



19<sup>th</sup> August 2022

Mr Darragh O'Brien TD  
Minister for Housing, Local Government and Heritage  
Department of Housing, Local Government and Heritage  
Custom House  
Dublin 1  
D01 W6X0

**Re: Notice pursuant to section 31AN(4) of the Planning and Development Act  
2000 (as amended) – Galway County Development Plan 2022 – 2028**

A chara,

I am writing to you pursuant to section 31AN(4) of *the Planning and Development Act 2000* (as amended) (the "Act") in the context of the Galway County Development Plan 2022-2028 (the "Plan"). In particular, I write arising from the consideration by this Office of the following:

- a) the Notice of Intent to issue a Direction issued to Galway County Council (the "Council") by your office on 16<sup>th</sup> June 2022,
- b) the report of the Chief Executive of the Council dated 29<sup>th</sup> July 2022 on the submissions and observations made to the planning authority (the "Report"), and
- c) the submission made directly by an elected member of the Council to this Office and considered by this Office pursuant to section 31(10)(a) of the Act.

**Draft Direction**

The draft Direction contained four parts:

- Part 2(a) reinstate zoning objectives to that of the draft Plan for fourteen (14) individual material amendments;

- Part 2(b) delete the business and enterprise zoning on lands south of Headford on the eastern side of the N84 road to Galway;
- Part 2(c) delete policy objective WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua;
- Part 2(d) delete the amended and additional provisions inserted under section 7.5.10, policy objective WW1 and policy objective WW2 (sludge management wastewater infrastructure).

You will note that in the Report prepared in accordance with section 31(8) of the Act, the Chief Executive recommends that the draft Direction issued by the Minister is given effect as drafted and without amendment.

The Office now recommends, pursuant to section 31AN(4)(a) of the Act that you issue the attached Direction, without material amendment to the draft Direction.

The draft Direction refers to sections 6.2.3 and 4.4 of the draft version of the 2022 Guidelines, namely the Development Plans, Guidelines for Planning authorities, Draft for Consultation (2021) (draft Guidelines). It would therefore be appropriate to make a minor amendments to the Statement of Reasons to refer instead to sections 6.2.3 and 4.4 of the adopted 'Development Plan, Guidelines for Planning Authorities (2022)' (2022 Guidelines). Minor amendments are identified in red in the attached proposed Direction in this regard.

In forming this recommendation, this Office reiterates the submissions made to you in the Notice which issued from this Office to your office on 3<sup>rd</sup> June 2022 pursuant to section 31(AM)(8) of the Act.

### **Public Consultation on the Draft Direction**

The public consultation on the draft Direction took place between 23<sup>rd</sup> June and 8<sup>th</sup> July 2022. The Report of the Chief Executive summarised the views of members of the public and prescribed bodies who made submissions to the planning authority, and the views and recommendations made by the elected members of the planning authority and by the Northern and Western Regional Assembly (NWRA).

You might please note the following:

- The Office received one (1) submission from an elected member (Cllr Jim Cuddy). This submission related to matters outside the scope of the direction, and no further consideration is warranted. The submission is attached to this letter for information purposes.
- A total of 33 submissions were received by the Chief Executive during the consultation period, including 17 from the public and community groups, 12 from elected members, the NWRA and three further prescribed authorities (Irish Water, An Taisce and Dublin Airport Authority).
- As set out in the Report, the submissions from elected members and members of the public were as follows:
  - Part 2(a) zoning objectives – One (1) submission was received in favour of the draft Direction, and 17 submissions were received against the draft Direction in relation to the following;
    - Clifden SGT LUZ 6.1 (1 no. submission)
    - Clifden SGT LUZ 6.5 (2 no. submissions)
    - Oranmore MASP LUZ 3.5 (3 no. submissions)
    - Oughterard SGT LUZ 9.4 (4 no. submissions)
    - Maigh Cuilin SGT LUZ 8.4 (2 no. submissions)
    - An Cheathrú Rua SGV LUZ 11.1a & 11.1b (5 no. submissions);
  - Part 2(b) business and enterprise zoning on lands south of Headford - No submissions were received;
  - Part 2(c) wastewater treatment plant An Cheathrú Rua – one (1) submission was received in favour the draft Direction and four (4) submissions were received against the draft Direction;

