



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: AD-022-22

26th July 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) – Mayo County Development Plan 2022-2028**

A chara,

I am writing to you in relation to the recent adoption by the elected members of the Mayo 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 recommendations of the Office, which required specific changes to the Development Plan as follows:
 - i. to make the Development Plan without material amendments CH 2.12, CH 2.13, CH 2.14, CH 2.15, CH 2.16, CH 2.17, CH 2.18, and CH 2.21 which changes were recommended by the Office to ensure that the Core Strategy was consistent with the national policy objectives (NPOs) of *Project Ireland 2040 National Planning Framework* (the NPF) and the

regional policy objectives (RPOs) of the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (RSES) and the requirement for objectives for the promotion of sustainable settlement and transportation strategies under section 10(2)(n) of the Act, and having regard to the *Development Plans, Guidelines for Planning Authorities (2022)*¹ (the *Development Plans Guidelines*);

- ii. to make the Plan without material amendment DMS.1 to Table 2 of Vol. 2, Development Management Standards which change was recommended by the Office so as to ensure consistency with the NPOs of the NPF and RPOs of the RSES, and having regard to the Guidelines for Planning Authorities on Sustainable *Residential Development in Urban Areas (2009)* (*Residential Development in Urban Areas Guidelines*) and the *Development Plans Guidelines*;
- iii. to make the Plan without material amendments to the consolidated zoning and settlement boundaries in Kiltimagh (Tier III Kilti 2), Belcarra (Tier IV BER 1) and Bangor Erris (Tier IV BEL 1) so as to ensure consistency with the NPOs of the NPF and RPOs of the RSES and the promotion of sustainable settlement and transportation strategies in urban and rural areas under section 10(2)(n) of the Act;
- iv. to make the Plan without material amendments to include specific residential zonings in Claremorris (Tier II Clare 2; Tier II Clare 3, Tier II Clare 5; and Tier II Clare 6) so as to ensure consistency with the NPOs of the NPF and RPOs of the RSES and the promotion of sustainable settlement and transportation strategies in urban and rural areas under section 10(2)(n) of the Act, and having regard to the *Development Plans Guidelines*;

¹ Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended): *Development Plans, Guidelines for Planning Authorities* were published on 1st July 2022 and superseded the draft version published in August 2021

- v. to make the Plan without material amendment Tier II BROBE 3 which zones land for Enterprise and Employment outside the plan boundary for Ballinrobe having regard to the *Development Plans Guidelines*;
 - vi. to make the Plan in a manner that clarifies the landuse zoning objective for 'Strategic Residential Reserve Tier II' lands as detailed in proposed material amendment CH 12.2 and CH12.3 so as to ensure that no multiple residential development proposals will be considered by the planning authority until after the full lifetime period of the Development Plan;
 - vii. to make the Plan without material amendments CH 2.28, CH 3.1, CH 3.8, CH 3.10 which changes were recommended by the Office to ensure that the rural housing policy was consistent with the NPOs of the NPF and RPOs of the RSES.
 - viii. to incorporate the mitigation measures which formed the basis upon which land use zonings have been justified in the Strategic Flood Risk Assessment into the Plan as policy objectives to ensure consistency with the NPOs of the NPF, and having regard to the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Planning System and Flood Risk Management Guidelines)*.
 - ix. to make the Plan without material amendments CH 6.16 and CH 6.17 which changes were recommended by the Office to protect the capacity and efficient operation of the national road network and the safety of road users having regard to the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012) (Spatial Planning and National Roads Guidelines)*.
- b) as a result of the failure to implement the recommendations above, the Development Plan made by Mayo County 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 Mayo County Development Plan 2021-2027

The Draft Mayo County Development Plan 2021 – 2027 (the draft Plan) was on public display from 23rd December 2020 to 16th March 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 on the draft Plan containing seventeen (17) recommendations and ten (10) observations on 16th March 2021.

In relation to the overall pattern of development and approach to compact growth proposed by the planning authority under the draft Plan, the Office made a series of recommendations seeking revisions to: the Core Strategy, including the settlement hierarchy and distribution and balance of future housing / population growth (Recommendations 1, 2 and 3), development approach to settlements (Recommendation 5), residential land use zoning (Recommendation 6), tiered approach to zoning/ preparation of an Infrastructure Capacity report (Recommendation 7), flood risk management (Recommendation 9), rural housing (Recommendations 10 and 11), and employment zoned land (Recommendation 12). A schedule of these recommendations is attached at Appendix 1.

The Office received a notice under section 12(5)(aa) of the Act on 1st March 2022. The notice outlined the recommendations of the Office that the planning authority decided not to comply with and the reasons for those decisions.

1.2 Material Alterations to the draft Plan

The elected members of Mayo County Council, having considered the draft Plan and the Chief Executive's (CE's) Report on submissions received (dated January 2022), resolved to amend the draft Mayo Development Plan 2021-2027 on 15th February 2022.

The material alterations to the draft Plan were on public display from 29th March to 26th April 2022. The material alterations included a number of changes including the following:

- Amendments to the Core Strategy inconsistent with Recommendation 3 of the Office's submission to the draft Plan and which failed to achieve a reasonable or appropriate balance in relation to housing and population growth across the settlement hierarchy of the nature required to ensure consistency with national and regional policies for compact growth, developing urban places of regional scale, and the regeneration and renewal of towns and villages; the promotion of sustainable settlement and transport strategies under section 10(2)(n) of the Act; and the overarching strategic objectives in the draft Plan itself.
- Significant changes to specific policies / objectives in the Core Strategy and housing chapters in particular to promote more dispersed forms of development and dilute² or remove³ those policies / objectives in the draft Plan intended to ensure that the level of growth in each settlement is consistent with the Core Strategy and promotes compact and sequential development, resulting in internal inconsistencies with the draft Plan's strategic aims in section 2.3 and overall strategic objectives in section 2.6 which promote compact growth and sequential development. The changes included a new objective to facilitate flexibility in the housing supply target figures between Tier I and Tier II towns (material amendment CH 2.19).
- Material amendment CH 3.1 to amend the strategic aim for housing (chapter 3) '*...to facilitate the progressive growth of all rural areas, towns,*

² For example, Amendment CH 2.14 deleted the word 'compact' before growth in Policy CSP 4.

³ For example, Amendment CH 2.13 deleted Policy CSP 2 '*To support the implementation of the Core Strategy for Mayo in a manner that is consistent with policies at a national and regional level, in particular population targets and distribution*'

villages and open countryside throughout the country by seeking to accommodate all persons in their choices to live in rural areas’.

- Material amendment DMS.1 to amend the residential density requirements set out in Table 2 of Vol. 2: Development Management Standards to change the ‘minimum’ density requirements in the draft Plan to ‘maximum’.
- A series of individual material amendments to extend the extent of the consolidated zoning and settlement boundary for Tier III, IV and V towns / villages.
- The introduction of a new zoning objective ‘Strategic Residential Reserve Tier II’, and material amendments to zone land accordingly, and provision to allow the consideration of residential development on such lands to occur during the plan period.
- A series of individual material amendments to the land use zoning objectives to zone additional land for residential and employment uses.
- A series of material amendments to rural housing policy including:
 - o amendment to the Strategic Aim of Chapter 3 Housing;
 - o amendments to map 3.1 in the draft Plan to significantly reduce the extent of land identified as ‘Rural Areas Under Strong Urban Influence’;
 - o replacement of settlement strategy objective (SSO 1);
 - o amendment of Policy RHP 3 (Rural Housing Policies); and
 - o changes to the supporting text in Chapter 3 (Housing).
- To zone various lands within flood zone A and B for vulnerable and/or highly vulnerable uses without the mitigation measures which formed the basis upon which the zonings have been justified in the authority’s own Strategic Flood Risk Assessment (SFRA).
- A material amendment regarding the creation of additional access points or the generation of additional traffic from existing direct accesses to national roads.

The Office made a submission on 26th April 2022 to the material alterations to the draft Plan containing twelve (12) recommendations and one (1) observation. The Office's submission stated:

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

The Office's submission further stated:

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

The Office's recommendations at Material Alterations stage included:

- MA Recommendation 1 – Core strategy and settlement strategy;
- MA Recommendation 3 – Sustainable development and regeneration, including density standards;
- MA Recommendation 5 – Development approach for Tier III to V towns: amendments to settlement boundaries;
- MA Recommendation 6 –New zoning objective 'Strategic Residential Reserve Tier II';
- MA Recommendation 7 - Zoned residential land in Tier II towns: additional residential zonings objectives;
- MA Recommendation 8 – Rural housing;
- MA Recommendation 9 – Additional (non-residential) zonings in Tier II towns;
- MA Recommendation 10 – Flood risk management; and
- MA Recommendation 11 – National roads.

A schedule of these recommendations is attached at Appendix 1.

1.3 Adoption of Mayo County Development Plan 2022 – 2028

A Chief Executive's (CE's) Report was prepared on the submissions received, including the submission made by the Office. The CE's Report made a number of recommendations in response to the issues raised in the recommendations and observations of the Office.

The elected members of Mayo County Council did not accept a significant number of the CE's recommendations, in particular in respect of the objectives / policies in the core and settlement strategy, objectives / policies for rural housing, specific land use zoning changes, flood risk management, and objectives / policies for national roads.

The elected members of Mayo County Council resolved to make the Development Plan on 29th June 2022.

MA Recommendation 1

In respect of MA Recommendation 1, the CE Report accepted the recommendation of the Office and recommended changes in response to the issues raised in respect of population and housing in the Core Strategy, including a revised Core Strategy table (Table 2.7.7). The elected members of the planning authority accepted this recommendation.

MA Recommendation 1 also required the planning authority to make the Plan without material amendments CH 2.11 and CH 2.19 which introduced a new policy objective and text to facilitate an increase in the housing unit allocation within a particular Key Town, Strategic Growth or Tier II settlement should the allocated housing target for that settlement be reached within the lifetime of the Plan, while remaining within the confines of the overall population target for the county.

