



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: AD-022-22

24th October 2022

Mr Peter Burke 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) – Mayo 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 Mayo 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 Mayo County Council (the "Council") by your office on 8th August 2022, and
- b) the report of the Chief Executive of the Council dated 3rd October 2022 on the submissions and observations received by the Council (the CE's Report).

I also advise that this Office received no direct submissions from elected members pursuant to section 31(10)(a) of the Act.

Draft Direction

The draft Direction contained nine (9) parts:

- Part 2 (a) delete material amendments to Chapter 2: Core and Settlement



Strategy regarding core strategy policies / objectives CSP 1, CSP 2, CSP 4¹, CSO 4, CSO 5, CSO 6, CSO 7 and CSO 8 and revert to the relevant text in the draft Plan;

- Part 2 (b) delete core strategy policies CSP 5² and CSP 8³ and supporting text in section 2.7.9 from Chapter 2: Core and Settlement Strategy;
- Part 2 (c) delete material amendment to Table 2 (Residential Density Requirements) of Vol. 2: Development Management Standards;
- Part 2 (d) delete material amendments to land use zoning objective 1k: Strategic Residential Reserve Tier II and text in section 12.3.1.1 Strategic Residential Reserve zoned lands in Tier II settlements from Chapter 12: Settlement Plans;
- Part 2 (e) reinstate consolidated zoning and settlement boundaries to that of the draft Plan regarding material amendments Tier III Kilti 2, Tier IV BER 1 and Tier IV BEL 1;
- Part 2 (f) reinstate zoning objectives to that of the draft Plan regarding material amendments Tier II Clare 2, Tier II Clare 3, Tier II Clare 5, Tier II Clare 6 and Tier II BROBE 3;
- Part 2 (g) delete material amendments to Chapter 2 Core and Settlement Strategy and Chapter 3: Housing relating to Settlement Strategy objective SSO 1; the strategic aim in section 3.1; amendments to section 3.4.8 and 'Rural Areas Under Strong Urban Influence' on map 3.1; and Policy RHP 3 (rural housing);

¹ Renumbered policy CSP 3 in published version of the Mayo County Development Plan 2022 - 2028

² Renumbered policy CSP 6 in published version of the Mayo County Development Plan 2022 - 2028

³ Duplicate of policy CSP 5 deleted in published version of the Mayo County Development Plan 2022 - 2028



- Part 2 (h) insert objectives to incorporate the flood mitigation measures of the Strategic Flood Risk Assessment in the settlement plans for Louisburgh, Newport and Swinford; and
- Part 2 (i) amend policy MTP 23⁴ regarding access to national roads consistent with the CE's Report on Material Amendment stage, dated 24th May 2022.

You will further note that in the Report prepared in accordance with section 31(8) of the Act, the Chief Executive recommends as follows:

- that the minor modifications requested by the elected members should be considered in relation to the following:
 - Part 2(a) (iii) - modifications to policy CSP 4 (policy CSP 3 in published version of the Plan)
 - Part 2(b) – the retention of policies CSP 5 and 8 (policy CSP 6 in the published version of the Plan)
 - Part 2(e) (iii) - the retention of material amendment Tier IV BEL 1 (Belcarra)
 - Parts 2(f) (iii) and (iv) - the retention of material amendments Tier II Clare 5 and Tier II Clare 6 (Claremorris);
- Parts 2(a), (e) and (f) - with the exception of the above, no issue is raised;
- Part 2(b) – retention of policies CSP 5 and 8 (policy CSP 6 in the published version of the Plan) or consideration of an alternative policy wording (none proposed);
- Part 2(c) – changes to the Residential Density Table 2 including narrative text in section 4.4 in Volume II (Development Management Standards);
- Part 2(d) – changes to the text in section 12.3.1.1 regarding Strategic

⁴ Renumbered policy MTP 24 in published version of the Mayo County Development Plan 2022 - 2028



Residential Reserve zoned lands in Tier II settlements;

- Part 2(g) –no issue is raised;
- Part 2(h) –no issue is raised; and
- Part 2(i) – no issue is raised.

The Office has carefully considered the recommendations of the Chief Executive and the amendments proposed by the elected members and concludes that no material changes to the draft Direction are warranted. The specific issues raised by the Chief Executive and elected members are addressed below.

