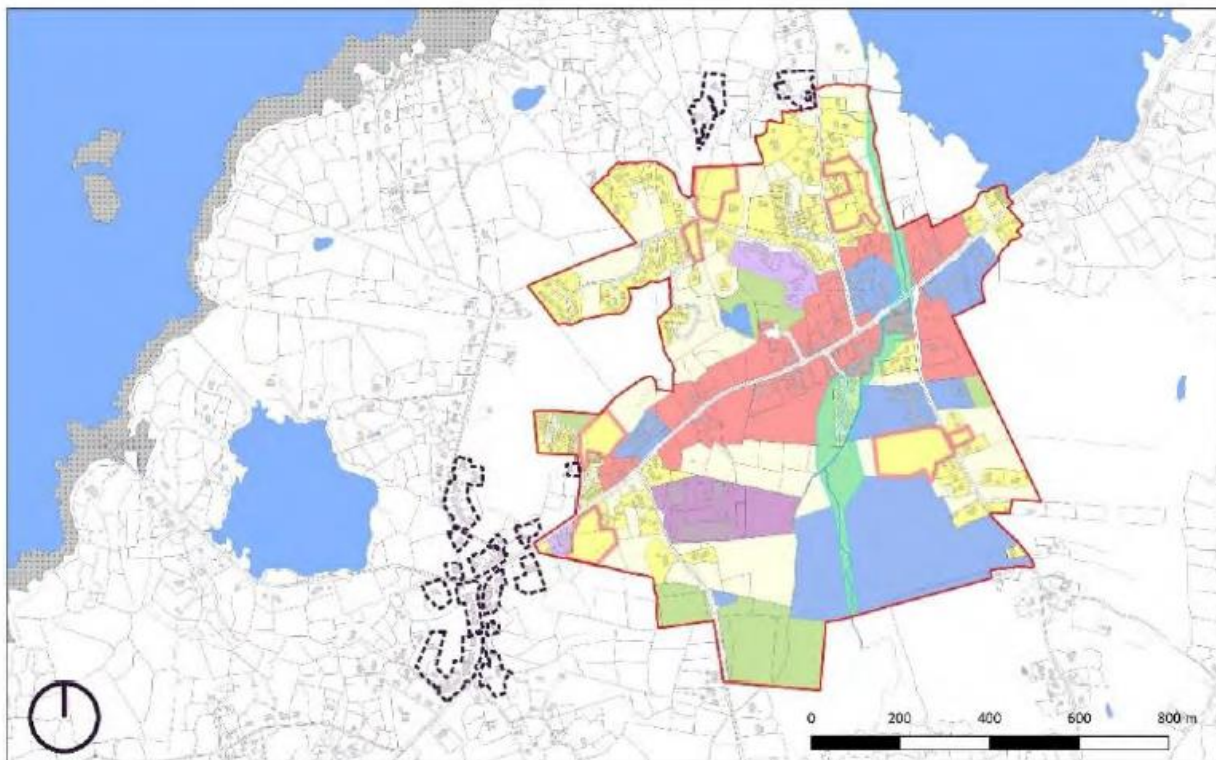
Rec 11(i)