The CE's report on submissions recommended an alternative wording to both the text and policy objective. The CE's recommendation was included in the adopted Plan as policies CSP 5 and reiterated as CSP 8 as follows:

Where individual settlements are considered unlikely to reach their dwelling unit target within the lifetime of the plan the housing allocation may, if required, be utilized elsewhere within the Core Strategy provided that the overall development allocation for the county is not exceeded.

The section 31AM(6) letter incorrectly states that the Council accepted MA Recommendation 1. The Office is of the opinion, however, that by including policies CSP 5 and CSP 8 and the related text under section 2.7.9, the Plan has not been made in a manner consistent with the recommendation of the Office.

This approach is contrary to the provisions of section 10(2A) of the Act and would undermine the very purpose of the decisions to be made by a planning authority in devising its core strategy and settlement strategy, to the extent that at the very least it cannot be evaluated in the context of national and regional policy, or by extension cannot reasonably be considered to constitute a strategy within the meaning of the Act and having regard to sections 4.3 and 4.4 of the Development Plans Guidelines.

MA Recommendation 3

In respect of MA Recommendation 3, the CE’s Report accepted the recommendation of the Office to make the Plan without eight (8) of the nine (9) identified material amendments, and to modify the remaining material amendment (CH 2.13). The elected members did not accept this recommendation and made the Plan with all nine material amendments including:

Material Amendment	Policy / Objective	Amendment
CH 2.12	CSP 1	<p><i>Amend CSP 1 by replacing “sustainable” with “all” in first sentence, full stop after county. Delete remainder of Policy.</i></p> <p>CSP 1 To promote and facilitate the development of sustainable all communities in the county. by managing the level of growth in each settlement to ensure future growth is in accordance with the Core Strategy and County Settlement Hierarchy, in order to deliver sustainable and vibrant rural and urban communities.</p>
CH 2.13	CSP 2	<p><i>Delete CDP 2.</i></p> <p>CSP 2 To support the implementation of the Core Strategy for Mayo in a manner that is consistent with policies at a national and regional level, in particular population targets and distribution.</p>
CH 2.14	CSP 4	<p><i>Amend CSP 4 by deleting “compact” from the 1st line. Add “and open countryside” after villages. Full stop after county. Delete remainder of Policy.</i></p> <p>CSP 4: To support the compact-growth of towns and villages and open countryside to ensure that development proceeds sustainably and at an appropriate scale. density and sequence and in line with the Core Strategy Table.</p>

CH 2.15	CSO 4	<p><i>Amend CSO 4 by adding the words “where available” after “sites” on the 2nd line. Delete the words “in preference” and replace with “as an alternative”.</i></p> <p>CSO 4 To move towards more compact towns by promoting the development of infill and brownfield/consolidation/regeneration sites where available and the redevelopment of underutilized land within and close to the existing built up footprint of existing settlements in preference as an alternative to edge of centre locations.</p>
CH 2.16	CSO 5	<p><i>Delete CSO 5 text and replace with “To encourage where possible the delivery of 30% of new homes in urban areas within the existing built up footprint of settlement.”</i></p> <p>CSO 5 To deliver at least 30% of all new homes in urban areas within the existing built up footprint of settlements.</p> <p>CSO 5 To encourage where possible the delivery of 30% of new homes in urban areas within the existing built up footprint of settlement</p>
CH 2.17	CSO 6	<p><i>Amend Objective CSO 6 to read as follows:</i></p> <p>To deliver at least 20% of all new homes in the rural area on suitable brownfield sites, including rural towns, villages and the open countryside within the existing built up footprint of settlements. For the purpose of clarity, rural towns/villages are settlements within population levels less than 1,500 persons.</p>
CH 2.18	CSO 7	<p><i>Delete CSO 7.</i></p> <p>CSO7 To implement all land use planning policies and objectives in a manner which takes account of and is consistent with the Core Strategy, in order to accelerate a transition to a greener, low carbon and climate resilient county with a focus on reduced travel demand through the promotion of sustainable settlement patterns.</p>
CH 2.21	CSO 8	<p><i>Delete CSO 8.</i></p> <p>CSO 8 To monitor development for compliance with the objectives of the Core Strategy and adjust, where necessary, the approach taken to the consideration of development proposals, in order to ensure effective and reasonable alignment with national and regional policy and objectives.</p>
DMS. 1	N/A	<p>Amend Table 2 Vol 2: Development Management Standards Residential Density Requirements to replace ‘minimum’ with ‘maximum’.</p>

The amended Core Strategy policies and objectives do not reflect the strategic aims in section 2.3 of the adopted Plan which promote consolidation and compact development and transition to a low carbon energy efficient transport system and are not consistent with national and regional policy objectives NPO 3 and RPO 3.2 and section 10(2)(n) of the Act regarding the promotion of sustainable settlement and transportation strategies in urban and rural areas.

Further, the said policies and objectives do not reflect the strategic county development objectives in section 2.6 of the adopted Plan which support the transition to a low carbon and climate resilient county by promoting sustainable settlement patterns (Strategic Objective SO 4), progression towards achievement of national strategic objectives of the NPF (Strategic Objective SO 10) and integration of land use planning and sustainable transportation planning and consolidation of development (Strategic Objective SO 12).

The material amendment to the residential density requirements in Table 2 of Volume 2 providing for a maximum of 35 dwellings per hectare in or adjacent to town centres, 20 dwellings per hectare in suburbs of towns, and 5 dwellings per hectare in the urban periphery and rural settlements. In setting these standards, the planning authority has failed to have regard to the approach to density set out in sections 5.6, 6.9, 6.11, and 6.12 of the *Residential Development in Urban Areas Guidelines* inconsistent with national and regional policy objectives for compact and sustainable growth and no or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why the guidelines have not been followed.

MA Recommendation 5

In respect of MA Recommendation 5, the CE's Report accepted the recommendation of the Office to make the Plan without five (5) of the eleven (11) identified material amendments. The elected members did not accept this recommendation and made the Plan with all eleven material amendments to extend the extent of the consolidated zoning and land settlement boundary for nine (9) settlements (Balla, Killala, Kiltimagh, Attymass, Pollatomish, Partry, Bangor Erris, Belcarra, Glenisland). The extended settlement boundary under MA Tier III Killaha 3 was, however, modified by the elected members.

The Office accepts the CE's rationale for including in the adopted Plan the settlement boundary extensions facilitated by material amendments Tier III Killala 3, Tier III Killala 4, Tier III Killala 5, Tier V ATT 1, Tier V POL 1, Tier V PTY 1 and Tier V GIL since the subject lands are close to the town / village centres of Killala, Attymass, Pollatomish, Partry and Glenisland and can contribute to compact growth.

The Office also accepts the decision of the elected members to make the Plan with Tier III Balla 2 having regard to its location relative to the town centre and the existing built up area.

The Office considers that the inclusion of the settlement boundary extensions facilitated by material amendments Tier III Kilti 2, Tier IV BER 1 and Tier IV BEL 1 in the adopted Plan by the elected members is not acceptable for the following reasons.

The land the subject of Tier III Kilti 2 is located at the edge of the town of Kiltimagh on the R320 where the 80 kph speed limit applies. There is very limited footpath provision in the vicinity of the land and its development would not provide for compact growth or sequential development.

Amendment Tier IV BER 1 expands the village footprint of Bangor Erris into an undeveloped area to the northwest of the village contrary to compact growth and sequential development. The subject fronts the R313 where 80 kph speed limit applies and there is no footpath provision in the area.

Amendment Tier IV BEL 1 expands village footprint of Belcarra substantially into a largely undeveloped area to the south of the village contrary to compact growth and sequential development. The subject land is in an area where the 60 kph and 80 kph speed limits apply and there is no footpath provision in the area.

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

The effect of material amendments Tier III Kilti 2, Tier IV BER 1 and Tier IV BEL 1 is to facilitate an uncoordinated, random, and ultimately unsustainable pattern of development to the detriment of local communities that will erode the rural environment, make the reuse of existing buildings or brownfield/ infill development in the centre of the towns and villages less likely, and provision of physical and social infrastructure in a properly co-ordinated way, more difficult.

Having regard to the housing supply targets for Tier III to IV settlements in the core strategy (Table 2.7.7), no evidence-based rationale is provided for the extension of the development boundary and the provision of additional consolidated zoned lands.

The inclusion of the changes to consolidated zonings / settlement boundaries facilitated by amendments Tier III Kilti 2, Tier IV BER 1 and Tier IV BEL 1 contrary to the recommendation of the Office and the CE report would, therefore be inconsistent with national and regional policy for compact growth and fails to have regard to the policy and objective for a sequential approach to development in section 6.2.3 of the Development Plans Guidelines.

MA Recommendation 6

In respect of MA Recommendation 6, the CE's Report dated January 2022 recommended changes to various land use zoning maps and the Strategic Reserve Land Use Zoning Objective (Tables 12.2. and 12.3).

The section 31AM(6) letter incorrectly states that the Council accepted MA Recommendation 6 to clarify that the land use zoning objective for 'Strategic Residential Reserve Tier II' lands has been amended so as to ensure that no multiple residential development proposals will be considered by the planning authority during the plan period. No change was, however, made to the draft Plan consistent with this recommendation and the Office has, therefore, formed the opinion that the Plan has not been made consistent with the recommendation of the Office.

The zoning objective for Strategic Residential Reserve Tier II on page 225 of the Interim Mayo County Development Plan 2022-2028 provides:

Where it is apparent that 'New Residential' or 'Strategic Residential Reserve Tier 1' lands cannot or will not be developed with the plan period, residential development maybe considered within Strategic Residential reserve Tier II.

The draft Plan applied a phased approach to residential zoning, with significant areas of Strategic Residential Reserve lands. A new zoning objective 'Strategic Residential Reserve Tier II' was introduced at the material amendment stage along with an amended Table 12.2 which makes provision for these lands to be considered for development where 'New Residential' or 'Strategic Reserve Tier I' lands cannot or will not be developed.

