



16 June 2022

For the Attention of: Mr. Jim Cullen, Chief Executive

Galway County Council
Áras an Chontae
Prospect Hill,
Galway
TH91 H6KX

Section 31 of the Planning and Development Act 2000, as amended
Notice of Intention to Issue a Direction to Galway County Council on the Galway County
Development Plan 2022 - 2028

Dear Jim,

Consequent to a recommendation made to me by the Office of the Planning Regulator (the Office) on 3 June 2022 in connection with the Galway County Development Plan 2022 – 2028, as adopted by the elected members of Galway County Council on 9 May 2022, and pursuant to Section 31 of the Planning and Development Act 2000, as amended (the Act), I write to give notice of my intention to issue a direction to Galway County Council to take certain measures specified in this notice.

Opinion

On consideration of the recommendation made to me by the Office, I have formed the opinion that:



- (i) 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.
- (ii) The Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area;
- (iii) The Plan is not consistent with National Policy Objectives set out in the National Planning Framework, specifically NPO 3c (compact growth), NPO 56, (circular economy), NPO 57 (flood risk) and NPO 63 (sustainable water infrastructure).
- (iv) The Plan is not consistent with regional policy objectives set out in the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly, specifically RPO 3.2 (compact growth), RPO 8.17 (circular economy) and RPO 8.12 (sustainable water services infrastructure).
- (v) The Plan fails to have regard to Ministerial Guidelines issued under Section 28 of the Act. The statement under section 28(1A)(b) attached to Development Plan as made fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives contained in the *Development Plan Guidelines for Planning Authorities* (2007) and / or in the *Development Plan Guidelines for Planning Authorities - Draft for Consultation* (2021), and / or *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), because of the nature and characteristics of the area, in addition to the reasons for the forming of that opinion contrary to section 28(1B)(b), specifically:
 - a. In making the Development Plan with residential zoning in excess of that determined to be required under the Core Strategy (residential phase 1 and



residential phase 2), the planning authority has failed to have regard to the requirement under section 4.5 of the *Development Plan Guidelines for Planning Authorities* (2007) and section 4.4 of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (2021) to ensure enough land is zoned and to avoid zoning too much land (Clifden SGT LUZ 6.1, 6.4b, 6.5; and Headford 7.2, 7.4, 7.7, 7.8, 7.10; and An Cheathrú Rua SGV LUZ 11.1b; and Woodlawn RSA LUZ 20.1);

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

The specified zoning amendments therefore fail to have regard to the requirement to implement or adopt the sequential approach to zoning under the *Development Plans, Guidelines for Planning Authorities* (2007) issued under Section 28 of the Act, except in exceptional circumstances (which 'must be clearly justified ... in the written statement'), and under section 6.2.3 of the *Development Plans, Guidelines for Planning authorities - Draft for Consultation* (2021) and no or no adequate reasons relating to the proper planning and



sustainable development of the area have been provided to explain why the said guidelines have not been followed;

- d. Land proposed for development despite being contrary to the recommendation / advice of the SEA Environmental Report at either draft or material amendment stage (Clifden SGT LUZ 6.4b, Clifden SGT LUZ 6.5, Headford SGT LUZ 7.2, Headford SGT LUZ 7.4, Headford SGT LUZ 7.8, Headford SGT LUZ 7.10, An Cheathrú Rua SGV LUZ 11.1a, An Cheathrú Rua SGV LUZ 11.1b, Oranmore MASP LUZ 3.5, Oughterard SGT LUZ 9.4, Woodlawn RSA LUZ 20.1, land zoned Business and Enterprise to the south of Headford on the N84.
- e. land zoned for development vulnerable to flood risk in areas known to be at risk of flooding contrary to NPO 57 and fails to have regard to the statutory guidelines of the Minister The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), as revised and where the Strategic Flood Risk Assessment recommends that the zoning amendment not be adopted (MASP LUZ Oranmore 3.5).