7.2

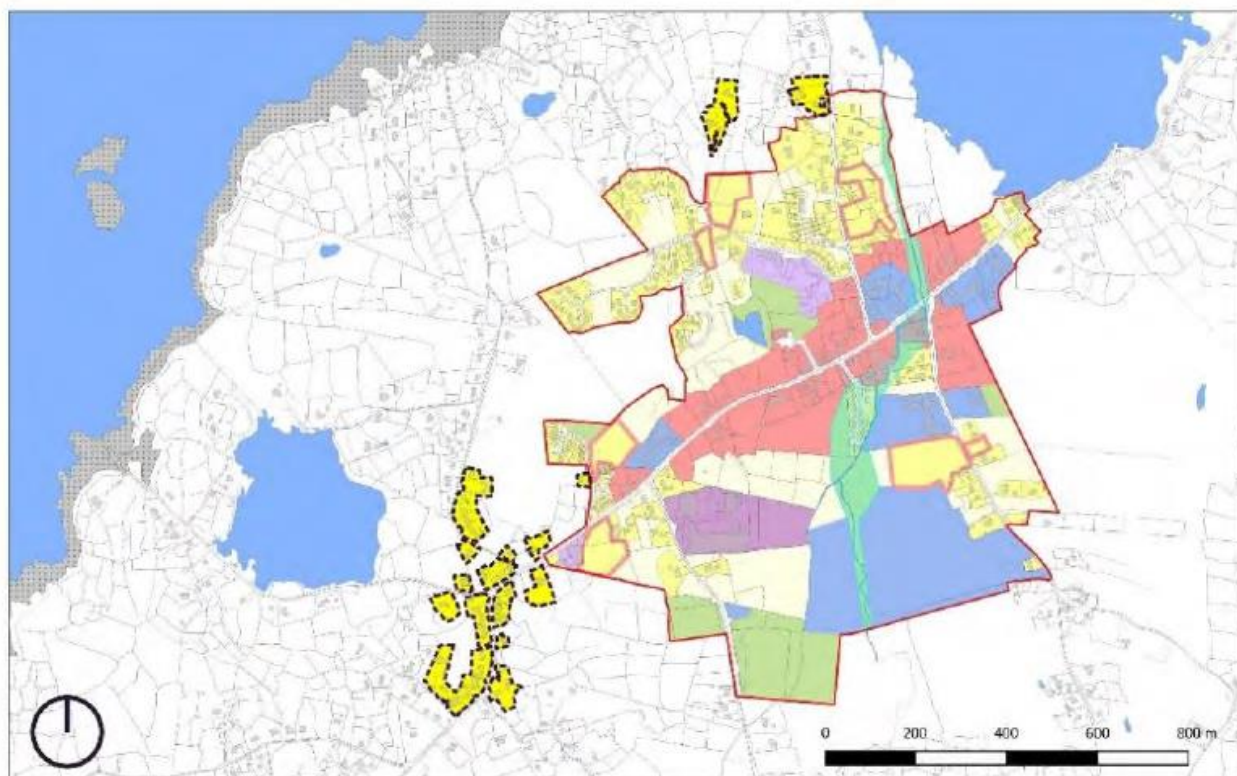
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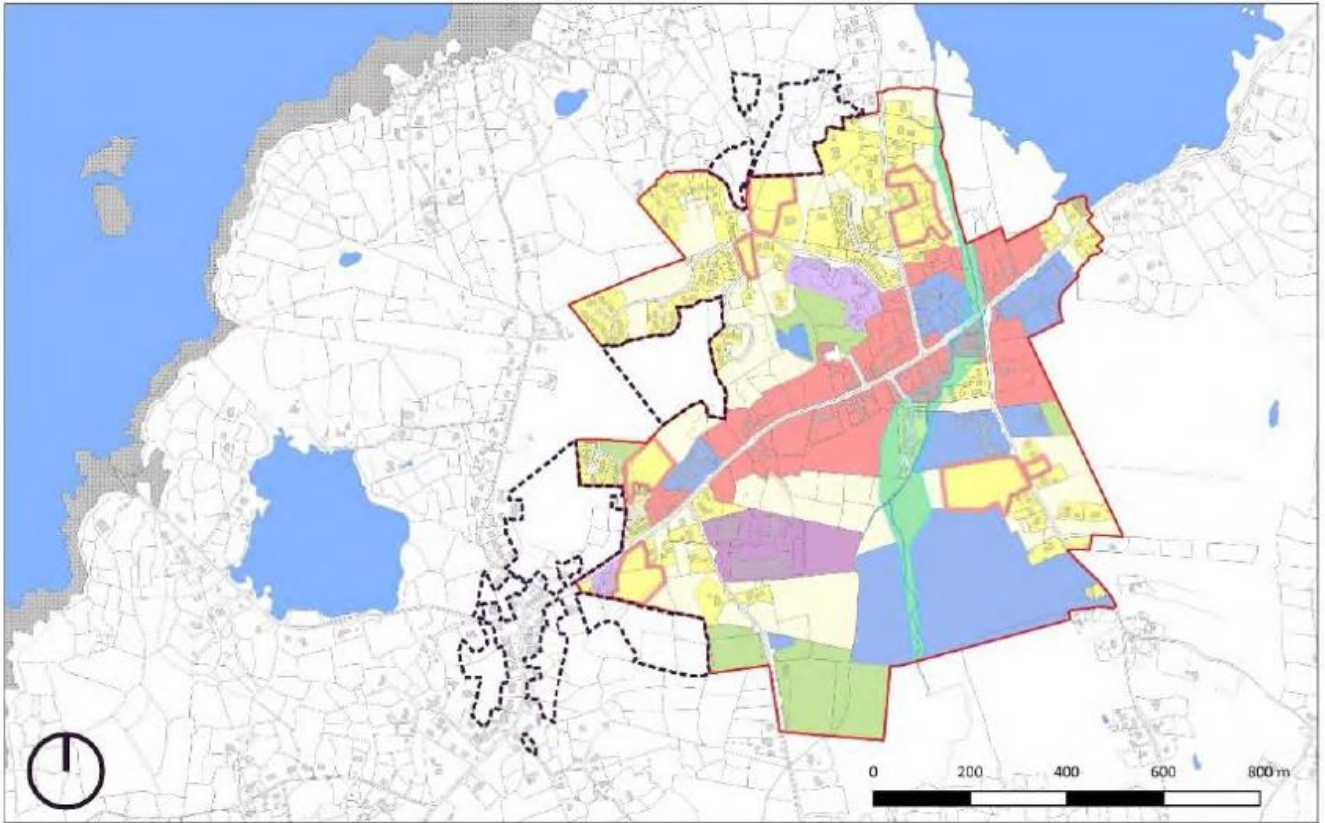
7.8

An Cheathrú Rua land use zoning objectives

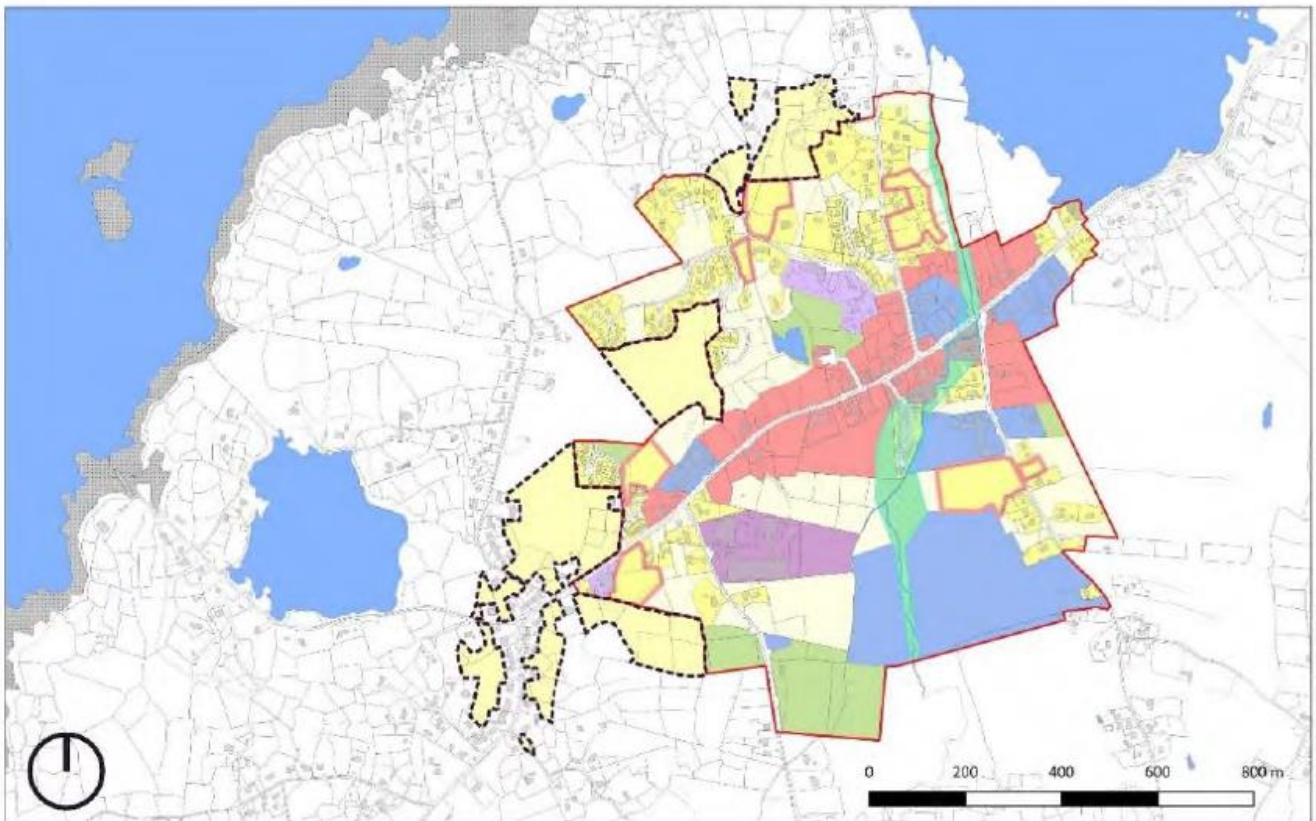


Amendment No SGV LUZ An Cheathrú Rua 11.1a – Change of zoning from Unzoned to Residential Existing (17 land parcels)