The quantum of Strategic Residential Reserve Tier II lands proposed in the Plan, significantly exceeds that required under the core strategy and in most instances significantly exceeds the quantum of Strategic Residential Reserve Tier I lands within settlements.

By allowing such large areas of land in excess of that required in the Core Strategy to come forward, albeit with certain generalised limitations, the Plan is inconsistent with section 10(2A)(d) of the Act to provide details of how zoning proposals accord with national policy that development of land take place on a phased basis.

Furthermore, by allowing more peripherally located Strategic Residential Reserve Tier II lands to be considered during the lifetime of the plan, the Plan as made is inconsistent with national and regional policy in respect of achieving a sustainable pattern of development through compact growth and fails to have regard to the policy and objective for a sequential approach to development in section 6.2.3 of the Development Plans Guidelines.

MA Recommendation 7

In respect of MA Recommendation 7, the CE's Report accepted the recommendation of the Office to make the Plan without six (6) of the ten (10) identified material amendments, and recommended modifications to two (2) of the aforementioned material amendments to exclude flood risk areas identified in the SFRA.

The elected members accepted this recommendation with the exception of three (3) material amendments. The Plan was, therefore made with three (3) of the material amendments in whole (SFORD 7, Clare 2, and Clare 3); four (4) subject to modifications (SFORD 1, SFORD 2, Clare 5, and Clare 6); and without three (3) (BROBE 1, Clare 1, and Clare 4).

The seven zoning amendments included in the adopted Plan affect land in Swinford and Claremorris.

The Office accepts the CE's rationale for including in the adopted Plan zoning amendments Tier II SFORD1 and Tier II SFORD2 in a modified form to exclude areas at flood risk. The Office considers that the inclusion of zoning amendment Tier II SFORD7 in the adopted Plan by the elected members is, on balance, acceptable

having regard to its proximity to established housing on Carrowbeg and proximity to the town centre.

The Office does not accept the CE's rationale for including in the adopted Plan zoning amendment Tier II CLARE 2. The land which was largely zoned for Agriculture in the previous development plan is at the northern periphery of Claremorris and would not provide for compact growth and sequential development.

The Office also considers that the inclusion of zoning amendments Tier II CLARE 3, Tier II CLARE 5 and Tier II CLARE 6 in the adopted Plan by the elected members is unacceptable for the reasons set out below.

The lands the subject of amendment Tier II CLARE 3 front the N60 national road and are approximately 1 km from the edge of the town centre of Claremorris. The said lands would not provide for compact growth and sequential development and would promote 'leapfrogging' of development to the northern periphery of the town.

The majority of lands the subject of material amendments Tier II CLARE 5 and Tier II CLARE 6 were previously unzoned and outside the plan boundary for Claremorris in the previous development plan. These lands would not provide for compact growth and sequential development and would promote 'leapfrogging' of development to the western and southern periphery of the town respectively.

Having regard to the housing supply targets for Claremorris in the amended Core Strategy Table, no evidence-based rationale is provided for the provision of significant further Strategic Residential Reserve Tier II lands.

The inclusion of residential zoning objectives Tier II CLARE 2, Tier II CLARE 3, Tier II CLARE 5 and Tier II CLARE 6 contrary to the recommendation of the Office and, in the case of Tier II CLARE 3, Tier II CLARE 5 and Tier II CLARE 6, the CE report would, therefore be inconsistent with national and regional policy for compact growth and fails to have regard to the policy and objective for a sequential approach to development in section 6.2.3 of the Development Plans Guidelines.

MA Recommendation 8

In respect of MA Recommendation 8, the CE's Report accepted the recommendation of the Office in respect of the removal of proposed material amendments CH 2.28

(Settlement Strategy Objectives), CH 3.8 (Rural Single Housing), and CH 3.10 (Rural Housing Policies) to ensure the Plan is consistent with national and regional planning policy.

The CE's Report recommended modifications to Proposed Material Amendments CH 3.1 (Strategic Aim) generally consistent with MA Recommendation 8, to comply with national and regional planning policy.

The elected members of the planning authority did not accept the CE's recommendations and resolved to make the Plan with all of the aforementioned material amendments.

The Office's submission to the draft Plan supported the Plan's strategic objective to *'promote the role of Mayo's rural countryside by developing a sustainable synergy between the rural area and network of settlements, enhancing the rural economy with improved connectivity, broadband, rural economic development opportunities and smarter working opportunities, all within the context of the sustainable management of land and resources'* (SO8), as consistent with the NPF's national strategic outcome to strengthen rural economies and communities.

Subject to a small number of recommendations, the policy approach to rural housing in the draft Plan was generally considered to be evidence-based, reasonable and generally consistent with the legislative and policy context, including NPOs 15 and 19 and having regard to the *Sustainable Rural Housing Guidelines*.

This policy framework was, however, extensively altered and diluted through a series of material amendments to the draft Plan including the replacement of the Strategic Aim for housing (material amendment CH 3.1) to facilitate the growth of all rural areas as follows:

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

Further, material amendment CH 3.8 significantly reduces the extent of land identified as 'Rural Areas Under Strong Urban Influence' on map 3.1 based on a

single limited criterion (density per square km) compared to that determined through a range of evidence based criteria in the draft Plan.

The Office also considers that the following material amendments are not consistent with certain other policies and objectives of the Plan:

- Material amendment CH 2.28 which introduced a replacement objective (SSO 1) *'to promote rural sustainability by facilitating people who wish to live in the rural countryside'* without any reference to the policies on rural housing in Chapter 3, or other environmental or planning considerations
- Material Amendment CH 3.10 which amended Policy RHP 3 by deleting the consideration of the *'carrying capacity of natural resources'*.

In summary, the aforementioned material amendments both individually and cumulatively promote a dispersed pattern of development in the open countryside inconsistent with NPO 19 to ensure that a distinction is made between areas under urban influence and elsewhere, and NPO15 and NPO16 to reverse rural decline in small towns and villages and support their regeneration and renewal.

Furthermore, the resulting rural housing policy set out in Chapter 3 of the adopted Plan is inconsistent with the strategic aims of the plan which promote consolidation and compact development and transition to a low carbon energy efficient transport systems (section 2.3), the strategic county development objectives of the plan that support the transition to a low carbon and climate resilient county by promoting sustainable settlement patterns (SO 4), the progression towards achievement of national strategic objectives of the NPF (SO 10), and integration of land use planning and sustainable transportation planning and consolidation of development (SO 12).

MA Recommendation 9

In respect of MA Recommendation 9, the CE's Report recommended that the Plan be made without three (3) of the four (4) material amendments. The Office accepts the reason given by the CE in respect of the retention of the remaining amendment (Tier II BROBE 4).

The elected members accepted the CE recommendation in respect of Tier II BMUL 1, but made the Plan with Tier II BROBE 3 and Tier II SFORD 3 contrary to MA Recommendation 9 and the recommendation of the CE.

Having regard to the edge of centre location of the land the subject of amendment Tier II SFORD 3, the Office considers that this rezoning is on balance acceptable.

Material amendment Tier II BROBE 3, however, zones previously unzoned land in a peripheral location outside of the settlement boundary of Ballinrobe to Enterprise and Employment lands. There has been no evidence provided to justify the need to extend the settlement boundary to accommodate additional enterprise and employment zoning in the town when there is already c.31 hectares of employment land (enterprise & employment and industrial land) in the town.

In so doing, the planning authority failed to have regard to section 6.2.5 of the *Development Plans Guidelines* and no or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why the guidelines have not been followed in this regard.

MA Recommendation 10

In respect of MA Recommendation 10, the CE's Report accepted the Office's recommendation to incorporate the mitigation measures, which formed the basis upon which land use zonings have been justified in the SFRA, into the Plan as policy objectives.

The CE report recommended the inclusion of the following new objective in the settlement plans for Louisburgh, Newport and Swinford, respectively, to incorporate the flood mitigation measures of the SFRA for each of these settlements:

No new incompatible development is permitted within Flood Zone A/B areas and that these areas be maintained for the impacts of climate change in accordance with the provisions of the Flood Risk Management Guidelines (DoEHLG/OPW 2009) and Circular PL2/2014 (or any updated/superseding document).

The elected members of the planning authority did not accept this recommendation and made the Plan without the recommended objectives.

National Planning Framework National Policy Objective 57 seeks to ensure flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with the Ministerial Guidelines issued under section 28 of the Act, *The Planning System and Flood Risk Management Guidelines*.

These guidelines 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 uses) of areas that are at a high or moderate risk of flooding, 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, when taken together with the legislative measures in the planning code, 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.

Following on from Recommendation 9c of the Office's submission to the draft Plan, MA Recommendation 10 required that the mitigation measures which formed the basis upon which land use zonings have been justified in the Strategic Flood Risk Assessment be incorporated into the Plan as policy objectives.

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

The failure to include this mitigation measure in the Development Plan, consistent with the recommendation of the Office and the Chief Executive results in land being zoned for vulnerable development in areas known to be at risk of flooding where appropriate measures to address residential flood risk have not been incorporated into the Plan inconsistent with NPO 57 and not in accordance with the Guidelines.

MA Recommendation 11

In respect of MA Recommendation 11, the CE's Report recommended changes to policy MTP 16 (MTP 23 in adopted Plan) regarding the creation of additional access points or the generation of additional traffic from existing direct accesses to national roads.

While, the elected members accepted the CE's recommended changes to the policy, the following text was added to policy MTP 23 in the adopted Plan:

...Special consideration will be given to access required to the renovation or replacement of existing residential properties or the accommodation of a son/daughter taking up the running of a family farm, utilising an existing access, in cases where access to a more minor road is not possible and provided that right sight distances can be achieved.

The section 31AM(6) letter correctly states that the Council did not accepted MA Recommendation 11 (either in full or in part).

