



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

22<sup>nd</sup> December 2023

Kieran O'Donnell TD

Minister for Local Government and Planning

Department of Housing, Local Government and Heritage

Custom House

Dublin 1

D01 W6X0

**BY HAND AND BY EMAIL**

**Re: Notice Pursuant to section 31AO(7) of the Planning and Development Act 2000 (as amended) – Castlebar Town and Environs Local Area Plan 2023-2029**

A chara,

I am writing to you in relation to the recent adoption by the elected members of the Castlebar Town and Environs Local Area Plan 2023-2029 (the 'Local Area Plan') by the elected members of Mayo County Council (the 'Council').

In particular, I am writing to you in the context of the statutory duty of the Office of the Planning Regulator (the 'Office') pursuant to section 31AO(7) of the *Planning and Development Act 2000* (as amended) (the 'Act') to issue a Notice to you on the basis that, having considered the Local Area Plan, the Office is of the opinion that:

- a) The Local Area Plan has not been made in a manner consistent with recommendations of the Office, made on the 11<sup>th</sup> April 2023 and the 20<sup>th</sup> September 2023, which required specific changes to the Local Area Plan:
  - i. to ensure clarity regarding the delivery of housing targets on lands zoned town centre, existing residential and new residential consistent with RPO 3.1 and RPO 3.2 for compact growth, and policies and objectives for town centre regeneration.

Specifically, the Local Area Plan does not include an accurate or clear core strategy table;

- ii. to ensure consistency between the extent of land zoned New Residential commensurate with the growth targets for Castlebar set out under the core strategy of the Mayo County Development Plan 2022-2028 (the 'County Development Plan'); and to ensure consistency with the objectives of the County Development Plan regarding sequential and compact development under objectives SSO3 and SSO6 and more generally, objectives to secure the implementation of the population and housing growth targets set out in the core strategy and settlement strategy under Objectives CSO1 and CSO3.

Specifically, the Local Area Plan zones land for residential development in peripheral locations which is predominantly outside the CSO settlement boundary and leapfrogs unzoned and/or undeveloped zoned land and, in so doing, does not apply the sequential approach to development to support compact growth of the town and its environs. Further, part of one of the land parcels is located within flood zone A and B;

- iii. to ensure consistency with the objectives of the County Development Plan concerning the integration of land use planning and sustainable transportation planning, including sustainable transport patterns and the consolidation of development (SO12); the objectives of the RSES for a modal shift to active modes (RPO 6.30 and 6.31); and maintaining the strategic capacity and safety of the national roads network (RPO 6.5).

Specifically, the Local Area Plan includes an extensive parcel of land (48.09 ha) zoned for Enterprise and Employment use in a peripheral location at Cloonagh. This zoning is not underpinned by a clear or strategic evidence base, and does not support the consolidation of development or integrated land use and transport planning that will enable increased travel by sustainable transport modes and a reduction in greenhouse gas emissions.

Further the zoning objective, by reason of its extent and the nature of uses permitted under the zoning also has the potential to generate

significant additional traffic movements with consequent potential adverse impacts on the national road network, inconsistent with RPO 6.5 to maintain the strategy capacity of the national road network and section 2.7 (development at national road interchanges or junctions) of the *Spatial Planning and National Road Guidelines for Planning Authorities* (2012) (National Road Guidelines);

- iv. to ensure consistency with the regional policy objectives (RPOs) of the Northern and Western Regional Assembly Regional Spatial and Economic Strategy (2020-2032) (RSES) (RPO 3.10 and RPO 3.11) and having regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines).

Specifically, the Local Area Plan zones land for development within flood zone A and B;

- b) the decision of the Council results in the making of a local area plan in a manner that is inconsistent with the recommendations of Office, and with the objectives of the development plan for the area concerned, contrary to the requirements of section 19(2) of the Act; and
- c) the use by you of your function to issue a direction under section 31 of the Act would be merited.

The reasons for the opinion of the Office are set out in further detail in section 2 of this letter. This letter is a Notice to you pursuant to section 31AO(7)(i) of the Act.