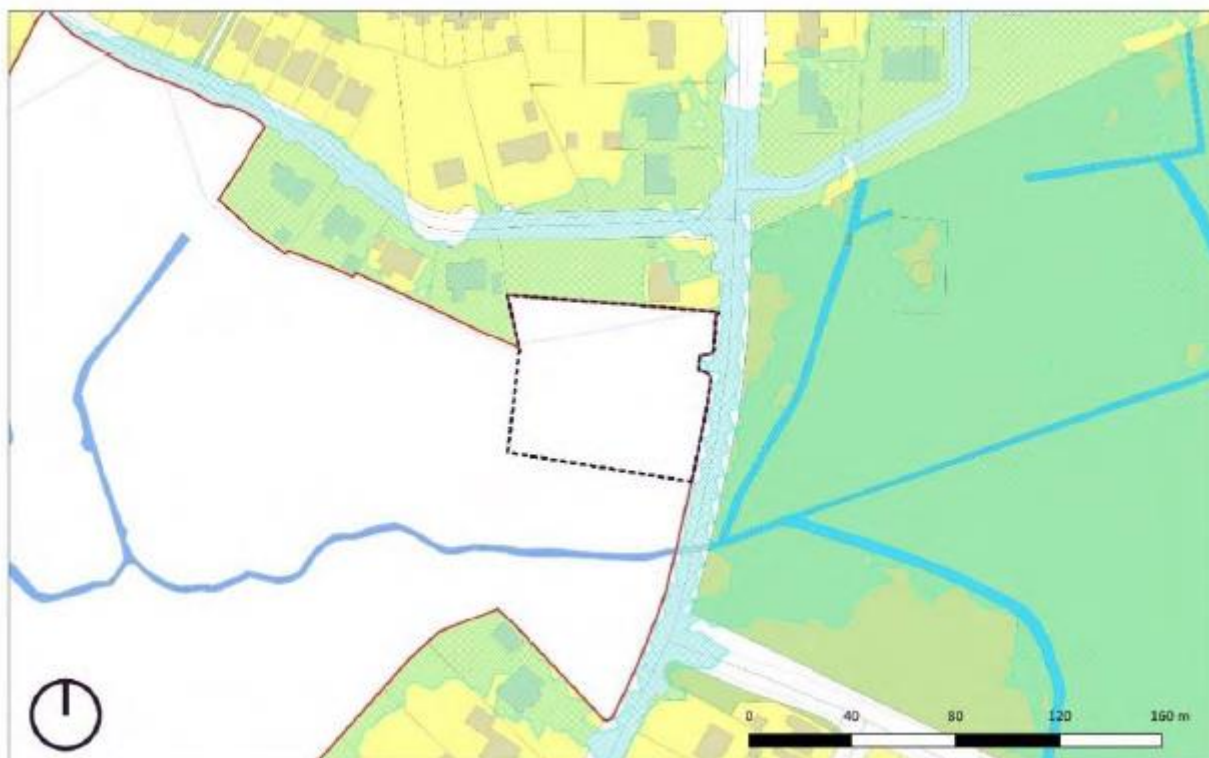
Amendment No SGV LUZ An Cheathrú Rua 11.1b – Change of zoning from Unzoned to Residential Phase 2 (10 land parcels)



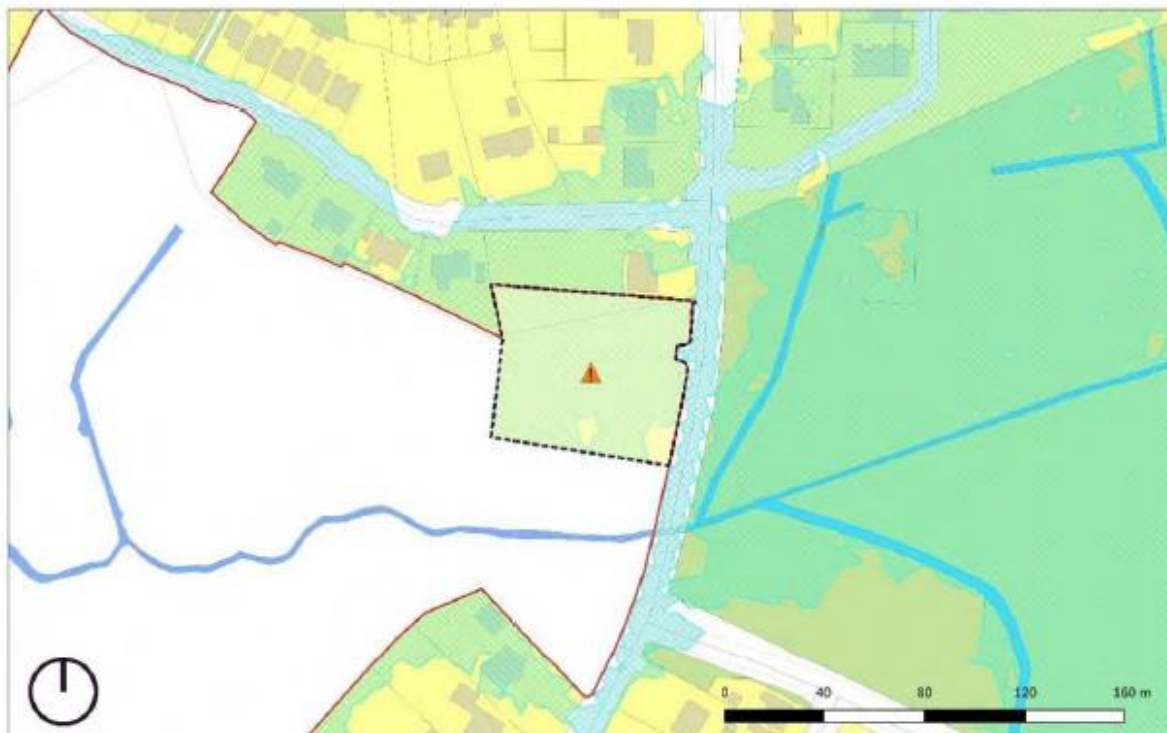
An Cheathrú Rua - Aerial photograph detailing zoning amendments in Red