The inclusion of the aforementioned text to policy MTP 23 would give consideration to increased traffic from existing accesses to national roads to which speed limits greater than 60 kph apply contrary to Section 2.5 of the *Spatial Planning and National Roads Guidelines* which states:

The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development,

including individual houses in rural areas, regardless of the housing circumstances of the applicant.

Furthermore, the exceptional consideration in MTP 23 is not limited to lightly trafficked sections of national secondary routes and does not otherwise fall within the exceptional circumstances that may arise in the development plan context set out in section 2.6 of the Guidelines.

These statutory guidelines, when taken together with the legislative measures in the planning code, provide a sound basis for planning authorities to protect the capacity and efficient operation of national roads, and the safety of road users. By including the aforementioned provision in Policy MTP 23, the planning authority has failed to have regard to sections 2.5 and 2.6 of the *Spatial Planning and National Roads Guidelines*.

Consideration of reasons given by Chief Executive and elected members

Where the elected members did not accept the recommendation of the Chief Executive, the following reason was given in each instance:

The Elected Members felt that the proposed recommendation did not align with their concerns in relation to future development in the county.

The Office notes, however, that the nature of the concerns has not been set out either at a general level, or specific to the recommendations of the Office and/ or the Chief Executive.

As a result of the decisions made by the elected members to make the adopted Plan in a manner which is not consistent with the recommendations of the Office, the adopted Plan sets out an overall strategy for planning and development that:

- (i) is inconsistent with national and regional policies for compact growth, regeneration of towns and villages, proportionate growth of rural towns, and flood risk management;
- (ii) is inconsistent with the requirement to include objectives for the promotion of sustainable settlement and transportation strategies in urban and rural areas under section 10(2)(n);

- (iii) is inconsistent with the strategic aims of the plan which promote consolidation and compact development and transition to a low carbon energy efficient transport systems (section 2.3), the strategic county development objectives of the plan that support the transition to a low carbon and climate resilient county by promoting sustainable settlement patterns (SO 4), the progression towards achievement of national strategic objectives of the NPF (SO 10), and integration of land use planning and sustainable transportation planning and consolidation of development (SO 12); and
- (iv) fails to have regard to the Ministerial Guidelines issued under section 28 of the Act specifically in relation to the sequential approach to development, the approach to zoning for residential and employment lands, the inclusion of appropriate density standards, and flood risk management, and national roads and no or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why the respective guidelines have not been followed.

Having regard to the above, the single generic reason given for making the adopted Plan in this manner fails to explain why the planning authority has not implemented the policies and objectives set out in the National Planning Framework, Regional Spatial and Economic Strategy of the Northern and Western Regional Assembly, nor why the planning authority has failed to have regard to Ministerial Guidelines issued under section 28 of the Act.

2. Opinion of the Office and Reasons

Having considered the adopted 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 single reason given by the elected members for not implementing the Office's recommendations in the submission letters made at draft Plan and Material Alterations stages, dated 16th March 2021 and 26th April 2022 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 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) as set out above.
- Under section 31 AM(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) of the Act, 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 letter from the planning authority of the 8th July 2022 issued under section 31AM(6), 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).

As set out below, the Mayo County Development Plan 2022-2028 as made has systematically failed to apply relevant policies of the NPF and RSES and guidelines of the Minister across a wide range of areas, including the core strategy and rural housing policy, which individually and cumulatively represent a failure to set out an overall strategy for proper planning and sustainable development of the functional area of Mayo County Council.

Firstly, the Development Plan as made includes a Core Strategy where:

- core strategy policies and objectives introduced by material amendments CH 2.11, CH 2.12 , CH 2.13, CH 2.14, CH 2.15, CH 2.16, CH 2.17, CH 2.18, CH 2.19 and CH 2.21 are inconsistent with national and regional policy objectives for compact growth NPO 3, and RPO 3.2, and consequently with section 10(1A) of the Act;
- core strategy policies and objectives introduced by material amendments CH 2.11, CH 2.12, CH 2.13, CH 2.14, CH 2.15, CH 2.16, CH 2.17, CH 2.18, CH 2.19 and CH 2.21 that are inconsistent with the provision of objectives

for the promotion of sustainable settlement and transportation strategies in urban and rural areas pursuant to section 10(2)(n) of the Act;

- core strategy policies and objectives introduced by material amendments CH 2.12, CH 2.13, CH 2.14, CH 2.18, and CH 2.21 are inconsistent with the implementation of the targets in the Core Strategy Table 2.7.7 of the adopted Plan and consequently with section 10(2A)(a) of the Act;
- core strategy policies and objectives introduced by material amendments CH 2.12, CH 2.13, CH 2.14, CH 2.16, CH 2.17, CH 2.18, and CH 2.21 are inconsistent with the strategic aims of the Plan which promote consolidation and compact development and transition to a low carbon energy efficient transport systems (section 2.3), the strategic county development objectives of the plan that support the transition to a low carbon and climate resilient county by promoting sustainable settlement patterns (SO 4), progression towards achievement of national strategic objectives of the NPF (SO 10), and integration of land use planning and sustainable transportation planning and consolidation of development (SO 12).

Secondly, the adopted Development Plan also includes material amendment DMS 1 to amend the residential density requirements set out in Table 2 of Vol 2, Development Management Standards, to change the density requirements from 'minimum' to 'maximum' inconsistent with the policy objectives of the NPF and the RSES, specifically the requirement to implement compact growth under NPO 3 and RPO 3.2; and that fail to have regard to the approach to density standards set out in the section 28 *Residential Development in Urban Areas Guidelines*.

Third, the adopted Development Plan also includes material amendments Tier III Kilti 2, Tier IV BER 1 (Bangor Erris), Tier IV BEL 1 (Belcarra), Tier II Clare 2; Tier II Clare 3, Tier II Clare 5; and Tier II Clare 6 that rezone and/ or extend the settlement boundaries to facilitate residential development in excess of that required for the settlements in the core strategy. These amendments are also located in poorly serviced peripheral locations contrary to national and regional policy objectives promoting compact growth (NPO 3 and RPO 3.2) and demonstrate a failure to have regard to the policy and objective for a sequential approach to zoning under section 6.2.3 of the *Development Plans Guidelines* and no or no adequate reasons relating

to the proper planning and sustainable development of the area have been provided to explain why the guidelines have not been followed.

Fourth, the adopted Development Plan also includes material amendments that make provision for the consideration of residential development on lands zoned 'Strategic Residential Reserve Tier II' during the plan period (material amendments CH 12.2, CH12.3, and CH12.4), albeit subject to certain considerations regarding the availability of New Residential and Strategic Residential Reserve Tier I lands.

In making the Development Plan with these amendments, 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 on how the zoning proposals in respect of lands zoned for residential accords with national policy that development of land shall take place on a phased basis.

Furthermore, having regard to the extent of more peripherally located 'Strategic Residential Reserve Tier II' lands the Development Plan, by making provision for the consideration of residential development in advance of residential zoned land close to town centres, the adopted Plan would lead to leapfrogging of development to the edge of settlements contrary to national and regional policy objectives promoting compact growth (NPO 3 and RPO 3.2), the proportionate growth of rural towns (NPO 18a); and the provision of objectives for the promotion of sustainable settlement and transportation strategies under section 10(2)(n) of the Act.

Furthermore, the amendments fail to have regard to the requirement to implement or adopt the policy and objective for a sequential approach to zoning for residential development under section 6.2.3 of the *Development Plans Guidelines*.

Fifth, in making the Plan with Tier II BROBE 3 with no clear and strategic evidence-based rationale underpinning the zoning of land for Enterprise and Employment, and in a peripheral location at a distance from the built up area, the Development Plan fails to have regard to section 6.2.5 of the *Development Plans Guidelines*.

Sixth, the adopted Development Plan includes material amendments CH 2.28, CH 3.1, CH 3.8, and CH 3.10 which both individually and cumulatively result in a rural housing policy that is inconsistent with NPO 19 to ensure that a distinction is made between areas under urban influence and elsewhere, and NPO 15 and NPO 16 to

reverse rural decline in small towns and villages and support their regeneration and renewal; and with the strategic aims and other policies and objectives of the Development Plan.

Seventh, the Development Plan by failing to incorporate the mitigation measures, which formed the basis upon which land use zonings have been justified in the SFRA, into the Plan as policy objectives demonstrates inconsistency with National Policy Objective 57, which seeks to avoid inappropriate development in areas at risk of flooding having regard to Ministerial Guidelines issued under section 28 of the Act, the *Planning System and Flood Risk Management Guidelines*.

Finally, the adopted Development Plan by including that consideration is given to increased traffic from existing accesses to national roads to which speed limits greater than 60 kph apply under policy MTP 23, fails to have regard to the *Spatial Planning and National Roads Guidelines*, and no or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why the guidelines have not been followed.

The reasons set out by the elected members in rejecting the recommendations made by the Office demonstrate a failure to have regard, properly and/or adequately and/or at all, to Ministerial Guidelines made pursuant to section 28, specifically the *Development Plans Guidelines* and the *Residential Development in Urban Areas Guidelines* and *The Planning System and Flood Risk Management Guidelines* and the *Spatial Planning and National Roads Guidelines*, where no or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why the guidelines have not been followed.

Furthermore, no or no adequate reasons or explanations relating to the proper planning and sustainable development of the area have been provided to explain why, notwithstanding the above, the Development Plan as made sets out an overall strategy for the proper planning and sustainable development of the area.

Further, the statement under section 28(1A)(b) attached to the Development Plan as made

- (a) 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) and (II), above, as contained in the Guidelines,

because of the nature and characteristics of the area or part of the area and to give reasons for the forming of that opinion and to explain why it is not possible to implement the policies and objectives, contrary to section 28(1B)(b) of the Act; and

- (b) fails to provide any or any adequate explanation, consistent with the requirement to deliver an overall strategy for the proper planning and sustainable development of the area, as to why the Development Plan provides for zoning of lands in a way that does not have regard to the policies and objectives set out in the *Development Plans Guidelines* and *Residential Development in Urban Areas Guidelines* and *The Planning System and Flood Risk Management Guidelines* and *The Spatial Planning and National Roads Guidelines*.