- Part 2(d) sludge facility – two (2) submissions were received in favour of the draft Direction and four (4) submissions were received against the draft Direction.
- Five (5) submissions relate to matters that are not subject of the draft Direction.
- As set out in the Report, in respect of Part 2(d) the submission received from the NWRA raises concern that the proposals under MA 7.8 may be contrary to regional policy.
- As set out in the Report, the submission received from Irish Water supports Part 2(a), (c) and (d).
- As set out in the Report, the submission received from An Taisce states that it broadly supports the draft Direction.
- In relation to the views and recommendations given by elected members, and the views of members of the public under section 31(7)(c) of the Act and summarised in the Report the Office notes that the submissions relating to Part 2(a) relate to land use zoning in Clifden, Oranmore, Oughterard, An Cheathrú Rua and Maigh Cuillin in relation to constraints on land availability for housing and settlement strategy, location and servicing of land, Gaeltacht issues, consistency with national/regional policy, lands zoned in previous plans, flood mitigation, site specific characteristics, Maigh Cuilinn bypass, and economic benefits.

In relation to the submission from Irish Water under section 31(7)(c) of the Act and summarised in the Report, the Office notes that the views relate to consistency with compact growth objectives and minimising water services investment required to cater for sustainable growth of these settlements in respect of all zoning objective the subject of the draft Direction.

- In relation to views and recommendations given by elected members, and the views of members of the public under section 31(7)(c) of the Act and summarised under Report the Office notes that views relating to Part 2(c) relate to site suitability/ alternatives, unanimity amongst elected members, sea

rise due to climate change, inclusion of separation distances in previous plans and lack of statutory minimum set back.

In relation to the submission from the Irish Water under section 31(7)(c) of the Act and summarised under section 31(9)(a), the Office notes that the views relate to the negative impact the policy would have on the achievement of environmental compliance, regional and national policy and the delivery of key infrastructure in this untreated agglomeration.

- In relation to views and recommendations given by elected members, and the views of members of the public under section 31(7)(c) of the Act and summarised in the Report the Office notes that views relating to Part 2(d) relate to environmental justice, protection of landscape and environment, flood risk, disproportionate burden on the key towns and disadvantaged classification of Ballinasloe.

In relation to the submission from the NWRA and Irish Water under section 31(7)(c) of the Act and summarised in the Report, the Office notes that the views relate to consistency with RSES RPO 8.12 Infrastructure, NPF NSO 9 and NPO 63 Water Services Infrastructure.

## **Part 2(a)**

The Office is satisfied that the Chief Executive's recommendation in respect of Part 2(a) is adequate as it would reinstate the subject zoning objectives for fourteen (14) land parcels in Clifden, Headford, An Cheathrú Rua, Oranmore, Oughterard, Woodlawn and Maigh Cuilinn to that of the draft Plan.

As set out in the section 31(AM)(8) notice issued to you by this office on 3<sup>rd</sup> June 2022, the Chief Executive's previous recommendation to elected members was to make the Plan without these zoning amendments (Chief Executive's Report on the Proposed Material Amendments to the Draft Plan, March 2022).

The Office notes that a number of the reasons in the submissions were similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- Lands were zoned in a previous plan;
- Shortage of residential lands in the settlement;
- National policy is to encourage people to live in towns and villages;
- Village provides all key services and has potential for growth;
- The lands are not at risk of flooding;
- Proposed zoning is in keeping with the area;
- Unique and exceptional case; and
- Zoning is of economic benefit and would allow for expansion of existing facility.

As set out in the section 31AM(8) notice to your office, the reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in respect of those similar points raised again in the Report.

Additional or elaborated views and recommendations in the submissions to the draft direction are addressed by settlement below.

### **Clifden**

The submissions received in respect of the following were:

- Part 2(a) i. Clifden SGT LUZ 6.1 (1 no. submission)
- Part 2(a) ii. Clifden SGT LUZ 6.4b (No submissions)
- Part 2(a) iii. Clifden SGT LUZ 6.5 (2 no submissions)

The additional views summarised in the Report argue that Clifden SGT LUZ 6.1 is within the town boundary and is serviced.

