



2<sup>nd</sup> December 2022

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

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

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

Dear Kevin,

I am writing to you to inform you of the following in relation to the Section 31 Draft Direction issued to Mayo County Council on 8<sup>th</sup> August 2022, and the subsequent consideration by the Office of the Planning Regulator (the Office) of your report dated 3<sup>rd</sup> October 2022 on the 5 submissions and observations made to the planning authority and the views and recommendations expressed by the members at a Special Meeting on 21<sup>st</sup> September 2022 on the draft Ministerial Direction, in connection with the Mayo County Development Plan 2022 – 2028, as adopted by the elected members of Mayo County Council on 29<sup>th</sup> June 2022. I note that the Office received no direct submissions from elected members pursuant to section 31(10)(a) of the Act.



The draft Direction contained nine parts:

- Part (2)a. Delete eight (8) material amendments to Chapter 2: Core and Settlement Strategy and revert to the relevant text in the draft Plan.
- Part (2)b. Delete in full three (3) policies from Chapter 2: Core and Settlement Strategy.
- Part (2)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.
- Part (2)d. Delete two (2) material amendments to Chapter 12: Settlement Plans and revert to the relevant text in the draft Plan.
- Part (2)e. Reinstate three (3) consolidated zoning and settlement boundaries to that of the draft Plan.
- Part (2)f. Reinstate five (5) zoning objectives to that of the draft Plan.
- Part (2)g. Delete four (4) material amendments to Chapter 3: Housing and revert to the relevant text in the draft Plan.
- Part (2)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 24<sup>th</sup> May 2022.
- Part (2)i. Amend policy MTP 23 consistent with the recommendation of the Chief Executive's report dated 24<sup>th</sup> May 2022 (Policy referenced as MTP 16 in CE Report).

I note that you, as CE, have recommended some amendments and have indicated that modifications by the elected members should be considered in relation to the following:

- Part 2(a) (iii) - modifications to policy CSP 4 *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.* (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), which allow for individual settlement targets if not reached to be utilised elsewhere,
- Part 2(c) – changes to the Residential Density Table 2 including narrative text in section 4.4 in Volume II (Development Management Standards), which allow for low densities;
- Part 2(d) – changes to the text in section 12.3.1.1 regarding Strategic Residential Reserve zoned lands in Tier II settlements *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 may be considered within Strategic Residential Reserve Tier II;*
- Part 2(e) (iii) - the retention of material amendment Tier IV BEL 1 (the inclusion of a Parts boundary extension to Belcarra);
- 2(f) (iii) and (iv) - the retention of material amendments zoning objectives Strategic Residential Reserve Tier II Clare 5 and Tier II Clare 6 (Claremorris) from Rural Transition Zone and Agriculture.

The Office considered your recommendations and the amendments proposed by the elected members and concluded that no material changes to the draft Direction were warranted and I agree with this conclusion.

The Office notified the Minister pursuant to section 31AN(4) of the Planning and Development Act 2000 (as amended) on the 24<sup>th</sup> October 2022 and recommended that I as Minister, issue the Direction, as attached to the Notice of Intention to Issue a Direction dated 8<sup>th</sup> August 2022, with the following minor amendments:

- 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.

Having reviewed and considered the Office's notification letter under 31AN(4) including your report on the draft Direction and submissions (dated October 2022), I am of the opinion that the Direction should be issued as attached, with minor amendments to the draft Direction for clarification purposes.

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(1A), s. 10(2A)(a), s. 10(2A)(d)(ii) and s. 10(2)(n) and is inconsistent with the National Planning Framework objective of compact growth as set out in NPO 3, and the proportionate growth of rural towns under NPO 18a. The Development Plan as made is also not consistent with NPO 19 to ensure that a distinction is made between areas under urban influence and elsewhere, and NPO 15 and NPO 16 to reverse rural decline in small towns and villages and support their regeneration and renewal and is inconsistent with National Policy Objective 57, which seeks to avoid inappropriate development in areas at risk of flooding.

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.

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

- Development Plans, Guidelines for Planning Authorities (2022);
- Residential Development in Urban Areas Guidelines (2009);



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

Accordingly, Mayo County Council should **TAKE NOTICE** that on the 2<sup>nd</sup> day of December, 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 Mayo 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, Mayo County Council, Áras an Chontae, The Mall, Castlebar, County Mayo, F23 WF90
- Mr. David Minton, Director, Northern and Western Regional Assembly, The Square, Ballaghaderreen, County Roscommon.
- Office of the Planning Regulator, Fourth Floor (West Wing) Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWV4.

**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 6
- (ii) supporting text under section 2.7.9

c. Delete material amendment DMS.1 to Table 2 of Vol. 2: Development Management Standards and revert to the relevant text in the draft Plan.

d. Delete the following material amendments to Chapter 12: Settlement Plans and revert to the relevant text in the draft Plan:

- (i) CH 2.12 - Land Use Zoning Objectives for 1k: Strategic Residential Reserve Tier II
- (ii) CH 12.3 – text in Section 12.3.1.1 for Strategic Residential Reserve Tier II

e. Reinstate the following consolidated zoning and settlement boundaries to that of the draft Plan:

- (i) Tier III Kilti 2
- (ii) Tier IV BER 1
- (iii) Tier IV BEL 1

f. Reinstate the following zoning objectives to that of the draft Plan:

- (i) Tier II Clare 2 i.e. the subject land reverts to Rural Transition Zone from Strategic Residential Reserve Tier II.
- (ii) Tier II Clare 3 i.e. the subject land reverts to Agriculture from Strategic Residential Reserve Tier II.



- (iii) Tier II Clare 5 i.e. the subject land reverts to unzoned (outside the plan boundary) and New Residential (inside the plan boundary) from Strategic Residential Reserve Tier II.
  - (iv) Tier II Clare 6 i.e. the subject land reverts to unzoned from Strategic Residential Reserve Tier II.
  - (v) Tier II BROBE 3 i.e. the subject land reverts to unzoned from Enterprise and Employment.
  
- g. Delete the following material amendments to Chapter 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 24<sup>th</sup> May 2022.
  
- i. Amend policy MTP 24 consistent with the recommendation of the Chief Executive's report dated 24<sup>th</sup> 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 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,

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**

2<sup>nd</sup> of December, 2022.