There is a positive obligation on the planning authority, pursuant to section 28(1A)(b) to give reasons for the forming of this opinion. The members of the planning authority have not addressed or explained why it was considered appropriate to include maximum density requirements, zone lands for residential development in peripheral locations in a non-sequential manner, zone land for employment use in the absence of an evidence based rationale, zone land for vulnerable uses on lands at risk of flooding, and provide for intensification of access on to national roads, other than in accordance with Ministerial Guidelines and have provided no or no adequate reasons why the policies and objectives of the Minister have not been implemented.

As set out above, the factors that the Office has taken into account in forming this opinion are as follows:

- i. The requirements of section 10(1), 10(1A), 10(2)(n), 10(2A), 12(18) and section 28(1) and 28(1A) of the Act.
- ii. The National Planning Framework including National Policy Objective 3(a), National Policy Objective 15, National Policy Objective 16, National Policy Objective 18, National Policy Objective 19, and National Policy Objective 57, which state the following:

NPO3(c)

Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints⁴..

NPO 15

Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

NPO 16

Target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.

NPO 18 (a)

To support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

NPO 19

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

⁴ On the basis of National Policy Objective 2a, this effectively targets 15% of all new homes nationally. Individual or scheme homes delivered outside the CSO defined urban settlement boundary are classed as greenfield.

- *In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;*
- *In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*

NPO 57

Enhance water quality and resource management by:

- i. *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;*
 - ii. *Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process;*
 - iii. *Integrating sustainable water management solutions, such as Sustainable Urban Drainage (SUDS), nonporous surfacing and green roofs, to create safe places.*
- iii. The Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly including Regional Policy Objective RPO 3.2

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.*
- (b) *Deliver at least 40% of all new housing targeted in the Regional Growth Centres, within the existing built-up footprint.*

- (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
- iv. The policy and objective of the *Development Plans Guidelines* which state (section 6.2.3):

It is a policy and objective of these Guidelines that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.

- v. *Development Plans Guidelines* which state (section 6.2.5):

proposed employment zonings must have a credible rationale, particularly with regard to location and type of employment. It should be possible to demonstrate that the quantum of land zoned is not significantly out of step with estimated future demand arising from population, economic and employment growth and change.

- vi. *Sustainable Residential Development in Urban Areas Guidelines* which state:

Section 5.6 (population over 5,000)

In order to maximise inner city and town centre population growth, there should, in principle, be no upper limit on the number of dwellings that may be provided within any town or city centre site, subject to the following safeguards....

Section 6 (small towns and villages with a population 400- 5,000)

Section 6.9 (centrally located sites)

However, within centrally located sites, densities of 30-40+ dwellings per hectare for mainly residential schemes may be appropriate or for more mixed use schemes. There is also the potential for schemes of

particularly high architectural and design quality to suggest densities higher than the range suggested above.

Section 6.11 (edge of centre site)

.. densities to a range of 20-35 dwellings per hectare will be appropriate..

Section 6.12 (Edge of small town / village)

In order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages

vii. *The Planning System and Flood Risk Management Guidelines* 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;”

viii. *The Spatial Planning and National Roads Guidelines* which state:

Section 2.5

Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

Section 2.6

Notwithstanding the provisions of Section 2.5 above, planning authorities may identify stretches of national roads where a less restrictive approach may be applied, but only as part of the process of reviewing or varying the relevant development plan and having consulted and taken on board the advice of the NRA and having followed the approach outlined below.

(1) Developments of National and Regional Strategic Importance ...

(2) Lightly-trafficked Sections of National Secondary Routes...

- ix. 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.
- x. The Core Strategy population in Table 2.7.7 of the adopted Development Plan.
- xi. The Chief Executive's reports on submissions on the draft Development Plan and material alterations to the draft Development Plan.

In light of the 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.

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) Delete the following material amendments to Chapter 2: Core and Settlement Strategy and revert to the relevant text in the draft Plan:
 - (i) CH 2.12
 - (ii) CH 2.13
 - (iii) CH 2.14
 - (iv) CH 2.15

- (v) CH 2.16
 - (vi) CH 2.17
 - (vii) CH 2.18
 - (viii) CH 2.21.
- b) Delete the following policies from Chapter 2: Core and Settlement Strategy:
- (i) CSP 5
 - (ii) CSP 8
 - (iii) supporting text under section 2.7.9.
- c) Delete material amendments DMS.1 to Table 2 of Vol. 2: Development Management Standards and revert to the relevant text in the draft Plan.
- d) Delete the following material amendments to Chapter 12: Settlement Plans and revert to the relevant text in draft Plan:
- (i) CH 12.12 - Land Use Zoning Objective for 1k. Strategic Residential Reserve Tier II
 - (ii) CH 12.3 – text in Section 12.3.1.1 for Strategic Residential Reserve Tier II
- e) Reinstate the following consolidated zoning and settlement boundaries to that of the draft Plan:
- (i) Tier III Kilti 2
 - (ii) Tier IV BER 1
 - (iii) Tier IV BEL 1
- f) Reinstate the following zoning objectives to that of the draft Plan:
- (i) Tier II Clare 2 i.e. the subject land reverts to Rural Transition Zone from Strategic Residential Reserve Tier II
 - (ii) Tier II Clare 3 i.e. the subject land reverts to Agriculture from Strategic Residential Reserve Tier II
 - (iii) Tier II Clare 5 i.e. the subject land reverts to unzoned (outside the plan boundary) and New Residential (inside the plan boundary) from Strategic Residential Reserve Tier II

- (iv) Tier II Clare 6 i.e. the subject land reverts to unzoned from Strategic Residential Reserve Tier II
- (v) Tier II BROBE 3 i.e. the subject land reverts to unzoned from Strategic Residential Reserve Tier II

- g) Delete the following material amendments to Chapter 3: Housing and revert to the relevant text in the draft Plan:
 - (i) CH 2.28
 - (ii) CH 3.1
 - (iii) CH 3.8
 - (iv) CH 3.10.

- h) Insert new objectives in the settlement plans for Louisburgh, Newport and Swinford, respectively, to incorporate the flood mitigation measures of the SFRA for these settlements consistent with the recommendation of the Chief Executive's report dated 24th May 2022.

- i) Amend policies policy MTP 23 consistent with the recommendation of the Chief Executive's report dated 24th May 2022.

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 at plans@opr.ie.

Yours sincerely,



Niall Cussen

Planning Regulator



DRAFT DIRECTION IN THE MATTER OF SECTION 31

OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Mayo County Development Plan 2022-2028

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

“Planning Authority” means Mayo 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) (“the Act”), 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, 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 (Mayo 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. Delete the following material amendments to Chapter 2: Core and Settlement Strategy and revert to the relevant text in the draft Plan:
 - (i) CH 2.12

- (ii) CH 2.13
 - (iii) CH 2.14
 - (iv) CH 2.15
 - (v) CH 2.16
 - (vi) CH 2.17
 - (vii) CH 2.18
 - (viii) CH 2.21
- b. Delete the following policies from Chapter 2: Core and Settlement Strategy:
- (i) CSP 5
 - (ii) CSP 8
 - (iii) supporting text under section 2.7.9
- c. Delete material amendment DMS.1 to Table 2 of Vol. 2: Development Management Standards and revert to the relevant text in the draft Plan.
- d. Delete the following material amendments to Chapter 12: Settlement Plans and revert to the relevant text in the draft Plan:
- (i) CH 2.12 - Land Use Zoning Objectives for 1k: Strategic Residential Reserve Tier II
 - (ii) CH 12.3 – text in Section 12.3.1.1 for Strategic Residential Reserve Tier II
- e. Reinstate the following consolidated zoning and settlement boundaries to that of the draft Plan:
- (i) Tier III Kilti 2
 - (ii) Tier IV BER 1
 - (iii) Tier IV BEL 1
- f. Reinstate the following zoning objectives to that of the draft Plan:

- (i) Tier II Clare 2 i.e. the subject land reverts to Rural Transition Zone from Strategic Residential Reserve Tier II
 - (ii) Tier II Clare 3 i.e. the subject land reverts to Agriculture from Strategic Residential Reserve Tier II
 - (iii) Tier II Clare 5 i.e. the subject land reverts to unzoned (outside the plan boundary) and New Residential (inside the plan boundary) from Strategic Residential Reserve Tier II
 - (iv) Tier II Clare 6 i.e. the subject land reverts to unzoned from Strategic Residential Reserve Tier II
 - (v) Tier II BROBE 3 i.e. the subject land reverts to unzoned from Strategic Residential Reserve Tier II
- g. Delete the following material amendments to Chapter 3: Housing and revert to the relevant text in the draft Plan:
- (i) CH 2.28
 - (ii) CH 3.1
 - (iii) CH 3.8
 - (iv) CH 3.10.
- h. Insert new objectives in the settlement plans for Louisburgh, Newport and Swinford, respectively, to incorporate the flood mitigation measures of the SFRA for these settlements consistent with the recommendation of the Chief Executive's report dated 24th May 2022.
- i. Amend policy MTP 23 consistent with the recommendation of the Chief Executive's report dated 24th May 2022.

STATEMENT OF REASONS

- I. The Development Plan as made includes material amendments to the Core Strategy of the draft Plan, which are not consistent with national and regional planning policy and the proper planning and sustainable development of the area, including:
 - a. core strategy policies and objectives that are inconsistent with national and regional policy objectives for compact growth NPO 3, and RPO 3.2, and consequently with section 10(1A) of the Act;
 - b. core strategy policies and objectives that are inconsistent with the implementation of the targets in the core strategy table 2.7.7 of the Development Plan and consequently with section 10(2A)(a) of the Act; and
 - c. core strategy policies and objectives that are inconsistent with the strategic aims of the Plan which promote consolidation and compact development and transition to a low carbon energy efficient transport systems (section 2.3), the strategic county development objectives of the plan that support the transition to a low carbon and climate resilient county by promoting sustainable settlement patterns (SO 4), progression towards achievement of national strategic objectives of the NPF (SO 10), and integration of land use planning and sustainable transportation planning and consolidation of development (SO 12).