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

- (vi) The Plan fails to have regard to Ministerial Guidelines issued under Section 28 of the Act, specifically the requirement under section 2.9 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) in respect of compromising the route selection process and the broader public interest. Material amendment SGT LUZ Maigh Cuillinn 8.4 is located adjacent to the route of the N59 Maigh Cuillinn



by-pass, and has the potential to negatively impact the delivery of the planned national road network in the area, undermine Government investment in the N59 Moycullen Bypass Scheme. The statement under section 28(1A)(b), attached to Development Plan as made, fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives contained in the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) because of the nature and characteristics of the area, in addition to the reasons for the forming of that opinion contrary to the requirements of section 28(1B)(b).

- (vii) The Plan is not consistent with section 10(1D) of the Act, specifically that the Development Plan as made includes Policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua.
- (viii) The Plan, as made, is not in compliance with the requirements of the Act.

A draft of the Direction accompanies this notice and I request that you publish notice of this draft Direction, no later than two weeks after receipt of this notice. The reasons for the Direction are set out in the Statement of Reasons section of the attached draft Direction and further detail is provided below.

Process to Date

Draft Plan

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

A statement was appended to the draft Development Plan, as required under section 28(1A)(b) of the Act, concerning the implementation of Ministerial Guidelines. The statement did not include any information to demonstrate that the planning authority had formed the opinion that it is not possible to implement certain policies and objectives of the Minister contained in any



relevant guidelines, as outlined in further detail below, and did not provide any reasons for not implementing any such policies or objectives. Such information and reasons are required where section 28(1B)(b) applies.

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

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

However, Recommendation 11 of the Office's submission to the draft Plan regarding Business and Enterprise lands zoned to the south of Headford, on the eastern side of the N84 road to Galway, did and does raise concerns as this zoning is contrary to the objectives of compact growth and sequential approach to development under the section 28 guidelines *Development Plan Guidelines for Planning Authorities* (2007). The SEA environmental report on the Draft Plan stated that "there is no established planning justification for this Amendment....and would present additional, unnecessary and potentially significant adverse effects on various environmental components". It is noted that the elected members rejected the recommendation of the Office and the CE.

Also, Recommendation 16 of the Office's submission to the draft Plan required the planning authority to remove policy WW9, which includes a minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua.

In relation to the settlement of An Cheathrú Rua, the Office's submission to the draft Plan noted the lack of a wastewater treatment facility for the village and that untreated waste is currently discharged to the sea. The submission further pointed out that the draft Plan's core strategy allocated a further 60 dwellings for the village, which would further add to the loading and



exacerbate the negative impacts on the environment contrary to section 10(1D) of the Act which requires that the development objectives in the development plan are consistent with the conservation and protection of the environment.

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

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

It is noted that the CE report dated October 2021 recommended the removal of this policy objective in line with the recommendation from the Office. Irish Water (IW) also made a submission to the draft Plan requesting that the policy be removed. The SEA environmental report on the Draft Plan advised against the inclusion of this policy. The elected members rejected the recommendation of the Office and CE, the SEA recommendation and IW request.

The Elected Members, having considered the draft Plan and the Chief Executive's (CE's) Report on submissions received (dated October 2021), resolved to amend the draft Galway County Development Plan 2022-2028 on 13th January 2021. The material alterations to the draft Plan were on public display from 3 February 2022 to 4 March 2022.

Material Amendments

The submission to Galway County Council from the Office at material amendment (MA) stage (dated 4 March 2022) set out 10 recommendations and included the following:



- MA Recommendation 2 – Residential zoning (Phase 1/Existing/Infill): Additional Residential Zoning in Baile Chláir, Bearnna, Oranmore, Oughterard, An Cheathrú Rua, An Spidéal and Woodlawn;
- MA Recommendation 3 – Residential (Phase 2): Additional Residential Zoning in Baile an Chláir, Oranmore, Clifden, Headford, Oughterard, An Cheathrú Rua and Kinvarra;
- MA Recommendation 7 – Employment Zoned Land: Additional Employment Zoned Land in Oughterard, Glennascaul, Portumna, Maigh Cuillinn and lands north of Galway Airport site;
- MA Recommendation 8 – Flood Risk Management: Additional zoned lands that are identified as being within a flood zone at Baile Chláir, Bearnna, Oranmore, Headford and Portumna;
- MA Recommendation 9 – Additional lands zoned as open recreation An Cheathrú Rua; and
- MA Recommendation 10 – Wastewater Management Infrastructure policy amendments.