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

It would be appropriate, however, to make minor amendments to provide clarity and to reflect the correct policy references in the published version of the adopted Plan. 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 to you from this Office 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 22nd August 2022 and 5th September 2022. The CE's Report summarised the views of members of the public, the Office of Public Works (OPW) and Northern and Western Regional Assembly (NWRA), who made submissions directly to the planning authority, and the views and recommendations expressed by the elected members at the Members' Steering Group on 23rd September 2022.

You might please note the following:

- The Office received no direct submissions from elected members.



- A total of five (5) submissions were received by the Chief Executive during the consultation period as follows:
 - one (1) submission relating to a material amendment which was not part of the draft Direction;
 - Part 2(e) - one (1) submission from the public opposing the draft Direction in respect of Part (2)(e) (i) (extension to the settlement boundary in Kiltimagh, Tier III Kilti 2);
 - Part 2(i) - one (1) submission from the public opposing the draft Direction (access to national roads);
 - a submission from the OPW; and
 - a submission from the NWRA.

Mayo County Council did not receive any direct submissions from the elected members regarding the draft Direction.

The elected members of Mayo County Council met at a Special Meeting on 21st September 2022, to be informed and updated on the draft Ministerial Direction.

The views and recommendations expressed by the Members' Steering Group on 23rd September 2022 on the draft Direction are set out in section 4 of the Report.

- As set out in the Report, the views and recommendations expressed by the Members Steering Group recommend:
 - Part 2(a) - modifications to policy CSP 4 (policy CSP 3 in published version of the Plan) in respect of Part 2 (a) (iii);
 - Part 2(b) - retention of policies CSP 5 and 8 (policy CSP 6 in the published version of the Plan);
 - Part 2(e) - retention of material amendment Tier IV BEL 1 (Belcarra) in respect of Part 2 (e) (iii); and
 - Part 2(f) - retention of material amendments Tier II Clare 5 and Tier II

Clare 6 (Claremorris) in respect of Parts 2 (f) (iii) and (iv).

- As set out in the Report, the Members' Steering Group expressed no views and/or recommendations regarding:
 - Part 2(a) (i), (ii), (iv), (v), (vi), (vii) and (viii);
 - Part 2(c);
 - Part 2(d);
 - Part 2(e) (i) and (ii);
 - Part 2(f) (i), (ii) and (v);
 - Part 2(g);
 - Part 2(h); and
 - Part 2(i).
- As set out in the CE's Report, the submission received from the NWRA generally supports the draft Direction and includes a limited number of minor modifications regarding policy CSO 6 in Part 2(a) (vi); the Residential Density Table 2 in Part 2(c); and rural housing policy RHP 3 in Part 2(g) (iv).
- As set out in the CE's Report, the submission received from the OPW supports Part 2(h) in relation to flood mitigation measures.

Part 2(a) - Core and Settlement Strategy policies and objectives (general)

As outlined in the CE's Report, the elected members expressed no views and / or recommendations regarding Parts 2(a) (i), (ii), (iv), (v), (vi), (vii) and (viii) which relate to core strategy policies / objectives CSP 1, CSP 2, CSO 4, CSO 5, CSO 6, CSO 7 and CSO 8 respectively. The Chief Executive also raised no issue.

The elected members recommend modifications to policy CSP 4 in the draft Plan to read:

To support the compact growth of towns, ~~and~~ villages and countryside to



ensure that development proceeds sustainably and at an appropriate scale, density and sequence and in line with the Core Strategy.

The Chief Executive's recommendation suggests that the modification should be considered.

However, the concepts of 'compact growth' and the 'sequential approach' to development in the National Planning Framework (NPF) relate to and have relevance to the existing built-up footprint of existing settlements rather than the open countryside. The reference to 'countryside' is, therefore, not consistent with national or regional policy on compact growth, or the strategic aims in section 2.3 of the adopted Plan which promote consolidation and compact development and transition to a low carbon energy efficient transport system.

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

Part 2(b) – Core and Settlement Strategy policies and objectives (CSP 6)

The Chief Executive's recommendations on the best manner to give effect to the draft Direction and views and recommendations expressed by the elected members both recommend that policies CSP 5 and 8 (CSP 6 in the published Plan) in Chapter 2: Core and Settlement Strategy be retained.