While the Office notes that the land is within the settlement boundary of the adopted Plan, it is outside of the CSO boundary. The land also leapfrogs beyond lands zoned Agriculture to a peripheral and non-sequential location.

Notwithstanding the availability of services, the Office remains of the view that the zoning objective is contrary to national and regional policy objectives promoting compact growth (NPO 3 and RPO 3.2) and fails 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 *2022 Guidelines*. No or no adequate reasons have been provided to explain why it has not been possible to implement the guidelines.

The additional views summarised in the Report in respect of Clifden SGT LUZ 6.5 state that the lands are within the town boundary and are adjacent to town water and sewerage services. The Office notes that these lands were within the settlement boundary of the Clifden Local Area Plan 2018-2024, but was previously zoned 'Agriculture'. The site is, however, located in a peripheral location outside of the CSO boundary and has no direct road access.

The Office remains of the view that the zoning objective is contrary to national and regional policy objectives promoting compact growth (NPO 3 and RPO 3.2) and fails 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 *2022 Guidelines*. No or no adequate reasons have been provided to explain why it has not been possible to implement the guidelines.

Following consideration of the submissions and report, there is no basis to materially amend the recommendation of this Office in respect of Part 2(a) i. and iii.

### **Headford**

No submissions were received in relation to Part 2(a) iv. to viii. (Headford SGT LUZ 7.2; Headford SGT LUZ 7.4; Headford SGT LUZ 7.7; Headford SGT LUZ 7.8; Headford SGT LUZ 7.10).

### **An Cheathrú Rua**

Five (5) submissions were received in relation to both of the following:

- Part 2(a) ix. An Cheathrú Rua SGC LUZ 11.1a
- Part 2(a) x. An Cheathrú Rua SGC LUZ 11.1b

The additional reasons are summarised in the Report as follows:

- Will cause village to stagnate and for people to leave due to lack of housing which will negatively impact on the Gaeltacht culture;
- Contrary to county council's policy to limit one off housing;
- A significant number of relevant national and regional policies support the request and provides a rationale for retaining the zoning as per the Galway County Development Plan 2015 – 2021; and
- Land ownership would be impacted by rezoning.

While the Office notes the concern regarding the potential for housing and growth of this Gaeltacht village and the assertion that this may impact on the demand for one off housing in the area, no evidence is provided to demonstrate that the Core Strategy of the Development Plan has not sufficiently provided for the sustainable growth of the village. Furthermore, as a level 6 'Small Growth Village', policy objective SS6 of the Plan sets out to *'Protect the consolidation of Small Growth Villages in order to improve local employment, services, rural housing and sustainable transport options...'* and states that the strategy will focus on the localised sustainable growth. As such there is no evidence to support the view that the zoning of these lands are required to ensure that the village does not stagnate or to provide an alternative to one-off housing in the wider area.

The submissions do not state what national and regional policies support the retention of the boundary as per the Galway County Development Plan 2015 – 2021. As outlined in the section 31AM(8) notice, national and regional policy advocates for compact growth (NPO 3 and RPO 3.2). In addition, NPO 15 sets out to reverse the rural decline in small towns and villages, NPO 16 supports their regeneration and renewal whilst NPO 18a supports the proportionate growth of rural towns. Further section 10(2)(n) of the Act requires for the provision of objectives for the promotion of

sustainable settlement and transportation strategies whilst section 6.2.3 of the *2022 Guidelines* support a sequential approach to zoning.

In relation to the reasons given that land ownership would be impacted by the rezoning, the Office notes that under section 12(11) of the Act, members of the planning authority are restricted to considering the proper planning and sustainable development of the area to which the development plan relates, the statutory obligations of the local authority and any relevant policies and objectives of the Government or any Minister. Consideration of matters such as land ownership fall outside of these considerations.

Following consideration of the submissions and report, there is no basis to materially amend the recommendation of this Office in respect of Part 2(a) ix and x.

### **Oranmore**

Three (3) submissions were received in relation to the following;

- Part 2(a) xi. Oranmore MASP LUZ 3.5

The additional views summarised in the Report in relation to Oranmore MASP LUZ 3.5 argue that flood risk has been addressed as the levels of the subject lands have been raised and a flood risk assessment will be required as part of any planning application. No details have been provided in respect of any changes to land levels.