## **1. Background**

### **1.1 Draft Castlebar Local Area Plan 2023-2029**

The Draft Castlebar Local Area Plan (the 'draft Local Area Plan') was on public display from the 28<sup>th</sup> February 2023 to the 11<sup>th</sup> April 2023.

The Office made a submission on the draft Local Area Plan on the 11<sup>th</sup> April 2023 containing five (5) recommendations and four (4) observations. Specifically, issues related to:

- Recommendation 1: alignment with the core strategy of the County Development Plan and the principles of compact growth;

- Recommendation 2: inclusion of measurable targets for town centre regeneration;
- Recommendation 3: the extent, location and infrastructural capacity of lands zoned Enterprise and Employment in the town;
- Recommendation 4: the integration of the Local Area Plan and the Local Transport Plan (LTP) and omission of the Northern Orbital Ring Road; and
- Recommendation 5: flood risk management.

Subsequently, the Chief Executive sent a notice letter under section 20(3) of the Act dated 23<sup>rd</sup> August 2023 advising the Office of the proposed material alterations to the draft Local Area Plan.

## **1.2 Material Alterations to the Draft Castlebar Local Area Plan 2023-2029**

The elected members, having considered the draft Local Area Plan and the Chief Executive's (CE's) Report on the public consultation regarding the draft Local Area Plan<sup>1</sup>, resolved to alter the draft Local Area Plan. The material alterations to the draft Local Area Plan were on public display from the 23<sup>rd</sup> August 2023 to the 20<sup>th</sup> September 2023.

The material alterations included:

- a series of individual material alterations relating to the zoning of land as New Residential, and in particular, included:
  - proposed material alterations 9, 10, 12, 14, 21 and 24 – from Agriculture to New Residential;
  - proposed material alterations 13 and 17 – from Enterprise and Employment and Agriculture to New Residential;

---

<sup>1</sup> The report does not specify a publication date.

- proposed material alterations 15 and 18<sup>2</sup> - from Enterprise and Employment to New Residential;
- proposed material alteration 26 – from Strategic Residential Reserve to New Residential; and
- proposed material alteration 22 relating to the zoning of land from Recreation and Amenity and New Residential to Mixed Use; and associated material alterations 6 and 7 regarding amendments to the land use zoning matrix.

The Office made a submission on the 20<sup>th</sup> September 2023 on the material alterations to the draft Local Area Plan containing two (2) recommendations. The submission also noted the decision of the planning authority to reject all of the recommendations and observations of the Office's submission to the draft Local Area Plan; and the significant concerns regarding the failure of the planning authority to meaningfully engage with the recommendations of the Office, or to provide a clear rationale or explanation for not doing so.

The Office's recommendations at MA stage included:

- MA Recommendation 1: Sustainable Residential Development
- MA Recommendation 2: Town Centre Regeneration.

### **1.3 Adopted Castlebar Local Area Plan 2023-2029**

The elected members of the Council resolved to make the Local Area Plan at a special meeting on the 27<sup>th</sup> November 2023.

Subsequently, the Chief Executive sent a notice letter under section 31AO(5) of the Act dated 12<sup>th</sup> December 2023 to the Office advising of the making of the Local Area Plan. This notice letter only specifies the recommendations to the material alterations to the draft Local Area Plan not complied with. The said notice letter included a

---

<sup>2</sup> Note the material alterations as published by Mayo County Council refer to the zoning of MA 18 as Enterprise and Employment and Agriculture to New Residential. However, the CE's Report (draft stage) clarifies that the zoning under the draft Local Area Plan is in fact Enterprise and Employment only.

summary of the Chief Executive's reasons, or the elected members' reasons, for not complying with the majority of MA Recommendation 1.

It should be noted that the section 31AO(5) notice does not specify the recommendations to the draft Local Area Plan not complied with, or include the reasons why the planning authority decided to not accept Recommendations 1 to 5 of the Office's submission on the draft Local Area Plan.

