



8<sup>th</sup> August 2022

For the Attention of: Mr. Kevin Kelly, Chief Executive

Mayo County Council,  
Áras an Chontae,  
The Mall,  
Castlebar,  
Co. Mayo  
F23 WF90

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

Dear Kevin,

Consequent to a recommendation made to me by the Office of the Planning Regulator (the Office) on 26<sup>th</sup> July 2022 in connection with the Mayo County Development Plan 2022 – 2028, as adopted by the elected members of Mayo County Council on 29<sup>th</sup> June 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 Mayo 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 18a, (proportionate growth of rural towns), NPO 15 and 16 (to reverse rural decline in small towns and villages and support their regeneration and renewal), NPO 19 (to ensure that a distinction is made between areas under urban influence and elsewhere) and NPO 57 (which seeks to avoid inappropriate development in areas at risk of flooding).
- (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).
- (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, 2022*, and *Sustainable Residential Development in Urban Areas Guidelines, 2009*, *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* and the *Spatial Planning and National Roads Guidelines (2012)*, 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).



(vi) The Plan, as made, is not in compliance with the requirements of the Act.

In making the Development Plan with the subject amendments, the planning authority has made the plan inconsistent with the requirements of section 10(2A)(a) of the Act (core strategy) and 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.

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 Mayo County Development Plan 2022 – 2028 (the draft Plan) was placed 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.



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.

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.

### **Material Amendments**

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 dilute or remove 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, 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:
  - amendment to the Strategic Aim of Chapter 3 Housing;
  - amendments to map 3.1 in the draft Plan to significantly reduce the extent of land identified as 'Rural Areas Under Strong Urban Influence';
  - replacement of settlement strategy objective (SSO 1);
  - amendment of Policy RHP 3 (Rural Housing Policies); and
  - 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".*

### **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.

It is noted that 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".*

### **Section 31AM(6) Notice**

Subsequently, in accordance with Section 31AM(6), you as Chief Executive, issued a notice letter dated 8<sup>th</sup> July 2022 to the Office which advised of the making of the Development Plan and



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

### **Section 31AM(8) Notice**

Having reviewed the CE's reports on the draft Plan and material alterations to the draft Plan, the notice of the making of the Development Plan and the reasons in the notice letter, the Office has concluded that *"there are 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"*.

On 26<sup>th</sup> July 2022, in accordance to Section 31AM(8) of the Act, the Office notified the Minister for Local Government and Planning that the Mayo 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:

- 1)** ensure consistency of the Core Strategy of the Plan with national policy objectives of *Project Ireland 2040 National Planning Framework* (the NPF) and regional policy objectives of the Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES), particularly in relation to 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).

Specifically the Development Plan includes eight 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 are contrary to supporting sustainable settlements, the plan core strategy, consolidation and compact growth. The amended Core Strategy policies and objectives do not reflect the strategic aims in section 2.3 and overall strategic objectives in section 2.6 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. The elected members rejected the Office and Chief Executive's (CE) recommendations to remove these amendments and to revert to the draft plan.

- 2) effect changes to the Development Plan to ensure that the provisions of section 10(2A) of the Act are upheld. Changes have been made to the text in CSP 5 and CSP 8 and the related text under section 2.7.9, which facilitate an increase in the housing unit allocation within individual settlements thereby undermining 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 2022*.
  
- 3) effect changes to the Development Plan 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, 2022* to make the Plan without material amendment DMS.1 to Table 2 of Vol. 2, Development Management Standards. The material amendment to the residential density requirements in Table 2 of Volume 2 changed the 'minimum' density requirements in the draft Plan to 'maximum'. This provided 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.

- 4) effect changes to the Development Plan 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. 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 introduction of this zoning objective 'Strategic Residential Reserve Tier II', along with an amended table 12.2 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.

- 5) effect changes to the Development Plan 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.

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.

Furthermore, the SEA Environmental Report 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.