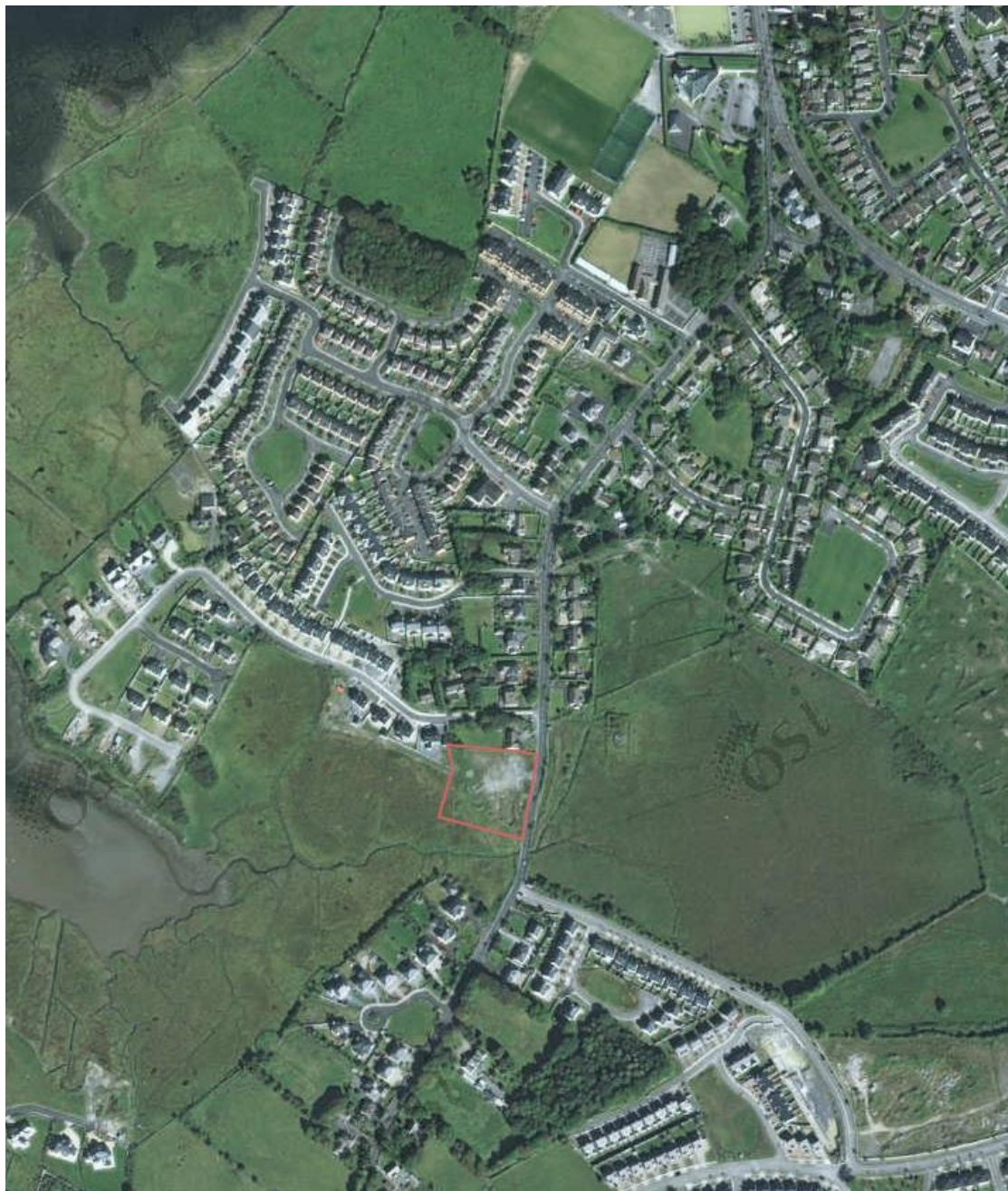
Oranmore land use zoning objectives



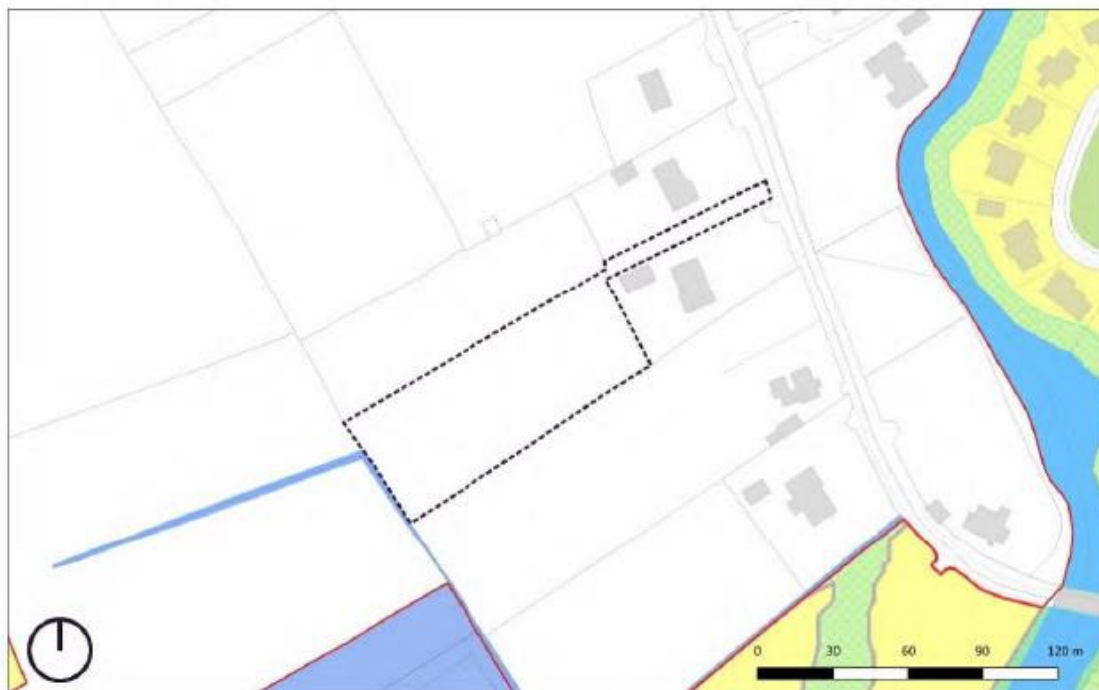
Amendment No MASP LUZ Oranmore 3.5 – Change of zoning from Unzoned to Residential Phase 2