### **1.3.1 Draft Plan recommendations**

Having reviewed the adopted Local Area Plan, the Office considers that the following recommendations on the draft Local Area Plan have not been complied with, in part or in full:

- Recommendation 1
- Recommendation 2
- Recommendation 3
- Recommendation 4
- Recommendation 5

As the section 31AO(5) notice letter fails to inform the Office where the planning authority has decided not to comply with a recommendation of the Office, and no reasons have been provided in either the notice letter or the minutes of the Council meeting available to the Office, a more detailed consideration of these recommendations is set out below.

#### **Recommendation 1**

Recommendation 1 of the Office's submission to the draft Local Area Plan sets out the need to provide a detailed core strategy table and to demonstrate consistency with the County Development Plan and its core strategy regarding the approach to residential zoned land.

#### **Recommendation 1 part (i) and (ii)**

These parts of Recommendation 1 relate to the substantive issue regarding the alignment of the Local Area Plan with the core strategy of the County Development Plan. The recommendation required the planning authority to ensure that the extent

of land zoned, including New Residential aligned with the core strategy of the County Development Plan, and to provide a core strategy table detailing the area and quantum of housing to be delivered on lands zoned Town Centre, Existing Residential and New Residential in order to support a plan-led approach to compact growth, sequential development and town centre regeneration. The elected members decided not to accept the recommendation of the Chief Executive to address Recommendation 1 part (i) and (ii), but instead introduced a significant number of material alterations to zone additional land for New Residential in peripheral and non-sequential locations, and predominantly outside the CSO boundary of the town. In this regard, the Office is not satisfied that part (i) and (ii) of Recommendation 1 have been addressed. This is discussed further below.

#### Recommendation 1 part (iii)

Part (iii) of Recommendation 1 sought the omission of lands zoned New Residential at site RS13. It is set out in the CE's Report (draft stage) that the subject lands accommodate an unfinished housing development – the Waterways. This CE's Report stated that the resolution of the unfinished housing estate is an ongoing priority for the Council in conjunction with the Housing Agency, and in this context it was recommended that the site be zoned Existing Residential to reflect the fact that building works have been carried out. This recommendation was not accepted by the elected members, and the site remains zoned New Residential in the adopted Local Area Plan. However, having regard to the status of the site as an unfinished estate, the Office is satisfied that further action at this juncture would not be appropriate.

#### Recommendation 1 part (iv) and (v)

With regard to parts (iv) and (v) of Recommendation 1, these related to lands zoned Strategic Reserve. The CE's Report (draft stage) recommended that the final plan include an infrastructural capacity assessment for the lands zoned Strategic Residential Reserve. It is noted that the adopted Local Area Plan includes an updated Residential Settlement Capacity Assessment and Map and includes details for the Strategic Residential Reserve lands. It is considered, therefore, that part (iv) of Recommendation 1 has been addressed to the satisfaction of the Office and no further action is necessary.

Part (v) of the recommendation required the planning authority to give consideration to the omission of lands zoned Strategic Reserve in more peripheral locations. The CE's Report (draft stage) recommended that the lands to the east of Lios na Circe be omitted. This recommendation was not accepted by the elected members. No or no adequate planning reasons or explanation have been provided as to why the recommendation was not accepted.

With regard to the lands immediately to the east of the N84 and west of Solar Park, the CE's Report (draft stage) stated that due to their fully serviced nature and proximity to the Castlebar Railway Station, the majority of the lands should be retained as Strategic Reserve. It was recommended that parts of the site be zoned Existing Residential. This recommendation was not accepted by the elected members. No or no adequate planning reasons or explanation have been provided as to why the recommendation was not accepted.

It is considered that on balance, having regard to the fact that the lands zoned Strategic Reserve are not intended to be built out over the plan period, that there is insufficient basis to make a recommendation to the Minister to issue a draft Direction in respect of this matter.