- II. The Development Plan as made includes material amendments to the draft Plan, that 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 located in peripheral locations remote from the existing settlement, inconsistent with the requirements for compact growth in NPO 3 and RPO 3.2, and fails to have regard to the policy and objective for a

sequential approach to development in 6.2.3 of *Development Plans Guidelines for Planning Authorities* (2022), and

- b) Extensions to the consolidated zoning and settlement boundaries in peripheral locations remote from the existing settlement, inconsistent with the requirements for compact growth in NPO 3 and RPO 3.2, and fails to have regard to the sequential approach to development in 6.2.3 of *Development Plans Guidelines for Planning Authorities* (2022).
- III. The Development Plan as made includes residential density standards set out in Table 2 of Vol 2: Development Management Standards inconsistent with national and regional planning policy, specifically the requirement to implement compact growth under NPO 3 and RPO 3.2; and that fail to have regard to the Section 28 *Residential Development in Urban Areas Guidelines* (2009).
- IV. The Development Plan as made includes policies and objectives which make provision for the consideration of residential development on lands zoned 'Strategic Residential Reserve Tier II' during the plan period, albeit subject to certain considerations regarding the availability of New Residential and Strategic Residential Reserve Tier I lands, which are inconsistent with national and regional planning policy, specifically compact growth under NPO 3 and RPO 3.2 and the proportionate growth of rural towns under NPO 18a, and the promotion of sustainable settlement and transportation strategies under section 10(2)(n), and which fail to have regard to the policies and objectives for a sequential approach to development in 6.2.3 of *Development Plans Guidelines for Planning Authorities* (2022).

In so doing, the planning authority has made the Plan inconsistent with the requirements of section 10(2A)(d)(ii) of the Act which requires that the development plan provides details on how the zoning proposals in

respect of lands zoned for residential use accords with national policy that development of land shall take place on a phased basis.

- V. The Development Plan as made includes land zoned for enterprise and employment development at a peripheral location outside the plan boundary for Ballinrobe where the evidence rationale underpinning the zoning is not clear or strategic in nature and fails to have regard to 6.2.5 of *Development Plans Guidelines for Planning Authorities* (2022).
- VI. The Development Plan as made includes material amendments to the rural housing policy of the draft Plan, that individually and cumulatively are not consistent with NPO 19 to ensure that a distinction is made between areas under urban influence and elsewhere, and NPO 15 and NPO16 to reverse rural decline in small towns and villages and support their regeneration and renewal; with the strategic aims and other policies and objectives of the Development Plan.
- VII. The Development Plan by failing to incorporate the mitigation measures, which formed the basis upon which land use zonings have been justified in the SFRA, into the Plan as policy objectives includes lands zoned in a manner that is inconsistent with National Policy Objective 57, which seeks to avoid inappropriate development in areas at risk of flooding having regard to Ministerial Guidelines issued under Section 28 of the Act, *The Planning System and Flood Risk Management Guidelines* (2009).
- VIII. The Development Plan as made includes policy MTP 23 which provides that consideration is given to increased traffic from existing accesses to national roads to which speed limits greater than 60 kph apply, and that fails to have regard to the *Spatial Planning and National Roads Guidelines* (2012).

- IX. 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.

- X. By virtue of the matters set out at I to VII above, the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

- XI. By virtue of the matters set out at I to VII 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.

Correction

Item f.(v) incorrectly identifies the zoning objective for the subject lands Tier II BRODE 3 as Strategic Residential Reserve Tier II instead of **Enterprise and Employment**.

Item f.(v) of the Draft Direction (page 3) and the corresponding item in the notice letter (page 35) should read as follows:

(v) Tier II BROBE 3 i.e. the subject land reverts to unzoned from Enterprise and Employment.

Appendix One

Recommendations issued by the Office at draft Plan stage

Recommendation 3 – Distribution of Population Growth

Having regard to Recommendations 2 and 3 above and the National Policy Objectives (NPO) for planning for the future growth of and development of rural areas contained in the National Planning Framework, in particular NPOs 15, 16 and 20, the planning authority is required to rebalance the overall allocation of population growth and housing supply targets across the settlement hierarchy to achieve a more sustainable distribution of growth focused on towns and villages across the county. In particular the planning authority is required to:

- a. alter the population growth rate for the Key Towns of Castlebar and Ballina, such that the Key Towns have a higher proportion of the Core Strategy population/ housing growth and which recognises their role as key drivers supporting the higher-order centres distinct from Westport and the Tier II settlements and consistent with Section 3.4 and Regional Policy Objective (RPO) 3.1 and RPO 7.16 of the Regional Spatial and Economic Strategy;
- b. increase the Core Strategy population/ housing allocation to the Self Sustaining Towns with particular regard to the larger towns of Charlestown, Kiltimagh, Foxford and Crossmolina which may have capacity to absorb further growth, particularly having regard to new wastewater infrastructure in Charlestown and the planned upgrade in Foxford;
- c. reduce the Cores Strategy population growth allocation of 42% to the Open Countryside to give effect to the above, and rebalance the remaining allocation to the rural villages within Tiers IV and V rather than the open countryside in order to target the reversal of decline in small towns and villages and to contribute to their regeneration and renewal, demonstrating consistency with NPOs 16, 18a, 18b and RPO 3.3. A clear evidence-based approach is required to determine the demand for one off rural housing in the open countryside over the plan period as required under NPO 20 and

under the *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*.

Recommendation 5 – Development Approach to Settlements

The planning authority is required to revisit the development approach for the Tier III to Tier V settlements and provide a strategic and structured approach to the implementation of the plan's policy framework, thereby ensuring consistency with National Planning Objectives 3c, 6 and 7 and Regional Policy Objectives 3.1 and 7.16. In this regard the planning authority is required to:

- a. Provide land use zoning maps for all Tier III settlements, consistent with objectives set out in the written statement of the Settlement Plans, cognisant of their position within the settlement hierarchy and projected future population growth.
- b. Review the development boundaries and reduce the extent of consolidated zoning in Tier IV and Tier V towns and villages to reflect the extent of the established settlement and promote a sequential approach to development to ensure compact growth and avoid ribbon development consistent with the guidance in *Sustainable Rural Housing Guidelines for Planning Authorities 2005*.
- c. Refine the consolidated approach to zoning to include specific local objectives such as for the town / village core area, focal spaces, amenities, sustainable mobility/movement and opportunity sites.
- d. Identify land with development constraints such as flooding on the consolidated zoning maps. Where land subject to flood risk is sequentially preferable and could contribute to compact growth, it will be necessary to undertake a Justification Test within the context of the Strategic Flood Risk Assessment (refer to Recommendation 9).

Recommendation 7 – Tiered Approach to Zoning

The planning authority is required to demonstrate that the tiered approach to zoning required under the National Planning Framework (policies NPO72a, NPO72b and NPO72c refer) has been applied, which should have regard to the provisions of an Infrastructural Assessment Report, details of which must be included in the Development Plan, all in accordance with the methodology set out in Appendix 3 of the NPF.

Recommendation 9 – Strategic Flood Risk Assessment (SFRA)

The planning authority is required to review the Strategic Flood Risk Assessment (SFRA) to ensure consistency with the Planning System and Flood Risk Assessment Guidelines and Circular PL 2/2014. In this regard, the planning authority is required to:

- a. Produce a suitably detailed flood risk assessment for all settlements, inclusive of Tier 1 settlements and the town of Westport, drawing on and extending existing data and information, leading to a suite of clear and transparent flood risk maps, that support the application of the sequential approach and enable comprehensive determination as to whether measures to deal with flood risks to the area proposed for development can satisfactorily reduce the risks to an acceptable level.
- b. Determine if there is sufficient information to inform the land use zoning decisions, including the proposed Consolidated Zoning, in each settlement or if further detailed analysis is required. For land that is deemed to be of moderate or high flood risk and is sequentially preferable and could contribute to compact growth and higher density development, it will be necessary to undertake a Justification Test within the context of the SFRA.
- c. Ensure that specific requirements emanating from the SFRA inform the overall planning framework as set out in the draft Plan and that proposed mitigation measures are comprehensively translated into practical policies within the draft Plan.

- d. The Office of Public Works should be consulted in relation to the matters raised in this recommendation.

Recommendation 10 – Draft Plan policy ‘Housing in the Open Countryside’

The planning authority is required to revise the draft Plan’s policy in respect of Housing in the Open Countryside (section 3.4.8) to ensure consistency with NPO19 including:

- a. Reconsider the extent and possibly increase the Rural Areas under Urban Influence to comply with NPO 19 having regard to the national road network and in particular the recently upgraded N5. The planning authority is advised that the identification of areas under urban influence should be based on clear criteria including realistic commuter catchments of the larger towns and centres of employment and their relationship to the national road network , and in particular the realigned N5 corridor, which has reduced journey times between the east of the county and Castlebar.
- b. Amend rural housing policy Objective RHO 1 to ensure that the specific criterion for consideration is linked to demonstrable social or economic ‘need’ (not ‘links’ as stated in the draft Plan) such that policy measures for rural one-off housing in ‘Rural Areas Under Strong Influence’ are distinct and separate to other defined areas.
- c. Amend policy in respect of areas zoned as ‘Rural Transition’ on the edge of Tier II towns to ensure that single houses are not promoted and the emphasis is on delivering compact and sequential growth and preventing ribbon or ad-hoc development on the edges of settlements.
- d. Clarify the rural typologies and associated policies and amend Map 3.1 of the draft Plan to reflect the two rural area types with additional designations identifying scenic routes and coastal locations in accordance with the principles of the Sustainable Rural Housing Guidelines for Planning Authorities (2005).
- e. Amend and strengthen Objective RHO 3 to encapsulate the more restrictive need criteria necessary to manage and protect sensitive

landscapes, scenic routes and coastal locations, outside of identified rural areas of urban generated growth.