Policy CSP 6 states:

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

Section 4.5.2 of the *Development Plan, Guidelines for Planning Authorities (2022)* (Development Plan Guidelines) provide guidance on overall population and housing supply target (HST) parameters in relation to the settlement strategy in a development plan as follows:



The distribution of housing targets throughout the settlement hierarchy identified in the core strategy (including both the higher-order settlements identified in the RSES and generally smaller settlements identified at development plan stage), is the critical element of settlement strategy in the plan-making process...

... proposals in development plans for extensive new growth targeted at smaller settlements should be made subject to the provisions of NPF NPO9. Any such proposals must include justification and address the provision of infrastructure and services required for any settlements that are to be targeted for growth of this scale...

...In principle, the greatest proportion of targeted population and housing growth should generally align with the larger settlements, where social and community infrastructure is available at scale and there is also likely to be greater provision of employment and services...

Having regard to the above guidance, the Office considers that policy CSP 6 provides too much flexibility in that it implies that a settlement could exceed its housing supply target by utilising the target from another settlement. Such an approach could undermine the settlement strategy and other objectives / policies of the Plan, which direct growth to the Key Towns (Tier I a), Westport (Tier I b) and Tier II settlements especially if a lower tier settlement is allowed to grow in a disproportionate manner that is not planned for in the adopted Plan.

Further, the need for such flexibility does not appear warranted given the comments made by the CE about the absence of development pressure more generally.

The Office also agrees with the submission of the NWRA that the variation process provides the best mechanism for dealing with this matter should a need be identified through the ongoing monitoring of the adopted Plan.

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



Part 2(c) – Residential Density

As outlined in the CE’s Report, the elected members expressed no views and / or recommendations regarding Part 2(c) which relates to the material amendments to Table 2 of Vol. 2: Development Management Standards.

The Chief Executive’s recommendations on the best manner to give effect to the draft Direction recommends the inclusion of density ranges for different urban contexts / tiers and changes to the relevant narrative text in section 4.4 of Volume 2.

The Office considers that the figures at the lower end of the density ranges do not reflect the relevant density figures in the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns & Villages (2009) (read in light of Circular Letter: NRUP 02/2021)* and no or no adequate reasons have been provided by the planning authority to explain why such policies in relation to density cannot be implemented. Further, the figures at the upper end of the density ranges could be interpreted as a limit or maximum permitted density. Therefore, the Office does not support this modification.

The submission from the NWRA supports minimum densities in Table 2 and recommends changes to the narrative text in section 4.4 to reflect that the densities are minimum average densities. While the Office welcomes the NWRA’s support for the use of minimum density figures in Table 2, it considers that amending the narrative text in the manner proposed would introduce an ambiguity to the application of the density standards in the development management process.

Further, the Office notes that the Regional Policy Objectives in the Regional Spatial and Economic Strategy (RSES) do not specify average densities where density targets are specified and that there is no guidance for the application of average densities in the strategy.

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



Part 2(d) – Land use zoning for Strategic Residential Reserve

As outlined in the CE's Report, the elected members expressed no views and / or recommendations regarding Part 2(d) and the material amendments which introduced the Strategic Residential Reserve Tier II zoning objective and amended text in section 12.3.1.1.

The Chief Executive's recommendations on the best manner to give effect to the draft Direction recommends the inclusion of modified text in section 12.3.1.1, however does not recommend changes to the Strategic Residential Reserve Tier II zoning objective which states:

To protect and safeguard suitable, undeveloped lands for future multiple residential developments. These lands are not developable during the lifetime of this plan for multiple residential developments.

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

Single houses shall only be considered on a limited basis, where it has been established that the lands in question do not adversely impact on the intended future use of these lands; form part of the overall family landholding and no other appropriately zoned lands are available within the plan boundary; and a demonstrable economic or social need has been established (Refer to Objective RHO 1). (Emphasis added)

Since the Chief Executive's recommendation to amend section 12.3.1.1 would not address the substantive issue regarding the wording in the zoning objective included at material alterations stage and underlined above, the Office does not support this modification.

The Office also agrees with the submission of the NWRA that the variation process provides the best mechanism for dealing with this matter if consideration needs to be



given to the limited and conditional development of Strategic Residential Reserve Tier II.

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

Part 2(e) – Consolidated zoning and settlement boundaries

As outlined in the CE's Report, the elected members expressed no views and / or recommendations regarding Parts 2(e) (i) and (ii) which relate to material amendments to the settlement plans for Kiltimagh (amendment Tier III Kilti 2) and Bangor Erris (amendment Tier IV BER 1).