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

A Chief Executive’s report was prepared on the submissions received, including the submission made by the Office. It is noted that your report accepted the majority of recommendations and observations of the Office and recommended changes in response to the issues raised. The elected members of the planning authority did not accept a number of these recommendations. The elected members of Galway County Council resolved to make the Development Plan on 9 May 2022.

Section 31AM(6) Notice

Subsequently, in accordance with Section 31AM(6), you as Chief Executive, issued a notice letter dated 16 May 2022 to the Office which advised of the making of the Development Plan and



specifying that all 10 recommendations of the Office had not been not complied with, either in full or in part.

Section 31AM(8) Notice

On 3 June 2022, in accordance to Section 31AM(8) of the Act, the Office notified the Minister for Local Government and Planning that the Galway County Development Plan 2022-2028 had not been made in a manner consistent with the recommendations of the Office, a summary of such is provided below. This required specific changes to the Development Plan to:

- a) ensure consistency with the Core Strategy of the Plan, national policy objectives (NPO 3c), regional policy objectives (RPO 3.2) of the Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES), particularly in relation to supporting compact growth and having regard to the requirement to implement the sequential approach to the zoning for residential lands under the *Development Plan Guidelines for Planning Authorities (2007)* and the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation (August, 2021)*.

Specifically the Development Plan includes land use zoning objectives for 1 Residential Existing zoning at An Cheathrú Rua, 1 Residential infill at Oughterard, 2 Residential Phase 1 at An Cheathrú Rua and Woodlawn and 9 parcels of land for Residential Phase 2 within Clifden, Headford and Oranmore all introduced at material amendment stage that leapfrog beyond land zoned, are peripheral and some extend beyond the town CSO boundary. The elected members rejected the recommendations of the Office and CE to remove these zonings and to revert to the draft plan zonings. (13 land use zonings in total). The SEA environmental report on these material amendments recommended that the Plan be made without these zoning objectives, bar two (SGT LUZ Clifden 6.1 and SGT LUZ Headford 7.7).



- b) effect changes to the Development Plan having regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*, specifically that in relation to particular material amendments to the draft development plan adopted by the elected members, the Development Plan zones land for development in areas of flood risk (Oranmore MASP LUZ 3.5). The SEA environmental report recommends that the Plan is made without this zoning objective. The elected members rejected the recommendations of the Office and CE and SEA recommendation to remove this zoning.

- c) effect changes to the Development Plan having regard to the *Spatial Planning and National Roads, Guidelines for Planning Authorities (2012)*, specifically the land zoned for tourism development in Maigh Cuillinn adjacent to the route of the N59 Maigh Cuillinn by-pass, which has the potential to negatively impact the delivery of the planned national road network in the area and undermine Government investment in the N59 Moycullen Bypass Scheme. This zoning objective was introduced by material amendment and the elected members rejected the recommendations of the Office and CE to remove this zoning and to revert to the draft plan zonings.

- d) effect changes on land zoned for business and enterprise located in a non-sequential and peripheral location at a distance from the centre and beyond undeveloped greenfield lands in Headford. This zoning was introduced at Draft Plan stage and the elected members rejected the recommendations of the Office and CE to remove this zoning. The SEA environmental report on the Draft Plan stated that *“there is no established planning justification for this Amendment....and would present additional, unnecessary and potentially significant adverse effects on various environmental components”*.