The issue of flood risk management was previously taken into consideration by the Office as set out in the section 31AM(8) notice and the Office adopts the same rationale in respect of national policy to avoid development at risk of flooding (NPO 57 of the NPF and the provisions of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009)).

In relation to flood risk assessment at planning application stage, the *Planning System and Flood Risk Management Guidelines* (2009) specify separate provisions in respect of the consideration of planning applications through the development management process. These are, however, additional to the plan-making provisions, and are not a replacement for same. 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). The Strategic Flood Risk Assessment<sup>1</sup> (SFRA) identified these lands as Flood Zone B. The land in question has not passed a Plan Making Justification Test as per the *Updates to the Strategic Flood Risk Assessment for the Draft Galway County Development Plan 2022 – 2028 (February 2022)* prepared by the planning authority for the proposed material alterations. No or no adequate reasons have been provided to explain why it would be appropriate to disregard the provisions of the guidelines or the SFRA prepared by the planning authority in the plan preparation process.

Notwithstanding the assertion that the grounds levels for the subject lands have been raised, the *Updates to the Strategic Flood Risk Assessment for the Draft Galway County Development Plan 2022 – 2028 (February 2022)* recommends that this zoning amendment not be adopted..

Following consideration of the submissions and report, there is no basis to materially amend the recommendation of this Office in respect of Part 2(a) xi.

### **Oughterard**

Four (4) submissions were received in relation to the following:

- Part 2(a) xii. Oughterard SGT LUZ 9.4

The additional reasons summarised in the Report maintain that the site is serviced and notes that there is a planning history of refusal by An Bord Pleanála on the site.

The Office notes that there is no footpath or public lighting, and that no information is provided regarding the access to public water and waste water. One of the reasons for refusal given by An Bord Pleanála related to on-site wastewater treatment.

The Office remains of the view that the zoning objective zones land in a peripheral location beyond undeveloped greenfield lands in a non-sequential manner, and fails to have regard to the requirement to implement or adopt the policy and objective for

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<sup>1</sup> Strategic Flood Risk Assessment Galway CDP 2022 – 2028 prepared by CAAS Ltd for Galway County Council

a sequential approach to zoning for residential development under section 6.2.3 of the 2022 *Guidelines*.

Following consideration of the submissions and report, there is no basis to materially amend the recommendation of this Office in respect of Part 2(a) xii.

### **Woodlawn**

No submissions were received in relation to in relation to Part 2(a) xiii. (Woodlawn RSA LUZ 20.1).

### **Maigh Cuillinn**

Two (2) submissions were received in relation to the following:

- Part 2a xiv. Maigh Cuilinn SGT LUZ 8.4

The additional reasons are summarised in the Report as follows:

- No overlap between proposed bypass and the zoning of these lands and subject lands are outside of the lands acquired for the construction of the bypass
- Zoning will have no negative impact on delivery of the bypass – plans and particulars relating to the bypass have been misinterpreted.

The Office is aware that there is no direct overlap of these lands and the route of the proposed bypass. However, RPO 6.6 of the NWRA RSES identifies this bypass project as one which should be progressed in accordance with the National Development Plan. The section 28 *Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 (section 2.9)* state that *“the zoning of land must not compromise the route selection process, particularly in circumstances where road scheme planning is underway and potential route corridors or upgrades have been identified and brought to the attention of the planning authority”*.

The submission from Transport Infrastructure Ireland (TII) at the material amendments stage recommended that this proposed amendment is not adopted by the Council, and an objective was included in the Maigh Cuilinn Land Use Zoning

Map<sup>2</sup> to “*protect the route of the proposed N59 Maigh Cuilinn Bypass Scheme.... from future inappropriate development and prohibit new accesses onto the proposed Bypass route that have not been accommodated in the Bypass design in the interest of traffic safety*”.

The land in question is located immediately adjacent to the bypass and on the far side of the town and its established road network. No evidence, for example an appropriate access strategy which takes account of the proposed bypass route, has however been provided to demonstrate that the bypass scheme can be delivered in a manner which safeguards the safety and strategic function of the road network and the national investment in the scheme, or to support the view that the zoning will have no negative impact on the bypass.