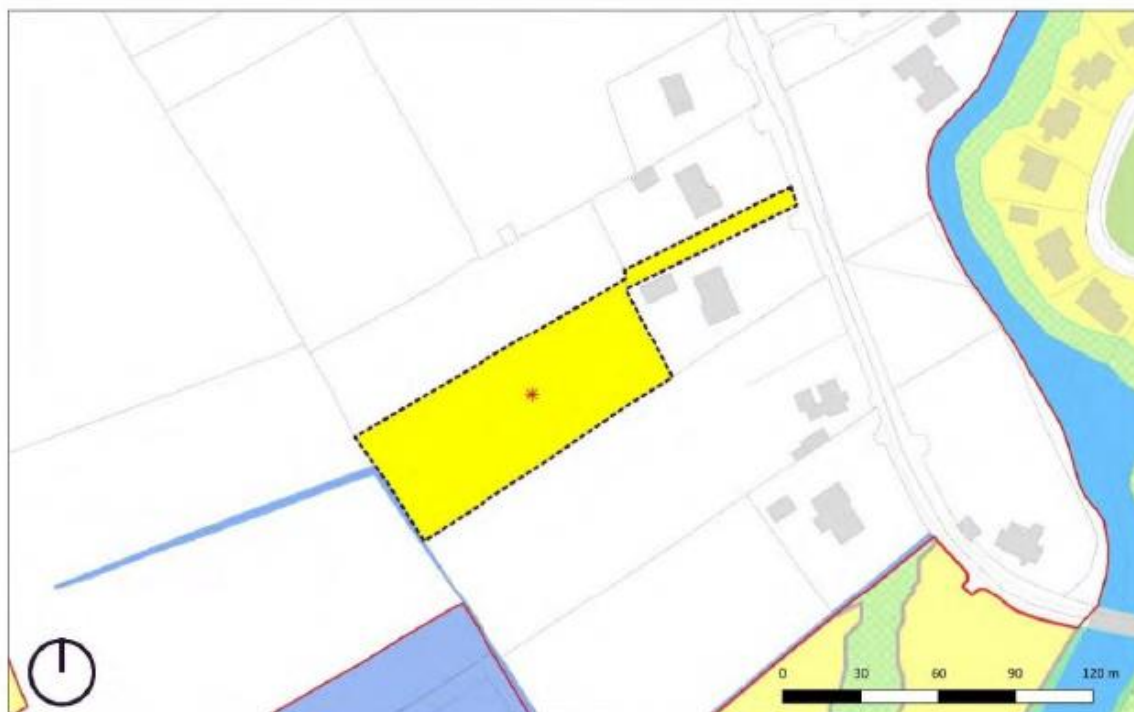
Oranmore - Aerial photograph detailing zoning amendment outlined in Red