Recommendation 12 – Employment Zoned Land

Having regard to the designation of Claremorris as a Tier II Self-sustaining Growth Town and its anticipated population growth over the plan period, the planning authority is required to provide an evidence-based justification for the quantity and location of all employment generating land use zonings (or for a reduced area zoned for such uses in the absence of a robust justification).

Recommendations issued by the Office at material alterations stage

MA Recommendation 1 – Core strategy and settlement strategy

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

- (i) the National Strategic Outcomes for compact growth, sustainable mobility, transition to a low carbon and climate resilient society and sustainable management of environmental resources set out in the National Planning Framework;
- (ii) Regional Policy Objectives (RPOs) 3.1 – ‘Develop urban places of regional-scale’;
- (iii) NPO 6, 15, 18, 20 in respect of the regeneration and renewal of towns and villages, evidence based approach to single housing in the open countryside and avoiding over-development while sustaining vibrant rural communities;
- (iv) the requirement for objectives to promote sustainable settlement and transport strategies under section 10(2)(n) of the Act;
- (v) the overarching strategic objective in the draft Plan to achieve the sustainable, balanced development of the Rural Settlements and Rural

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

(vi) Recommendation 3a-3c of the Office's submission to the draft Plan.

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

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

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

MA Recommendation 3 - Sustainable development and regeneration

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

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

MA Recommendation 5 - Development Approach Tier III to V Towns

Arising from Recommendation 5 of the Office's submission to the draft Plan, and having regard to section 10 (2A)(a) of the *Planning and Development Act 2000*, as amended, the National Strategic Outcome for compact growth, National Planning Objectives 3c, 6, 16, 18a, and 53, and Regional Policy Objectives 3.3 and 7.16, the planning authority is required to make the Plan without the following material amendments to the settlement boundaries of Tier III, IV and V settlements:

- Proposed Amendment Tier III Balla 2.
- Proposed Amendment Tier III Killala 3, 4 and 5.
- Proposed Amendment Tier III Kilti 2

- Proposed Amendment Tier IV BER 1 (Bangor Erris)
- Proposed Amendment Tier IV BEL 1 (Belcarra)
- Proposed Amendment Tier V ATT 1 (Attymass)
- Proposed Amendment Tier V POL 1 (Pollathomish)
- Proposed Amendment Tier V PTY 1 (Partry)
- Proposed Amendment Tier V GIL (Glenisland)

MA Recommendation 6 – Strategic Residential Reserve Tier II Lands

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

MA Recommendation 7 – Quantity of Zoned Residential Land

Having regard to national and regional policy objectives NPO 3 and NPO 18a, RPO 3.2, the *Development Plans, Guidelines for Planning Authorities* (2007) and *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (2021), section 10(2)(n) of the *Planning and Development Act 2000*, as amended,

and the sufficiency of land zoned for residential development including Strategic Residential Reserve Tier I in the respective towns consistent with the core strategy, the Office considers that the following zonings proposed under the material amendments are inconsistent with the core strategy, and contrary to the implementation of compact growth, sequential zoning and the provision of a sustainable settlement and transport strategy. The planning authority is therefore required to make the Plan without the following material amendments in Swinford, Ballinrobe and Claremorris:

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

MA Recommendation 8 – Rural Housing Criteria

Having regard to the national and regional policy objectives to support sustainable development in rural areas by managing growth of areas that are under strong urban influence while reversing rural decline of small towns and villages (NPO 15, 16 and 19 and RPO 3.4), and the *Sustainable Rural Housing Guidelines* (2005) in respect of rural generated housing and ribbon development, and the National Strategy Outcomes for sustainable mobility, transition to a low carbon and climate resilience society, and sustainable management of environmental resources, the planning authority is required to make the Plan without the following amendments:

- Proposed Amendment CH 2.28
- Proposed Amendment CH 3.1

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

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

MA Recommendation 9 – Additional Zoning in Tier II Settlements

Having regard to section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (2021), the *Retail Planning Guidelines for Planning Authorities* (2012), and NPO 57 and the *Planning System and Flood Risk Guidelines for Planning Authorities* (2009), the planning authority is required to make the Plan without the following proposed amendments:

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

MA Recommendation 10 – Flood Risk Management

Having regard to NPO 57 and the *Planning System and Flood Risk Assessment Guidelines* (2009), as revised, and *Circular PL 2/2014 – Flooding Guidelines*, the planning authority is required to incorporate the mitigation measures which have

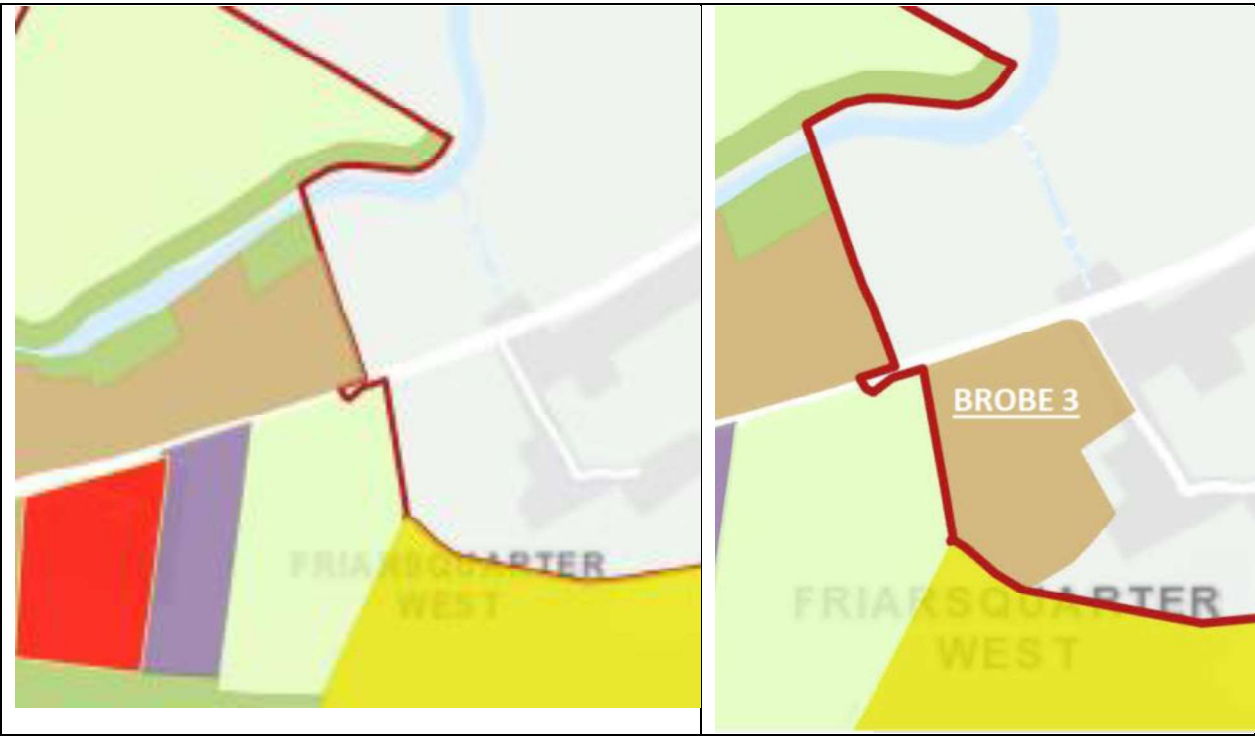
formed the basis upon which land use zonings have been justified in the Strategic Flood Risk Assessment into the Plan as policy objectives.

MA Recommendation 11 – National Roads

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

Proposed Amendment Tier II BROBE 3		
Section	Heading	Map Ref
Tier II: Self-Sustaining Growth Towns	Ballinrobe	BE 1

Rezone lands along R331 (Hollymount Road) from Unzoned Lands to Enterprise & Employment.