- 6) effect changes to the Development Plan to ensure that the Plan is consistent with national and regional policy for compact growth and has regard to the policy and objective for a sequential approach to development in section 6.2.3 of the



Development Plans Guidelines. Specifically the Plan includes the introduction of a new zoning objective 'Strategic Residential Reserve Tier II and includes 4 zoning objectives in Claremorris (Tier II Clare 2; Tier II Clare 3, Tier II Clare 5; and Tier II Clare 6) 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) that allow for the consideration of residential development to occur on such lands during the plan period.

Regarding Tier II CLARE 2 the land is at the northern periphery of Claremorris and would not provide for compact growth and sequential development. 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.

- 7) effect changes on land zoned for Enterprise and Employment, material amendment Tier II BROBE 3, located in a non-sequential and peripheral location outside the plan boundary for Ballinrobe. 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.

- 8) Effect changes to the Development Plan to ensure that the Plan's rural housing policy as set out in Chapter 3 of the adopted Plan is consistent with NPO 15, NPO 16 and NPO 19.

Amendments introduced by the elected members at MA stage have altered and diluted this policy framework by facilitating the growth of all rural areas (material amendment CH 3.1): *"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. 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 and 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).

- 9) effect changes to the Development Plan to ensure that the Plan is consistent with National Planning Framework National Policy Objective 57, which 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*. 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. 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.

- 10)** effect changes to the Development Plan having regard to the *Spatial Planning and National Roads, Guidelines for Planning Authorities (2012)*. 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. The CE Recommended to make the plan amending Proposed Material Amendment CH 6.16, as follows:

*"MTP 16 To avoid the creation of additional direct access points from new development adjoining national roads or the generation of additional traffic from existing direct accesses to national roads to which speed limits greater than 80 km/h apply".*

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 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 and therefore 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.

In light of the 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 Section 10(1) of the Act and is not in compliance with the requirements of the Act.

### **Reasons**

The Development Plan as made;

- Is not in compliance with the provisions of the Act including section 10(1), 10(1A), 10(2)(n), 10(2A), 12(18) and section 28(1) and 28(1A).
- Is inconsistent with 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.
- Is inconsistent with the Regional Spatial and Economic Strategy for the Northern and Western Region specifically RPO 3.2 on compact growth.
- Fails to follow Ministerial Guidelines issued under Section 28 of the Act, specifically:
  - the Development Plan Guidelines for Planning Authorities (2022) (section 6.2.3 and 6.2.5);





- Sustainable Residential Development in Urban Areas Guidelines (Section 5.6, section 6);
- the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009);
- the Spatial Planning and National Roads, Guidelines for Planning Authorities (2012).

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 Mayo County Council with regard to the Mayo County Development Plan 2022 – 2028.

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

- 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 in full 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 Enterprise and Employment.
- 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 (Policy referenced as MTP 16 in CE Report).

Please note that in accordance with Section 31(4)(c) and Section 31(6) of the Act, those parts of the Mayo 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](mailto:Laura.Courtney@housing.gov.ie).

Yours sincerely,

A handwritten signature in blue ink that reads "Peter Burke". The signature is written in a cursive style and is positioned above a horizontal line.

Peter Burke, T.D.,  
Minister of State for Local Government and Planning

Copied to:

- Cathaoirleach, Mayo County Council, Áras an Chontae, The Mall, Castlebar, Co. Mayo , F23 WF90
- 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)**

**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 in full 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 Enterprise and Employment.

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 (Policy referenced as MTP 16 in CE Report).



## STATEMENT OF REASONS

### I. Pursuant to section 31(1)(b), section 31(1)(ba)(i) and section 31(1)(c)

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. Pursuant to section 31(1)(b), section 31(1)(ba)(i) and section 31(1)(c)

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. Pursuant to section 31(1)(ba)(i) and section 31(1)(c)**

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. Pursuant to section 31(1)(ba)(i) and section 31(1)(c)**

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

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

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. Pursuant to section 31(1)(ba)(i) and section 31(1)(c)**

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

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. 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 of State for Local Government and Planning  
day of Month, year.