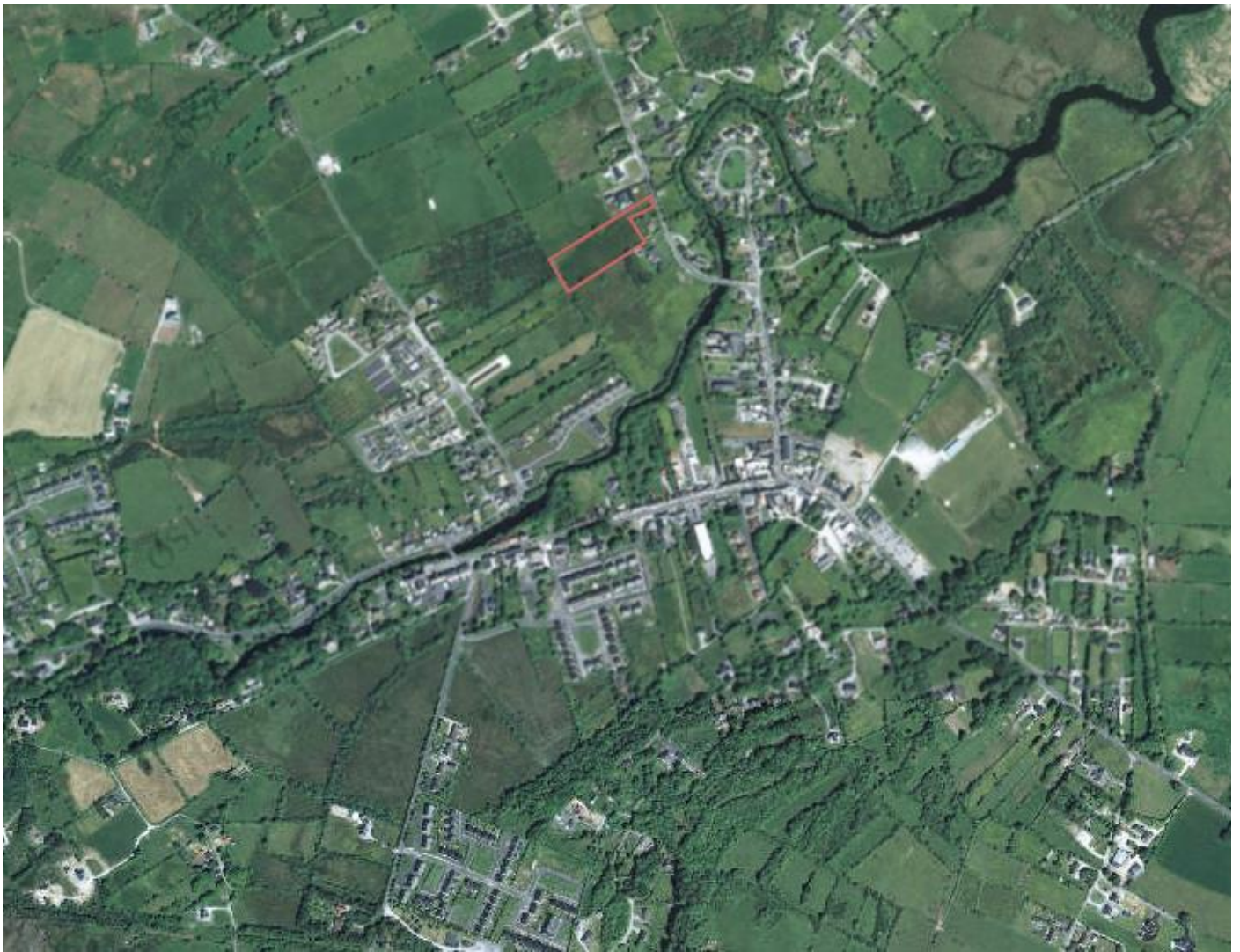
Oughterard land use zoning objectives



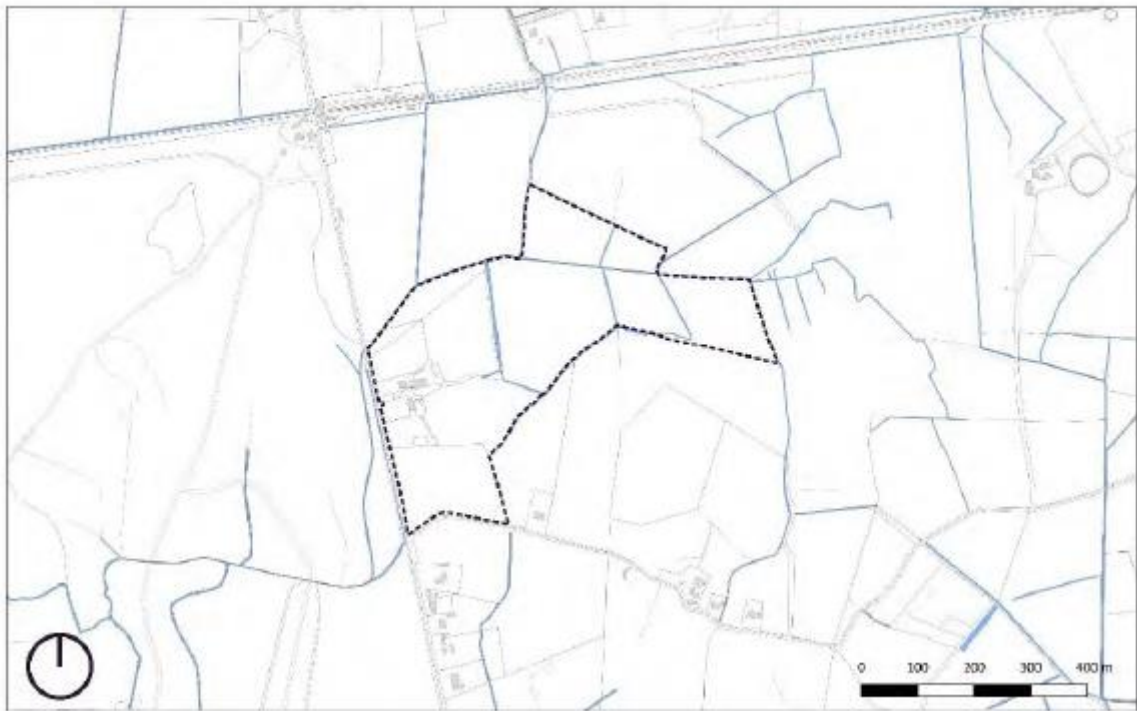
Amendment No SGT LUZ Oughterard 9.4 – Change of zoning from Unzoned to Residential Phase 2



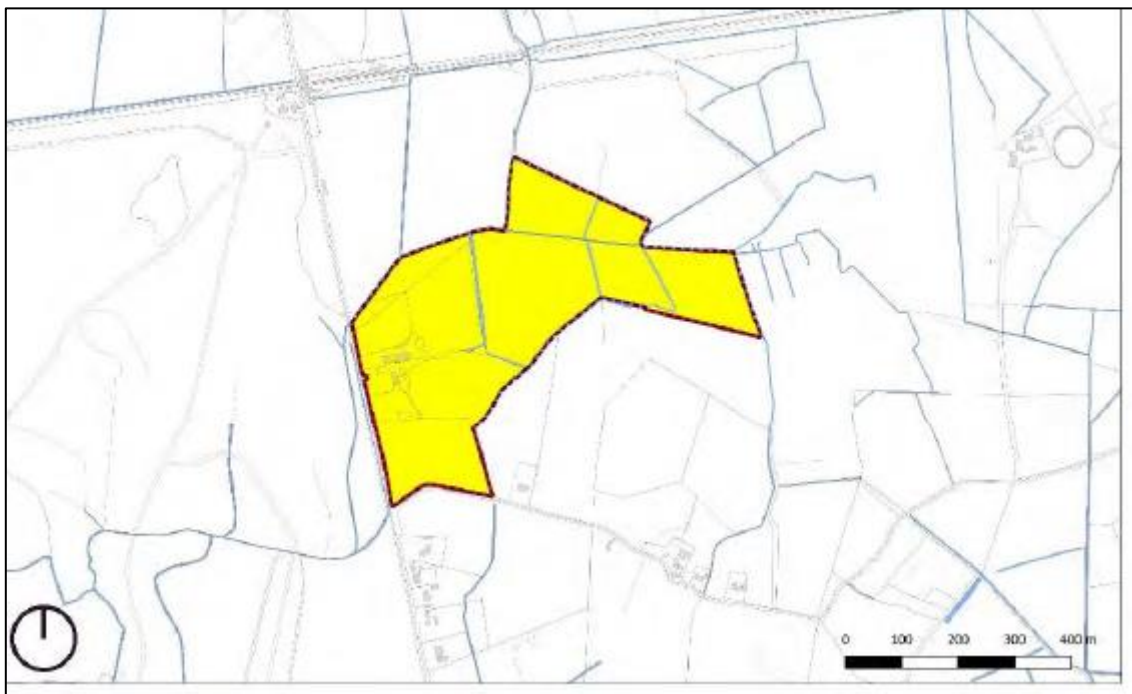
Oughterard - Aerial photograph detailing zoning amendment outlined in Red



Woodlawn land use zoning objectives



Amendment No RSA LUZ Woodlawn 20.1 – Change of zoning from Unzoned to Residential Phase 1