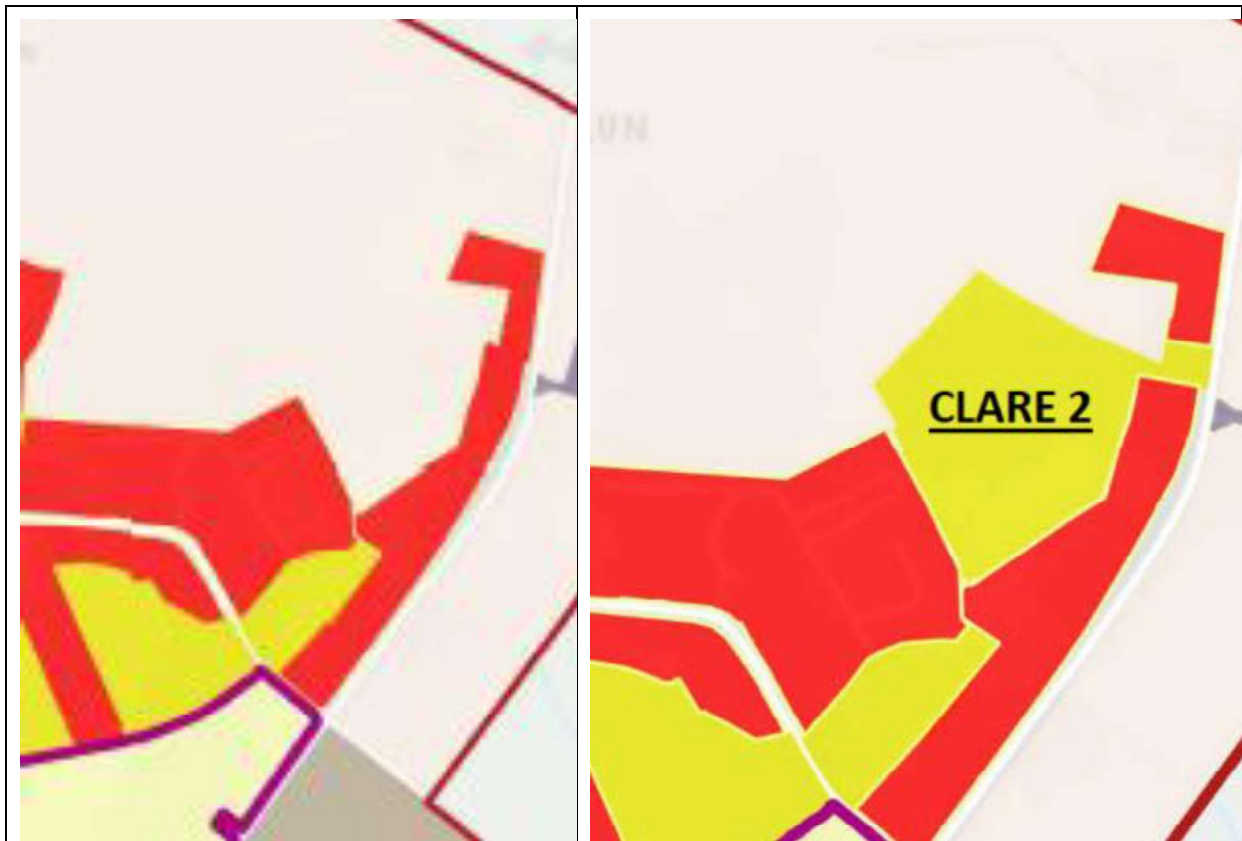


ZONING AS PER CE REPORT

PROPOSED MATERIAL AMENDMENT

Proposed Amendment Tier II Clare 2		
Section	Heading	Map Ref
Tier II: Self-Sustaining Growth Towns	Claremorris	CS 1

Rezone lands adjoining Cluain Aoibhinn accessed from the Knock Road from Rural Transition Zone to Strategic Residential Reserve Tier II.



ZONING AS PER CE REPORT

PROPOSED MATERIAL AMENDMENT

Proposed Amendment Tier II Clare 3		
Section	Heading	Map Ref
Tier II: Self-Sustaining Growth Towns	Claremorris	CS 1

Rezone lands along the N60 from Agriculture to Strategic Residential Reserve Tier II.

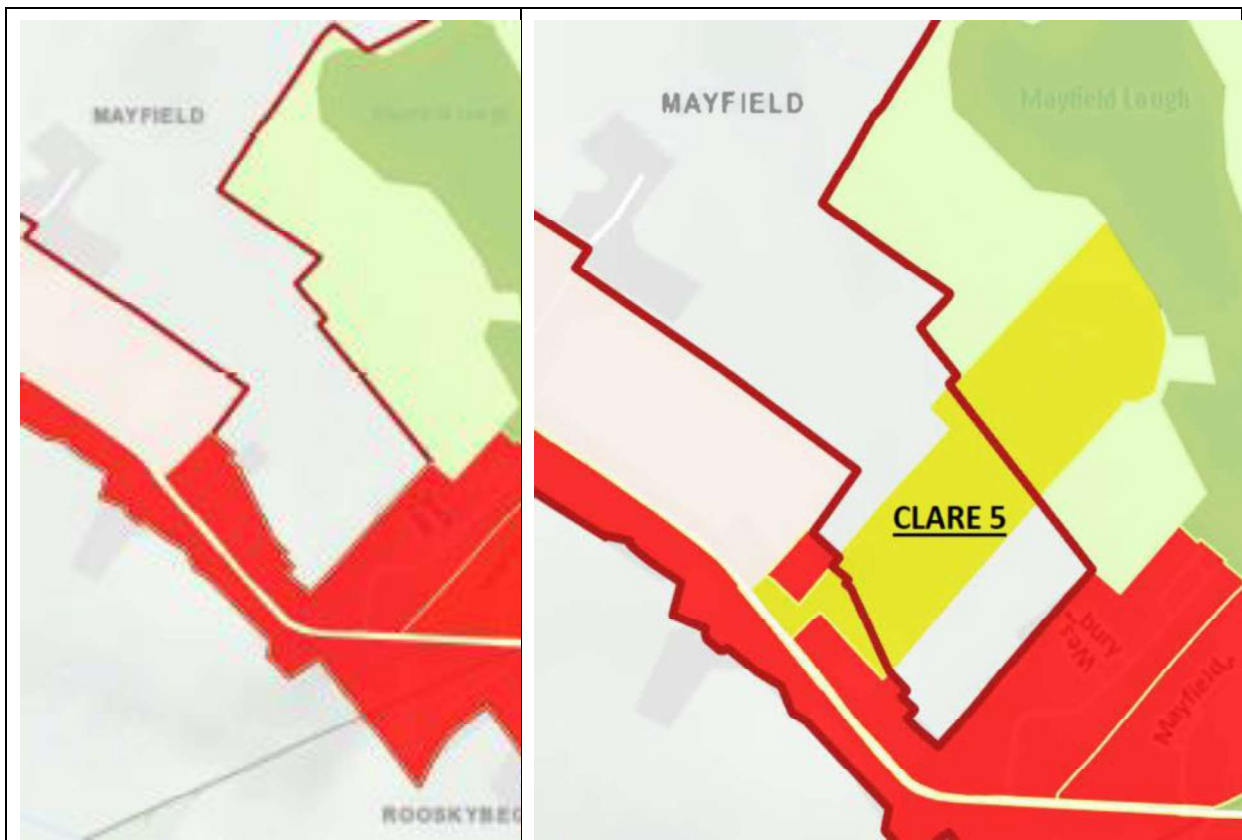


ZONING AS PER CE REPORT

PROPOSED MATERIAL AMENDMENT

Proposed Amendment Tier II Clare 5		
Section	Heading	Map Ref
Tier II: Self-Sustaining Growth Towns	Claremorris	CS 1

Rezone lands between Mayfield and Mayfield lake from unzoned lands/existing residential & agriculture to Strategic Residential Reserve Tier II.

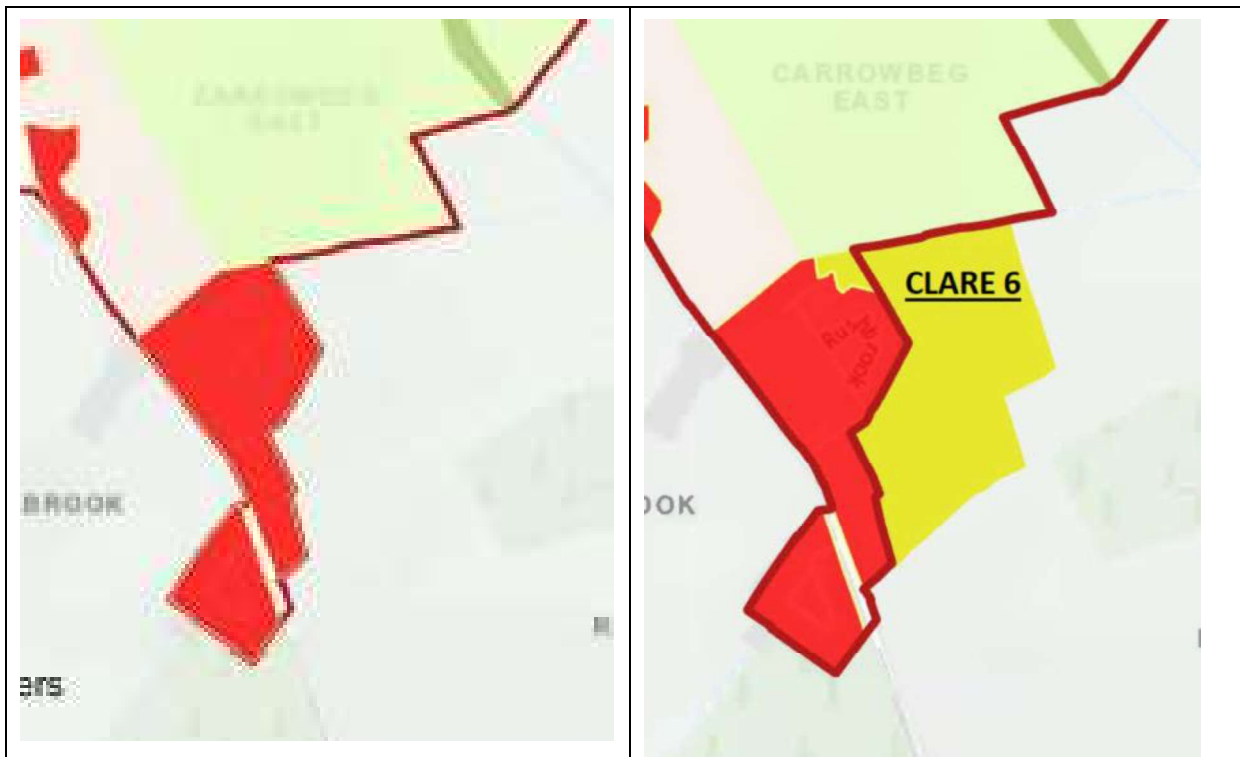


ZONING AS PER CE REPORT

PROPOSED MATERIAL AMENDMENT

Proposed Amendment Tier II Clare 6		
Section	Heading	Map Ref
Tier II: Self-Sustaining Growth Towns	Claremorris	CS 1

Rezone lands adjoining Rushbrook from unzoned lands to Strategic Residential Reserve Tier II.



ZONING AS PER CE REPORT

PROPOSED MATERIAL AMENDMENT

Extract from Adopted Mayo County Development Plan zoning map for Claremorris showing amendment to Tier II CLARE 5 (land with red dot reverts to Agriculture zoning)