- e) effect changes to the Development Plan to ensure consistency with the statutory requirement in section 10(1D) of the Act that the development objectives are consistent with the conservation and protection of the environment, specifically policy WW9, introduced at Draft Plan stage, which includes a minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua. The CE report dated October 2021 recommended the removal of this policy objective in line with the recommendation from the Office. Irish Water (IW) also made a submission to the draft Plan requesting that the policy be removed. The SEA environmental report on the Draft Plan advised against the inclusion of this policy. The elected members rejected the recommendations of the Office, CE and SEA recommendation and IW request.
- f) effect changes to the Development Plan to ensure consistency with NPO 56 and RPO 8.17 to promote circular economy principles to maximise waste as a resource namely, and the provisions of NPO 63 and RPO 8.12 to ensure that sustainable water services infrastructure is in place to meet demands of continuing population growth and the developing economy specifically the following amended and additional provisions inserted at material amendment stage; MA 7.8, MA 7.9 and MA 7.10, which identify Ballinasloe and Tuam as being unsuitable locations for a regional waste management facility and/or sludge hub centre. The SEA environmental report advised against the inclusion of these policy amendments and recommended that the Plan be made without these 3 amendments. Irish Water (IW) also made a submission to the material amendments recommending that MAs 7.8, 7.9 and 7.10 are not adopted. The elected members rejected the recommendations of the Office, CE, SEA and IW recommendations to remove these amendments.

Further, the Office does not accept that the reasons given for not implementing the Office's recommendations in the notice letters dated 21 January and 16 May 2022 issued under section



12(5)(aa) and section 31AM(6) respectively, adequately justify the failure to implement those recommendations or explain how, notwithstanding that failure, the Development Plan as adopted sets out an overall strategy for the proper planning and sustainable development of the area as required by section 10(1) of the Act.

Reasons

The Development Plan as made fails to follow Ministerial Guidelines issued under Section 28 of the Act, specifically;

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

In making the Development Plan with residential zoning in excess of that determined to be required under the Core Strategy, the planning authority has failed to have regard to the requirement under section 4.5 of the *Development Plan Guidelines for Planning Authorities (2007)* and section 4.4 of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation (2021)* to ensure enough land is zoned and to avoid zoning too much land;

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



Woodlawn detached from any existing settlement. (Clifden SGT LUZ 6.1, 6.4b, 6.5; and Headford 7.2, 7.4, 7.7, 7.8, 7.10; and An Cheathrú Rua SGV LUZ 11.1a; Oughterard SGT LUZ 9.4; and Woodlawn RSA LUZ 20.1; and land zoned Business and Enterprise to the south of Headford on the N84).

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

- (iv) Land proposed for development despite the recommendation the SEA Environmental Report for Relevant Proposed Material Alterations to the Draft Galway County Development Plan 2022 – 2028 ‘to not adopt as part of the Draft Plan’ (all material amendments the subject of this recommendation with the exception of SGT LUZ Clifden 6.1, SGT LUZ Headford 7.7 and SGT LUZ Maigh Cuillin);
- (v) land zoned for development vulnerable to flood risk in areas known to be at risk of flooding contrary to NPO 57 and fails to have regard to the statutory guidelines of the Minister *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*, as revised and where the Strategic Flood Risk Assessment recommends that the zoning amendment not be adopted (MASP LUZ Oranmore 3.5).

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



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

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

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

The Development Plan as made with policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua may unreasonably and significantly prejudice the delivery of this key infrastructure and prejudice the



planned sustainable growth of An Cheathrú Rua over the plan period inconsistent with the statutory requirement in section 10(1D) of the Act that that the development objectives in the development plan are consistent, as far as practicable, with the conservation and protection of the environment.

The Development Plan as made with material amendments MA 7.8, 7.9 and 7.10, which specifically identifies Ballinasloe and Tuam as being unsuitable locations for a regional waste management facility and/or sludge hub centre contrary to the recommendation of the SEA Environmental Report is inconsistent with national and regional policy objectives promoting circular economy principles to maximise waste as a resource namely NPO 56 and RPO 8.17, and the provisions of NPO 63 and RPO 8.12 which seek to ensure that sustainable water services infrastructure is in place to meet demands of continuing population growth and the developing economy.

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

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

Having regard to the matters set out, above, the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area and is not in compliance with the requirements of the Act.



Measures to be taken - Draft Direction

Accordingly, having considered the recommendation of the Office, I am issuing a draft Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended), to direct Galway County Council with regard to the Galway County Development Plan 2022 – 2028.