Regarding Part 2(e) (iii), the elected members recommend the inclusion of the boundary extension to Belcarra in material amendment Tier IV BEL 1, as these lands are already built-up, serviced by roads, sewer, public footpaths and lighting.

The Chief Executive's recommendations on the best manner to give effect to the draft Direction stated that the modification requested by the members should be considered. The submission from the NWRA expressed no views or recommendations regarding Part 2(e).

The Office notes that the land is at the southern edge of the village where the 60 kph and 80 kph speed limits apply. With the exception of a small cluster of rural houses, the land within the settlement boundary extension is largely undeveloped. There is limited footpath provision in the area. The expansion area is between approximately 500 – 1000 metres from the village centre.

The change would expand the village footprint substantially into a largely undeveloped area to the south of the village contrary to compact growth. Therefore, the Office does not support this inclusion in the Belcarra Settlement Map.

The planning authority received one submission requesting the inclusion of material amendment Tier III Kilti 2 within the Kiltimagh Settlement Map (Part 2(e)(i)). The submission states that the lands are within the 50 kph speed limit and bypass route,



and are fully serviced with existing footpaths links to the centre of town.

The Office notes that the subject land is opposite Kiltimagh Park Hotel (at the edge of the settlement) and adjoins a cluster of one off houses on the R320 where the 80 kph speed limit applies. The road is narrow with no footpath except for outside the hotel's road frontage on the opposite side of the road. The Plan and Settlement Map for Kiltimagh do not contain any objectives which refer to a future bypass route. The land is approximately 600 metres from the edge of the village centre.

The requested change is contrary to compact growth and sequential development. Therefore, the Office does not support this inclusion in the Kiltimagh Settlement Map.

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

Part 2(f) – Zoning Objectives in Claremorris and Ballinrobe

As outlined in the CE's Report, the elected members expressed no views and / or recommendations regarding Part 2(f) (i), (ii) and (iii).

Regarding Part 2(f) of the draft Direction the elected members recommend that the zoning amendment should be retained in the Plan with respect to material amendments Tier II Clare 5 and Tier II Clare 6 (Parts 2(f) (iii) and (iv)).

The Chief Executive's recommendations on the best manner to give effect to the draft Direction stated that the modification requested by the Members should be considered. The submission from the NWRA expressed no views or recommendations regarding Part 2(f).

The reasons given by elected members included that both of these land parcels should be maintained in the Claremorris Settlement Map as they represent a continuity of existing built-up areas within the plan area. Furthermore, they submit that developers are interested in building houses on these lands, which is very important at a time of a housing crisis. The members also highlighted the fact that they de-zoned other residential lands in the process.



The Office does not accept the argument about developer interest in developing Strategic Residential Reserve zoned lands since the Strategic Residential Reserve Tier II zoning indicates that the lands ‘...are generally not developable during the lifetime of this plan for multiple residential developments...’ and there are other more suitable lands and sequentially preferable New Residential zoned lands.

In respect of Tier II Clare 5, the Office notes that the majority of the subject lands were previously unzoned and outside the plan boundary. With the exception of the Westbury housing estate to the east and some rural houses, the surrounding lands are generally undeveloped. The subject land is at the western periphery of the town (approximately 800 metres from the southernmost end of the town centre zoning) and would not provide for compact growth and sequential development.

Therefore, the Office does not support this inclusion in the Claremorris Settlement Map.

In respect of Tier II Clare 6, the Office notes that the majority of the subject lands were also previously unzoned and outside the plan boundary. With the exception of the Rushbrook housing estate to the west and some rural houses, the surrounding lands are generally undeveloped. The land is at the southern periphery (approximately 1.3km from the southernmost end of the town centre zoning) and would not provide for compact growth and sequential development. Therefore, the Office does not support this inclusion in the Claremorris Settlement Map.

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

Part 2(g) –Rural Housing

As outlined in the CE’s Report, the elected members expressed no views and / or recommendations regarding Part 2(g) and the material amendments to settlement strategy objective SSO 1, the strategic aim for housing in chapter 3 (section 3.1), the text in section 3.4.8 regarding Category 2 – remaining rural areas, and rural housing policy RHP 3.



The Chief Executive's recommendations on the best manner to give effect to the draft Direction stated that no issue is raised.