## **Recommendation 2**

Recommendation 2 of the Office's submission to the draft Local Area Plan required the planning authority to include measurable targets for the reduction of vacancy for the plan period and a strategy for the monitoring of same. The CE's Report (draft stage) recommended the inclusion of a health check map in the Local Area Plan which would have enabled the monitoring of vacancy reduction over the plan period. This recommendation was rejected by the elected members. No or no adequate planning reasons or explanation have been provided as to why the recommendation was not accepted.

While the failure of the elected members to accept this recommendation and include appropriate measurable targets undermines the efforts of the planning authority to address the significant vacancy and dereliction issues in the town centre, the Office considers that there is insufficient basis to make a recommendation to the Minister to issue a draft Direction in respect of this matter.



### **Recommendation 3**

Recommendation 3 of the Office's submission to the draft Local Area Plan refers to the absence of a robust evidence-based justification for the extent, location and infrastructural capacity of enterprise/employment zoned land in the town. The Office is not satisfied that this recommendation has been addressed. This is discussed further below.

### **Recommendation 4**

Recommendation 4 of the Office's submission to the draft Local Area Plan required the planning authority to review Chapter 7 Movement and Transport, to provide clearer policies and objectives regarding the delivery and phasing of the key infrastructural requirements of the LTP, particularly those interventions and measures required to enhance pedestrian and cycling facilities in the town. While amendments were recommended in the CE's Report (draft stage) to ensure closer integration and alignment between the Local Area Plan and LTP, these recommendations were not adopted by the elected members. No or no adequate planning reasons or explanation have been provided as to why the recommendations were not accepted.

However, the Objective MTO6 does provide support for the implementation of all measures and actions set out in the LTP once completed and adopted by the Council in accordance with proper planning and sustainable development.

The failure of the planning authority to fully integrate the policies and objectives of the final LTP is a lost opportunity to give statutory effect to these sustainable transport measures and to ensure the delivery of an integrated approach to land use planning and the shift towards active modes.

However, on balance, it is considered having regard to the broader objectives of the Local Area Plan, that there is insufficient basis to make a recommendation to the Minister to issue a draft Direction in respect of this matter.

The Office notes that the Northern Orbital Route has been omitted, and this part of Recommendation 4 has, therefore, been satisfactorily addressed.

## **Recommendation 5**

Recommendation 5 of the Office's submission to the draft Local Area Plan related to flood risk management and deficiencies in the Strategic Flood Risk Assessment (SFRA) undertaken by the planning authority.

The CE's Report (draft stage) recommended that Recommendation 5 be complied with. However, the elected members rejected this recommendation. No reason has been provided as to why the elected members rejected the Chief Executive's recommendation.

It is noted however, that some minor amendments have been made to the SFRA. In particular, in relation to Point (ii) (b) regarding Opportunity Site 1 – the Hat Factory, clarity has been provided that a full study of the culvert affecting the site has been carried out.

The SFRA is based on Preliminary Flood Risk Assessment (PFRA) mapping to inform the flood zone mapping for particular areas of the town including Snugborough, Newantrim and Rural South. While this mapping is not considered to be a robust data source to inform flood zones, it is noted that the areas concerned are located on the periphery of the town and are primarily zoned Agriculture.

Having reviewed the matter in light of the submission of the OPW, the Office considers that there is insufficient basis to make a recommendation to the Minister to issue a draft Direction in respect of Recommendation 5 (i).

Part (ii) of the recommendation, however, required a review of the Justification Tests included in the SFRA to ensure that all sites fully comply with the criteria set out in box 4.1 of the Flood Guidelines. Where lands at risk of flooding have not passed the Justification Test carried out in accordance with the Guidelines, the zoning objective should not facilitate highly vulnerable (Flood Zone A and B) or vulnerable (Flood Zone A) development.

Having regard to the zoning of land for Employment and Enterprise located to the south of Lough Saleen and to the immediate east of the rail line under Recommendation 3, the Office is not satisfied that Recommendation 5 has been complied with in full. This is discussed further below.