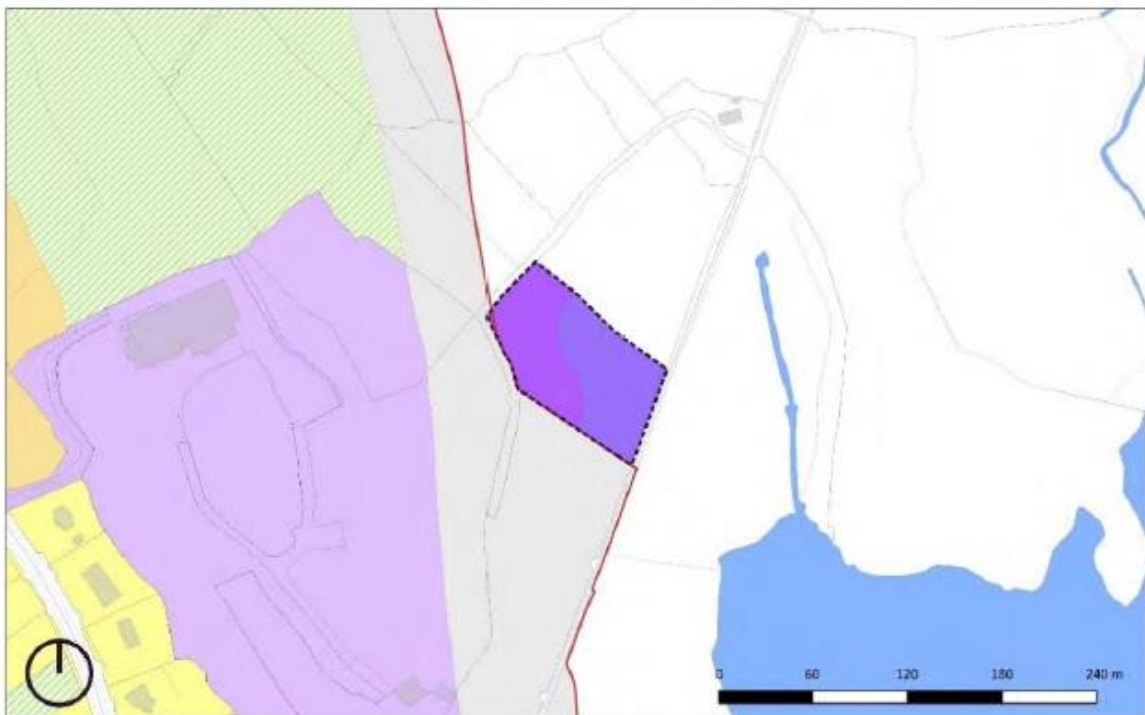
Woodlawn - Aerial photograph detailing zoning amendment outlined in Red



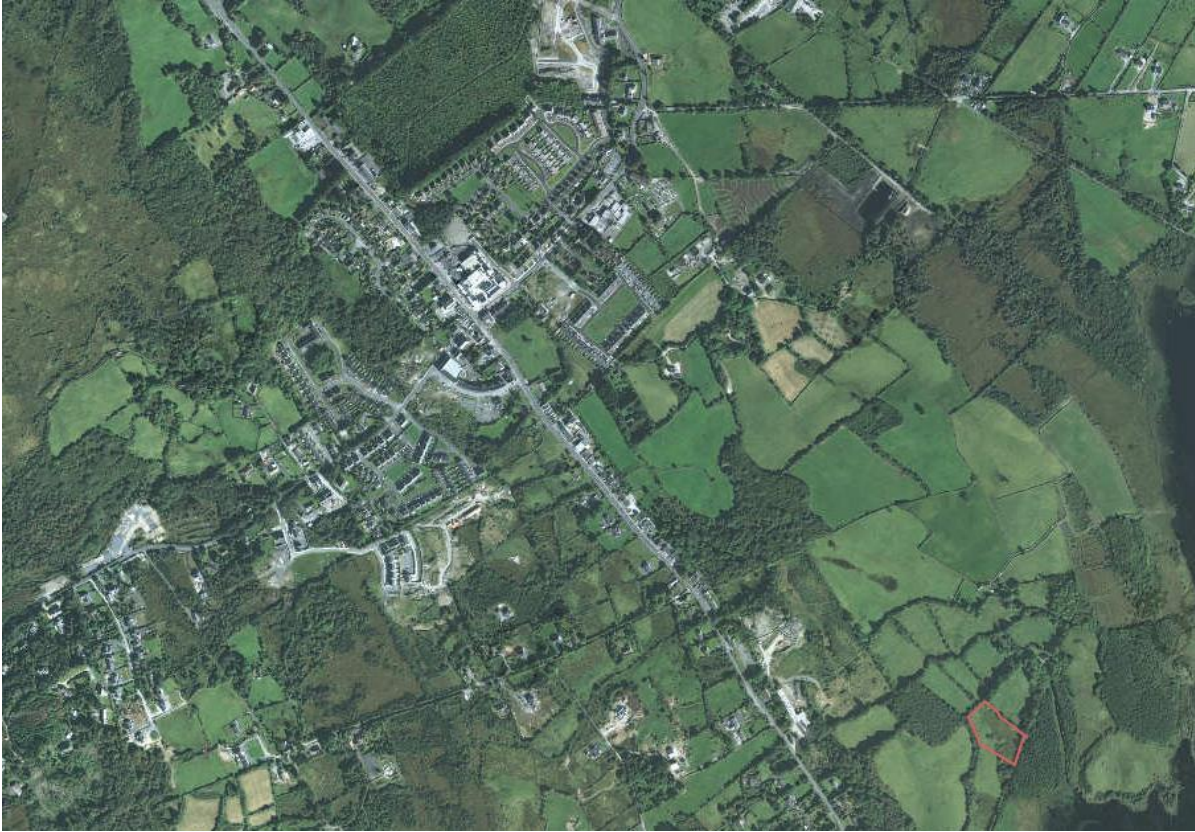
Maigh Cuilinn land use zoning objectives



Amendment No SGT LUZ Maigh Cuilinn 8.4 – Change of zoning from Unzoned to Tourism



Maigh Cuilinn - Aerial photograph detailing zoning amendment outlined in Red



DRAFT DIRECTION IN THE MATTER OF SECTION 31

OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Galway County Development Plan 2022 -2028

“Development Plan” means the Galway County Development Plan 2022 - 2028

“Planning Authority” means Galway County Council

WHEREAS the powers and duties of the Minister for Housing, Local Government and Heritage under the Planning and Development Act 2000 (as amended), other than the power to prosecute an offence, have been delegated to the Minister of State at the Department of Housing, Local Government and Heritage pursuant to the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. 559 of 2020). **WHEREAS** the Minister of State at the Department of the Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Act 2000, and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Act hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Galway County Development Plan 2022 - 2028) Direction 2022.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Development Plan :
 - a. Reinstate the following zoning objectives to that of the draft Plan:
 - i. Clifden SGT LUZ 6.1 - i.e. the subject land reverts to Agriculture from Residential Phase 2.