The Draft Direction sets out the following steps for the Planning Authority to take:

- a. Reinststate the following zoning objectives to that of the draft Plan:
 - i. Clifden SGT LUZ 6.1 - i.e. the subject land reverts to Agriculture from Residential Phase 2.
 - ii. Clifden SGT LUZ 6.4b - i.e. the subject land reverts to unzoned from Residential Phase 2.
 - iii. Clifden SGT LUZ 6.5 - i.e. the subject land reverts to unzoned from Residential Phase 2.
 - iv. Headford SGT LUZ 7.2 - i.e. the subject land reverts to Open Space/Recreation and Amenity from Residential Phase 2.
 - v. Headford SGT LUZ 7.4 - i.e. the subject land reverts to unzoned from Residential Phase 2.
 - vi. Headford SGT LUZ 7.7- i.e. the subject land reverts to Open Space/Recreation and Amenity from Residential Phase 2.
 - vii. Headford SGT LUZ 7.8 - i.e. the subject land reverts to unzoned from Residential Phase 2.
 - viii. Headford SGT LUZ 7.10 -- i.e. the subject land reverts to unzoned from Residential Phase 2.
 - ix. An Cheathrú Rua SGV LUZ 11.1a - i.e. the subject land reverts to unzoned from Residential Existing.
 - x. An Cheathrú Rua SGV LUZ 11.1b - i.e. the subject land reverts to unzoned from Residential Phase 2.



- xi. Oranmore MASP LUZ 3.5 - i.e. the subject land reverts to unzoned from Residential Phase 2.
 - xii. Oughterard SGT LUZ 9.4 - i.e. the subject land reverts to unzoned from Residential Infill.
 - xiii. Woodlawn RSA LUZ 20.1 - i.e. the subject land reverts to unzoned from Residential Phase 1.
 - xiv. Maigh Cuillinn SGT 8.4 - i.e. the subject land reverts to unzoned from Tourism.
- b. Delete the Business and Enterprise zoning objective on lands south of Headford, on the eastern side of the N84 road to Galway.
- c. Delete policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua.
- d. Delete the amended and additional provisions inserted under:
- (i) MA 7.8 to amend text in Section 7.5.10 (Sludge Management);
 - (ii) MA 7.9 to amend Policy Objective WW1 Enhancement of Wastewater Supply Infrastructure; and
 - (iii) MA 7.10 to amend Policy Objective WW 2 Delivery of Wastewater Infrastructure.

Please note that in accordance with Section 31(4)(c) and Section 31(6) of the Act, those parts of the Galway County Development Plan 2022 – 2028 referred to in this notice shall be taken not to have not come into effect, been made or amended.

Next Steps - Procedural Requirements

I wish to draw your attention to the public consultation obligations under Section 31 of the Act, and the initial requirement as Chief Executive under Section 31(7) to publish notice of the draft



Direction no later than 2 weeks after receipt of this notice, stating that the draft direction may be inspected as specified in the notice, for a period of not more than 2 weeks.

The notice must also state that written submissions or observations in respect of the draft direction may be made to the planning authority during the consultation period.

Also in line with statutory requirements, a Chief Executive's report is to be prepared on the public consultation period under Section 31(8), and must be furnished to the Office, the elected members and myself as Minister, no later than 4 weeks after the public consultation process is completed, for further consideration.

In accordance with Section 31(9) of the Act, the report of the Chief Executive must

- a) summarise the views of any person who made submissions or observations to the planning authority;
- b) summarise the views of and recommendations (if any) made by the elected members of the planning authority;
- c) summarise the views of and recommendations (if any) made by the regional assembly, and
- d) make recommendations in relation to the best manner in which to give effect to the draft direction.

In addition, the elected members of the planning authority may make a submission to the Office of the Planning Regulator at any time up to the conclusion of the 2 week public consultation period referred to above and may also send any such submissions to me, as Minister.

The Office will then consider the Chief Executive's report together with any submissions made and will make a further recommendation to me, as Minister, regarding whether the Direction is



to be issued with or without minor amendments, or not issued. Where I am in agreement with the further recommendation, I may issue the final direction.

Where the Office is of the opinion that a material amendment to the Draft Direction is required, or further investigation is necessary, or it is necessary for another reason, then the Office may appoint an inspector no later than 3 weeks after receipt of the Chief Executive's report, prior to making a final recommendation to me.