Further, no or no adequate reasons have been provided to explain why it would be appropriate to disregard the provisions of regional policy, other provisions of the Development Plan and, the guidelines.

Following consideration of the submissions and report, there is no basis to materially amend the recommendation of this Office in respect of Part 2(a) xiv.

### **Part 2(b)**

The Office is satisfied that the Chief Executive’s recommendation in respect of part 2(b) of the draft Direction is adequate as it would delete business and enterprise zoning on lands south of Headford.

As set out in the section 31(AM)(8) notice issued to you by this office on 3<sup>rd</sup> June 2022, the Chief Executive’s previous recommendation to elected members was to make the Plan without these zoning amendments (Chief Executive’s Report on the Proposed Material Amendments to the Draft Plan, March 2022).

No submissions were received in relation to this Part of the draft Direction. The Office is satisfied that there is no basis to materially amend the recommendation of this Office in respect of Part 2(b).

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<sup>2</sup> Amendment no Maigh Cuilinn MA2

## **Part 2(c)**

The Office is satisfied that the Chief Executive's recommendation in respect of part 2(c) of the draft Direction is adequate as it would delete Policy Objective WW9 and the reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua.

As set out in the section 31(AM)(8) notice issued to you by this office on 3<sup>rd</sup> June 2022, the Chief Executive's previous recommendation to elected members was to make the Plan without Policy Objective WW9.

Five submissions were received in relation to this part of the draft direction, one in support of the draft direction and four which did not support the draft direction.

The Office notes that a number of the reasons in the submissions were similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- Site selected is not suitable due to proximity to sea, houses and residents;
- There are alternative sites and options available to Irish Water to develop a WWTP for Cheathrú Rua;
- There is no statutory minimum buffer zone and elected members therefore open to set a minimum set back; and
- Projected sea rise due to climate change the current site will be in contravention to section 10(1D) as it will pose a risk to the environment and the public.

As set out in the section 31AM(8) notice to your office, the reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in respect of those similar points raised again in the Report.

Additional or elaborated views and recommendations in the submissions to the draft Direction can be summarised as follows:

- 100m separation distance was in place previously in other villages and should be standard throughout the Plan;
- Has consideration been given to permission recently granted for a heritage centre and how appropriate the site is now for the development of a WWTP;
- Inclusion of this policy was unanimously passed by all elected members;
- To ensure the scenic and historic site is not destroyed by building a WWTP.

The submission from Irish Water supported the deletion of Policy WW9 stating that the inclusion of the policy *‘will result in uncertainty over the timeline for delivery and overall feasibility of the project to provide wastewater treatment for this untreated agglomeration....inclusion of the policy would negatively impact on the achievement of environmental compliance and growth policies of the CDP as well as regional and national policy and the River Basin Management Plan....’*.

The Office understands that a separation distance for certain infrastructure projects was previously included in policy documents for other towns and villages<sup>3</sup>. Notwithstanding this, there is no policy basis for the inclusion of a separation distance for An Cheathrú Rua and no evidence is provided to inform the identification of a minimum of 100m as a necessary separation distance. Furthermore, the Strategic Environmental Assessment (SEA) prepared for the draft Development Plan (May 2021) advises against the inclusion of this policy and outlines *‘There is no established planning justification for this Amendment. New wastewater treatment plants must comply with existing provisions requiring the protection and management of the environment. The establishment of a setback from all new wastewater treatment plants would prevent development, including that which may be appropriate, in areas adjacent to any such plants. This could hinder the achievement of objectives relating to compact sustainable development’*.

In relation to the recent decision to grant permission for a heritage centre and the subsequent suitability of the site for the development of a waste water treatment

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<sup>3</sup> Objective UI5, Gort Local Area Plan 2013 – 2019 & Objective UI3 Athenry Local Area Plan 2012 - 2018 sets out a ‘100m buffer around wastewater treatment plant....’.

plant, the Office notes that Objective WW9 and the 100 m separation distance apply to all potential locations to service An Cheathrú Rua.

In respect of the support received by elected members for the inclusion of this policy, the Office acknowledges the concerns relating to the protection of the environment and amenities of the area. However, there are extensive and reasonable provisions in the plan to protect the environment, as outlined in the Environmental Reports which accompany the Plan.