- ii. Clifden SGT LUZ 6.4b - i.e. the subject land reverts to unzoned from Residential Phase 2.
- iii. Clifden SGT LUZ 6.5 - i.e. the subject land reverts to unzoned from Residential Phase 2.
- iv. Headford SGT LUZ 7.2 - i.e. the subject land reverts to Open Space/Recreation and Amenity from Residential Phase 2.
- v. Headford SGT LUZ 7.4 - i.e. the subject land reverts to unzoned from Residential Phase 2.
- vi. Headford SGT LUZ 7.7- i.e. the subject land reverts to Open Space/Recreation and Amenity from Residential Phase 2.
- vii. Headford SGT LUZ 7.8 - i.e. the subject land reverts to unzoned from Residential Phase 2.
- viii. Headford SGT LUZ 7.10 -- i.e. the subject land reverts to unzoned from Residential Phase 2.
- ix. An Cheathrú Rua SGV LUZ 11.1a - i.e. the subject land reverts to unzoned from Residential Existing.
- x. An Cheathrú Rua SGV LUZ 11.1b - i.e. the subject land reverts to unzoned from Residential Phase 1.
- xi. Oranmore MASP LUZ 3.5 - i.e. the subject land reverts to unzoned from Residential Phase 2.
- xii. Oughterard SGT LUZ 9.4 - i.e. the subject land reverts to unzoned from Residential Infill.
- xiii. Woodlawn RSA LUZ 20.1 - i.e. the subject land reverts to unzoned from Residential Phase 1.
- xiv. Maigh Cuillinn SGT 8.4 - i.e. the subject land reverts to unzoned from Tourism.

- b. Delete the Business and Enterprise zoning objective on lands south of Headford, on the eastern side of the N84 road to Galway ..
- c. Delete policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua
- d. Delete the amended and additional provisions inserted under:
 - (i) MA 7.8 to amend text in Section 7.5.10 (Sludge Management);
 - (ii) MA 7.9 to amend Policy Objective WW1 Enhancement of Wastewater Supply Infrastructure; and
 - (iii) MA 7.10 to amend Policy Objective WW 2 Delivery of Wastewater Infrastructure.

STATEMENT OF REASONS

- I. The Galway County Development Plan 2022 – 2028 as made includes material amendments to the draft Plan, that are inconsistent with the evaluation of the Strategic Environmental Assessment and which individually and cumulatively are not consistent with the Core Strategy, national and regional planning policy, and the proper planning and sustainable development of the area, including:
 - a. Land zoned for residential development that is not consistent with the Development Plan's own Core Strategy for Clifden, Headford, An Cheathrú Rua and Woodlawn, in the adopted Plan. In making the Development Plan with residential zoning in excess of that determined to be required under the Core Strategy, the Planning Authority fails to have regard to the requirements of section 4.5 of the *Development Plan Guidelines for Planning Authorities (2007)* and section 4.4 of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation (2021)* to ensure enough land is

zoned and to avoid zoning too much land and the Planning Authority provides no or no adequate reasons relating to the proper planning and sustainable development of the area to explain why the guidelines have not been followed;

- b. Land zoned for residential development located in peripheral locations outside the CSO settlement boundary in the case of Clifden, and Headford, and in the case of Woodlawn where no CSO boundary exists, inconsistent with the requirements for compact growth in NPO 3c and RPO 3.2;
- c. Land zoned for development located in non-sequential and peripheral locations at a distance from the centre and beyond undeveloped greenfield lands in Clifden and Headford, An Cheathrú Rua, and Oughterard, or in the case of Woodlawn detached from any existing settlement, which fails to have regard to the requirement to implement or adopt the sequential approach to zoning under the *Development Plans, Guidelines for Planning Authorities (2007)* issued under Section 28 of the Act, except in exceptional circumstances (which '*must be clearly justified ... in the written statement*'), and under section 6.2.3 of the *Development Plans, Guidelines for Planning authorities - Draft for Consultation (2021)* and the Planning Authority provides no or no adequate reasons relating to the proper planning and sustainable development of the area to explain why the guidelines have not been followed;
- d. Land zoned for development in Oranmore vulnerable to flood risk in areas known to be at risk of flooding contrary to NPO 57 and which fails to have regard to the statutory guidelines of the Minister *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*, as revised and where the Strategic Flood Risk Assessment recommends that the zoning amendment not be adopted;

- e. Land zoned for development in Maigh Cuillinn adjacent to the route of the N59 Maigh Cuillinn by-pass, which has the potential to negatively impact the delivery of the planned national road network in the area, undermine Government investment in the N59 Moycullen Bypass Scheme and fails to have regard to the statutory guidelines of the Minister *The Spatial Planning and National Roads Guidelines for Planning Authorities* (2012).

Further, the residential zoning amendments are also inconsistent with the requirements of section 10(2A)(d)(ii) of the Act which requires the development plan to provide details of how the zoning proposals in respect of lands zoned for residential and for a mixture of residential and other uses accords with national policy that development of land shall take place on a phased basis.

Further, the statement under Section 28(1A)(b) attached to the Development Plan as made fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives outlined at (I), above, as contained in the Guidelines, because of the nature and characteristics of the area and to give reasons for the forming of that opinion contrary to Section 28(1B)(b).

- II. The Development Plan as made includes policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua which may unreasonably and significantly prejudice the delivery of this key infrastructure and prejudice the planned sustainable growth of An Cheathrú Rua over the plan period inconsistent with the statutory requirement in section 10(1D) of the Act that the development objectives in the development plan are consistent with the conservation and protection of the environment.

- III. The Development Plan as made includes material amendments to identify Ballinasloe and Tuam as being unsuitable locations for a regional waste management facility and/or sludge hub centre inconsistent with NPO 56 and RPO 8.17 to promote circular economy principles to maximise waste as a resource namely, and the provisions of NPO 63 and RPO 8.12 to ensure that sustainable water services infrastructure is in place to meet demands of continuing population growth and the developing economy.
- IV. The Development Plan as made includes policies and material amendments to the draft Plan that are inconsistent with the evaluation of the Strategic Environmental Assessment.
- V. The Development Plan has not been made in a manner consistent with and has failed to implement the recommendations of the Office of the Planning Regulator under Section 31 AM.
- VI. By virtue of the matters set out at I to IV, above, the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VII. By virtue of the matters set out at I to IV, above, the Development Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister for Housing, Local Government and Heritage

day of Month, year.