My officials are available to assist you, as necessary, in complying with the foregoing process now underway. Should you have any queries please contact Laura Courtney, Planning Adviser at Laura.Courtney@housing.gov.ie.

Yours sincerely,

Peter Burke T.D.

Minister for Local Government and Planning

Copied to:

- Cathaoirleach, Galway County Council, Áras an Chontae, Prospect Hill, Galway, H91 H6KX.
- Mr. David Minton, Director, Northern and Western Regional Assembly, The Square, Ballaghaderreen, County Roscommon.
- Office of the Planning Regulator, Fourth Floor (West Wing) Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWW4.

**DRAFT DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)
Galway County Development Plan 2022 -2028**

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

“Planning Authority” means Galway County Council

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

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

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

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

STATEMENT OF REASONS

- I. **Pursuant to section 31(1)(b), section 31(10)(ba)(i) and section 31(1)(c)**

The Galway County Development Plan 2022 – 2028 as made includes material amendments to the draft Plan, that are inconsistent with the evaluation of the Strategic Environmental Assessment and which individually and cumulatively are not consistent with the Core Strategy, national and regional planning policy, and the proper planning and sustainable development of the area, including:

 - a. Land zoned for residential development that is not consistent with the Development Plan's own Core Strategy for Clifden, Headford, An Cheathrú Rua and Woodlawn, in the adopted Plan. In making the Development Plan with residential zoning in excess of that determined to be required under the Core Strategy, the Planning Authority fails to have regard to the requirements of section 4.5 of the *Development Plan Guidelines for Planning Authorities (2007)* and section 4.4 of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation (2021)* to ensure enough land is zoned and to avoid zoning too much land and the Planning Authority provides no or no adequate reasons

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

- b. Land zoned for residential development located in peripheral locations outside the CSO settlement boundary in the case of Clifden, and Headford, and in the case of Woodlawn where no CSO boundary exists, inconsistent with the requirements for compact growth in NPO 3c and RPO 3.2;
- c. Land zoned for development located in non-sequential and peripheral locations at a distance from the centre and beyond undeveloped greenfield lands in Clifden and Headford, An Cheathrú Rua, and Oughterard, or in the case of Woodlawn detached from any existing settlement, which fails to have regard to the requirement to implement or adopt the sequential approach to zoning under the *Development Plans, Guidelines for Planning Authorities (2007)* issued under Section 28 of the Act, except in exceptional circumstances (which '*must be clearly justified ... in the written statement*'), and under section 6.2.3 of the *Development Plans, Guidelines for Planning authorities - Draft for Consultation (2021)* and the Planning Authority provides no or no adequate reasons relating to the proper planning and sustainable development of the area to explain why the guidelines have not been followed;
- d. Land zoned for development in Oranmore vulnerable to flood risk in areas known to be at risk of flooding contrary to NPO 57 and which fails to have regard to the statutory guidelines of the Minister *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*, as revised and where the Strategic Flood Risk Assessment recommends that the zoning amendment not be adopted;
- e. Land zoned for development in Maigh Cuillinn adjacent to the route of the N59 Maigh Cuillinn by-pass, which has the potential to negatively impact the delivery of the planned national road network in the area, undermine Government investment in the N59 Moycullen Bypass Scheme and fails to have regard to the

statutory guidelines of the Minister *The Spatial Planning and National Roads Guidelines for Planning Authorities* (2012).

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

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

II. Pursuant to section 31(1)(c)

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

III. Pursuant to section 31(1)(ba)(i)

The Development Plan as made includes material amendments to identify Ballinasloe and Tuam as being unsuitable locations for a regional waste management facility and/or sludge hub centre inconsistent with NPO 56 and RPO 8.17 to promote circular economy principles to maximise waste as a resource and the provisions of NPO 63 and RPO 8.12 to ensure that sustainable water services

infrastructure is in place to meet demands of continuing population growth and the developing economy.

IV. Pursuant to section 31(1)(c)

The Development Plan as made includes policies and material amendments to the draft Plan that are inconsistent with the evaluation of the Strategic Environmental Assessment.

V. Pursuant to section 31(1)(a)(i)(II)

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.

GIVEN under my hand,

Minister for Local Government and Planning

Day of Month, year.