### **1.3.2 Material Alterations recommendations**

The section 31AO(5) notice letter stated that the following recommendations of the Office made at Material Alterations stage had not been complied with, in part or in full:

#### **MA Recommendation 1**

MA Recommendation 1 related to a significant number of proposed individual zonings which significantly increased the quantum of land zoned New Residential. With the exception of MA 9, all other material alterations were adopted by the planning authority. It is considered that MA Recommendation 1 has not been complied with in full. This is discussed further below.

#### **MA Recommendation 2**

The Office is satisfied that MA Recommendation 2 has been addressed.

### **1.3.3 Outstanding Matters**

Having reviewed the CE's Report (draft stage), the notice of the publication of the material alterations, the CE's Report (MA stage)<sup>3</sup>, the section 31AO(5) notice regarding the making of the Local Area Plan, the Office has concluded that, with the exception of the below, the recommendations of the Office have been responded to in the report and/or have been addressed to the satisfaction of the Office, or are otherwise considered satisfactory within the legislative and policy context.

The outstanding matters, therefore, are as follows:

- Residential land use zoning - Recommendation 1 part (i) and part (ii) and MA Recommendation 1 (with the exception of MA 9).
- Enterprise and Employment land use zoning - Recommendation 3.
- Flood Risk Management – Recommendation 5.

These outstanding matters are considered in more detail below.

---

<sup>3</sup> The report does not specify a publication date.

## 1.4 Residential Land Use Zonings

Recommendation 1 part (i) and (ii) and MA Recommendation 1 are related and are addressed together.

### Recommendation 1 part (i) and (ii)

Recommendation 1 part (i) and (ii) of the Office's submission to the draft Local Area Plan required the planning authority to provide a clear core strategy table and ensure that the extent of lands zoned for residential use is in accordance with the core strategy of the County Development Plan. The recommendation stated:

*Having regard to:*

- *the provisions under section 19(2) of the Planning and Development Act 2000, as amended, (the Act);*
- *targets for compact growth under NPO 3a, NPO3c, RPO 3.1 and RPO 3.2;*
- *NPO 6 and NPO 11 regeneration;*
- *Town Centre First; A Policy Approach for Irish Towns (2022);*
- *NPO 35 residential density;*
- *the Guidelines for Planning Authorities in the Sustainable Residential Development of Urban Areas: Cities, Towns and Villages (2009) concerning the application of recommended residential density standards; and*
- *the policy and objective to adopt the sequential approach to land use zoning under the Development Plans, Guidelines for Planning Authorities (2022);*

*the planning authority is required to:*

- (i) *provide a clear core strategy table which sets out the area and quantum of housing to be delivered on lands zoned 'town centre', 'existing residential' and 'new residential'. Appropriate densities should be applied to demonstrate anticipated yield;*

- (ii) *ensure that the extent of lands zoned for residential use is in accordance with the core strategy of the Mayo County Development Plan 2022 – 2028 and that the provision of zoned ‘new residential’ land aligns with the quantity of land necessary to accommodate housing supply targets in the core strategy.*

The submission by the Office on the draft Local Area Plan noted that there was a lack of clarity in the Local Area Plan regarding the capacity of undeveloped Existing Residential zoned lands in the town to cater for the future housing targets through infill development. Furthermore, no information was provided regarding the capacity of the identified town centre or opportunity sites to contribute towards the housing targets. It was considered that this is contrary to RPO 3.1 and 3.2 of the RSES for compact growth, and the broader strategic objectives of both the Local Area Plan (TCO1) and the County Development Plan (SSO3) to promote town centre regeneration, which align with NPO 6 and NPO 11 of the National Planning Framework and the Government’s *Town Centre First: A Policy Approach for Irish Towns* (2022) (Town Centre First) strategy.

While it was acknowledged that only a portion of the lands zoned as town centre is likely to be used for residential purposes, the submission considered that a quantum of this land should be factored into the residential land supply capacity analysis. The Office considered that the approach adopted in the Local Area Plan undermined the effective monitoring of housing delivery in the core town centre area and did not support a plan-led approach to regeneration. It was noted that the Local Area Plan has a key role in activating and promoting residential development in the town centre and in this regard, greater clarity and transparency was required.

