



28th September 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

Decision to Issue a Direction to Galway County Council on the Galway County Development

Plan 2022 – 2028

Dear Jim,

I am writing to you to inform you of the following in relation to the Section 31 Draft Direction issued to Galway County Council on 16th June 2022, and the subsequent consideration by the Office of the Planning Regulator (the Office) of your report and the submissions made directly to the Office in connection with the Galway County Development Plan 2022 – 2028, as adopted by the elected members of Galway County Council on 9th May 2022.

I wish to also remind you of the recent enactment of the Planning and Development, and Maritime and Valuations (Amendment) Act 2022 affecting Ministerial Directions on development plans and local area plans in the Planning and Development Act, 2000 (as amended) as advised in Circular NRUP 04/2022, issued on 27th July 2022.



The Office notified the Minister pursuant to section 31AN(4) of the Planning and Development Act 2000 (as amended) on the 19th August 2022 and recommended that I as Minister, issue the Direction, as attached to the Notice of Intention to Issue a Direction dated 16th June 2022, without material amendment to the 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).

Having reviewed and considered the Office's notification letter under 31AN(4) including your report on the draft Direction and submissions (dated July 2022) and the submission made directly by an elected member of the Council to the Office, I am of the opinion that the Direction should be issued as attached, without material amendment to the draft Direction.

The Development Plan has not been made in a manner consistent with the recommendations of the Office and the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.

Also, the Development Plan as made is not in compliance with the provisions of the Act including s. 10(2A)(d)(ii) and s. 28(1A)(b) and is inconsistent with the National Planning Framework objective of compact growth as set out in NPO 3c, is inconsistent with NPO 56 to promote circular



economy principles to maximise waste as a resource and is inconsistent with the provisions of NPO 63 to ensure that sustainable water services infrastructure is in place to meet demands of continuing population growth and the developing economy.

Furthermore, the Plan as made is inconsistent with the Regional Spatial and Economic Strategy for the Northern and Western Region specifically RPO 3.2 on compact growth, RPO 8.17 to promote circular economy principles to maximise waste as a resource and is inconsistent with the provisions of RPO 8.12 to ensure that sustainable water services infrastructure is in place to meet demands of continuing population growth and the developing economy.

The Plan is also inconsistent with Ministerial Guidelines issued under Section 28 of the Act, specifically:

- the Development Plan Guidelines for Planning Authorities (2007) and the Development Plans, Guidelines for Planning Authorities (2022);
- the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009);
- the Spatial Planning and National Roads, Guidelines for Planning Authorities (2012).

Further to the above reasons, you as Chief Executive of the Planning Authority, prepared a report pursuant to Section 31(8) of the Act and has recommended that the draft Direction issued by the Minister is given effect, as drafted and without amendment.

Accordingly, Galway County Council should **TAKE NOTICE** that on the 28 day of September, 2022 I have issued a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended).

A copy of this Direction is attached to this letter.



STEPS TO BE TAKEN

In light of the foregoing the County Council is required, pursuant to Section 31(2) of the Planning and Development Act 2000 (as amended) to comply with this Direction so as to rectify the matter in a manner that, in my opinion, will ensure that the Galway County Development Plan 2022 sets out an overall strategy for proper planning and sustainable development and meets the requirements of the Act.

The Council should ensure that the Direction is available for inspection at its offices and on its website.

My officials remain available to assist you, as necessary, in complying with the foregoing process.

Yours sincerely,

Peter Burke T.D.,
Minister of State with responsibility 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.

**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) 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(1)(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 (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 - (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,

A handwritten signature in blue ink, appearing to read "Peter Burke", is written over a horizontal line.

**Peter Burke T.D.
Minister of State with responsibility for Local Government and Planning**

28 Day of September 2022