In relation to the protection of a scenic and historic site (Céibh an tSrúthán), once again this relates to a specific site whereas the policy and separation distance generally applies to all locations. Furthermore, any planning application for development within sensitive landscapes will be required to comply with all provisions of the County Development Plan and the Office is satisfied that there are extensive and reasonable provisions in the Development Plan to provide sufficient safeguards in this respect such as:

- Section 9.6 and policy objectives MCD 1 which sets out to protect the special character of the coast and MCD 2 which seeks to ensure that *‘any development in coastal areas will be designed and landscaped to the highest standards and sited appropriately so as not to detract from the visual amenity of the area’*.
- Policy Objective LCM 1 which seeks to preserve and enhance the landscape *‘including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest’*.
- The strategic aims for the Galway Gaeltacht and Islands set out in section 13.2 to promote sustainable development that is complementary to the environment, heritage, character and amenities of the area and policy objective GIED 3 which promotes the *‘sustainable development of infrastructure projects and the improvement of the infrastructure network in the Galway Gaeltacht’*.

Following consideration of the submissions and Report, the Office is satisfied that there is no basis to materially amend the recommendation of this Office in respect of Part 2 (c).

### **Part 2(d)**

The Office is satisfied that the Chief Executive's recommendation in respect of Part 2(d) of the draft Direction is adequate as it would delete the amended and additional provisions inserted under MA 7.8 to amend text in Section 7.5.10 (Sludge Management); MA 7.9 to amend Policy Objective WW1 Enhancement of Wastewater Supply Infrastructure; and MA 7.10 to amend Policy Objective WW 2 Delivery of Wastewater Infrastructure.

As set out in the section 31(AM)(8) notice issued to you by this office on 3<sup>rd</sup> June 2022, the Chief Executive's previous recommendation to elected members was to make the plan without material amendment MA 7.8, 7.9 and 7.10, and that the text of section 7.5.10, Policy WW1 and Policy WW2 revert back to that of the draft Plan.

Five submissions were received in relation to this part of the draft Direction, two in support of the draft Direction and four against (including from a TD).

The Office notes that a number of the reasons in the submissions were similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- Key towns have had disproportionate burden of waste management
- Principles of environmental justice.

As set out in the section 31AM(8) notice to your office, the reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in respect of those similar points raised again in the Report.

Additional or elaborated views and recommendations in the submissions to the draft direction can be summarised as follows:

- protection of landscape, river, biodiversity and wildlife habitats and the promotion of environmentally sensitive safeguards;
- flood vulnerability of Ballinasloe;
- disadvantaged classification of Ballinasloe and its inclusion within the *Just Transition Area*.

Two submissions were received in support of the draft Direction to delete MA 7.8, 7.9 and 7.10:

- Northern and Western Regional Assembly raising concern that the amendments proposed under MA 7.8 may be contrary to regional policy;
- Irish Water states the deletion is required *‘for the achievement of the objectives of the National Wastewater Sludge Management Plan (NWSMP), as well as local, national and regional policy e.g. NSO 9, NPO 63, RPO 8.12 and section 7.2 Strategic Aims of the CDP’*.

In relation to the protection of the environment, including flood risk management, the Office notes that there are extensive and reasonable provisions in the Development Plan to provide sufficient safeguards in this respect such as:

- Section 10.6 and Policy Objectives NHB 1 – 11 which set out to support the protection, conservation and enhancement of natural heritage and biodiversity
- Section 14.6 and Policy Objectives FL 1 – 18 which sets out the Council’s approach to address the effects of climate change including the risks from flooding within County Galway.

Following consideration of the submissions and Report, the Office is satisfied that there is no basis to materially amend the recommendation of this Office in respect of Part 2 (d). Finally the Office has made some minor amendments to correct typographical errors in the draft Direction and these are identified in red in the attached proposed Direction.

## Recommendation

The Office notes that the Minister's draft Direction relies on section 31(1)(b) of the Act and the Office remains of the view, as set out in the 31(AM)(8) notice, that the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

Having regard to section 31AN(4)(a) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act to issue the direction.

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](mailto:plans@opr.ie).

Yours sincerely,



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**Niall Cussen**

Planning Regulator

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**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 31AN(4)(a) 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 (2022)~~* 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 (2022)* 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.