The submission from the NWRA supports Parts 2(g) (i) and (ii) of the draft Direction since they consider that the relevant text in the draft Plan provides for greater consistency with the RSES. The submission notes that Part 2(g) (i) relates to an amendment to objective SSO 1 which is in Chapter 2 rather than Chapter 3 of the Plan. The Office considers that this matter should be clarified in the Final Direction and a minor amendment has been made to reflect this as identified in red in the attached proposed Direction

In respect of Part 2(g) (iii), the NWRA note the changes to the text in section 3.4.8 (Rural Single Housing) and the specific changes introduced which changed the emphasis from 'facilitating' to 'encouraging' rural housing and from 'retention' of rural population to an 'increase' of the rural population.

The Assembly considers the wording relating to 'encouragement of growth' to be consistent with national policy and the RSES, as it is set within the context of the principles of proper planning and sustainable development.

However, they note the evidence-base for the proposed changes to Map 3.1 (Rural Areas Under Strong Urban Influence & Scenic Routes and Views) do not appear to be readily accessible and this presents a difficulty with understanding the coherence of these changes.

Page 71 of the NPF states *'In support of the overall pattern of rural and small town development in Ireland, this Framework seeks to protect areas that are under strong urban influence from unsustainable over-development on the one hand, and to encourage population to be sustained in more structurally weak areas, that have experienced low growth or decline in recent decades, on the other, while sustaining vibrant rural communities.'* (Emphasis added)

The emphasis is clearly on 'sustaining' rather than 'increasing' the rural population the latter of which formed part of material amendment CH 3.8. The Office remains of



the view that the text in section 3.4.8 regarding Category 2 – remaining rural areas and map 3.1 should revert to that of the draft Plan.

In respect of Part 2(g) (iv), the NWRA recommend a minor amendment to the wording of rural housing policy RHP 3 to replace ‘natural resources’ with ‘receiving environment’. While the Office welcomes the suggestion from the NWRA, it is considered that the policy wording for RHP 3 in the draft Plan which refers to the ‘carrying capacity of natural resources’ is sufficiently clear.

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

Part 2(h) – Flood mitigation objectives for Louisburgh, Newport and Swinford

As outlined in the CE’s Report, the elected members expressed no views and / or recommendations regarding Part 2(h), which requires the Plan to incorporate the flood mitigation measures from the Strategic Flood Risk Assessment for Louisburgh, Newport and Swinford into the Plan.

The Chief Executive’s recommendations on the best manner to give effect to the draft Direction stated that no issue is raised.

The NWRA and Office support the inclusion of the flood mitigation measures in the Plan as per the draft Direction.

Part 2(i) – Policy for access to national roads

As outlined in the CE’s Report, the elected members expressed no views and / or recommendations regarding Part 2(i), which requires an amendment to policy MTP 23 (MTP 24 in the published version of the Plan) to delete the special consideration text added in the published version of the Plan.

The Chief Executive’s recommendations on the best manner to give effect to the draft Direction outlines the rationale for including the text and elected members understanding of the application of the policy but made no recommendations



regarding Part 2(i).

The submission from NWRA supports Part 2(i), and considers the omission of the 'special consideration' relaxation of this policy on creation of access onto national roads to be consistent with the RSES.

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

Recommendation

In light of the above and for the reasons given in our notice letter of 26th July 2022, 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 with the following minor amendments which are identified in red in the attached proposed Direction:

- to reflect the changes in the published version of the Mayo County Development Plan 2022 – 2028 to renumber CSP 5 as CSP 6, and to delete the duplicate policy CSP 8 in Part 2(b).
- to clarify that Part 2(g) also relates to Chapter 2: Core and Settlement Strategy; and
- to change the reference in Part 2 (i) regarding the correct policy reference in the adopted Plan for access to national roads and special circumstances. i.e. from MTP 23 to MTP 24.

Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or at plans@opr.ie.

Yours sincerely,

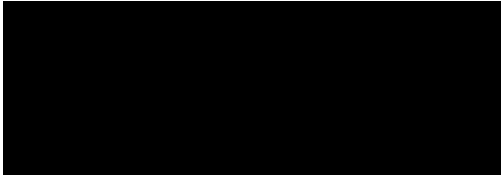


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Office of the
Planning Regulator

A handwritten signature in black ink that reads 'Niall Cussen'.

Niall Cussen

Planning Regulator



**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 31AN(4) 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~~ 6
- ~~(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. Reinststate 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. Reinststate 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 2: Core and Settlement Strategy and 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~~ 24 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~~ 24 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.