The CE’s Report (draft stage) recommended that a revised core strategy table be included in the Local Area Plan detailing the allocation of residential units / land requirements on lands zoned New Residential, Existing Residential and Town Centre. Corrections were also proposed to the zoning map to reflect the fact that some sites identified as New Residential were in fact built out.

The Chief Executive’s recommendation was rejected by the elected members. No or no adequate planning reasons or explanation have been provided as to why the recommendation was not accepted.

The Office further notes that the core strategy table (Table 2.1) set out in the adopted Local Area Plan as published is inaccurate and does not state the correct quantum of land zoned for residential use, having regard to the additional material alterations adopted. It is also inconsistent with the extent of zoned land detailed in the Residential Settlement Capacity Assessment and Map set out in Appendix 1 of the adopted Local Area Plan.

In relation to Recommendation 1 part (ii), this matter was addressed by the Chief Executive's recommendation to review and amend the zoning maps to ensure compliance with the County Development Plan core strategy figures. The Chief Executive's recommendation was rejected by the elected members. No or no adequate planning reasons or explanation have been provided as to why the recommendation was not accepted.

Furthermore, the planning authority introduced a large number of residential rezonings at the material alterations stage, the majority of which were adopted by elected members contrary to the recommendation of the Chief Executive and MA Recommendation 1 of the Office. An analysis of the Residential Settlement Capacity Assessment of the adopted Local Area Plan demonstrates that, in addition to a number of opportunity sites and town centre /infill lands with the capacity to accommodate residential development, that there is over 82 ha of land zoned New Residential under the adopted Local Area Plan.

The extent of land zoned for residential development in the Local Area Plan as adopted therefore significantly exceeds the planning authority's estimate of the land requirement (36.87 ha<sup>4</sup>).

The Office acknowledges that in providing housing sites for development within settlements it may be necessary to zone more serviced land and sites for residential (or a mixture of residential and other uses) than would equate to meeting precisely the projected housing demand for that settlement. However, in this instance the extent of zoned lands in the Local Area Plan bears no reasonable relationship to the level of growth set out in the County Development Plan.

---

<sup>4</sup> Table 2.1 Castlebar Town & Environs Local Area Plan 2023-2029

No or no adequate reasons have been provided to explain why the planning authority has decided not to make the Local Area Plan in a manner consistent with the core strategy of the County Development Plan.

In such circumstances, the Office does not accept the elected members' reason that the proposed recommendation to omit these zonings '*did not align with their views in relation to the future development in Castlebar*' justifies making the Local Area Plan with a number of residential zonings in non-compliance with the objectives of the RSES and the County Development Plan specified below, and the recommendation of the Office under MA Recommendation 1.

### **MA Recommendation 1**

MA Recommendation 1 required the planning authority to make the Local Area Plan without a number of peripheral and non-sequential residential zonings considered contrary to the principles of compact and sustainable growth and which resulted in a quantum of residential zoned land far in excess of the requirement under the core strategy of the County Development Plan.

The recommendation stated:

*Having regard to the provision of new homes at locations that can support compact and sustainable development, and in particular to:*

- *the core strategy of the Mayo County Development Plan 2022-2028, Objective CSO 1 to secure the implementation of the population and housing growth set out in the core strategy and settlement strategy, and Objective CSO 3 to adopt a Local Area Plan for Castlebar that aligns with the NPF, RSES and core strategy;*
- *the sufficient supply of land zoned for residential use commensurate with the core strategy;*
- *NPO 3a-c, RPO 3.1 and RPO 3.2 for compact growth, and Policy DSP 2 of the draft LAP to support the compact growth of Castlebar;*
- *Objectives SSO3 and SSO6 for sequential development under the Mayo County Development Plan 2022-2028, the policy and objective to adopt*

*the sequential approach to land use zoning, under section 6.2.3 of the Development Plans, Guidelines for Planning Authorities (2022);*

- *NPO72 a-c for the co-ordination of land use zoning, infrastructure and services, and the policy and objective that land use zoning be informed by a settlement capacity audit under section 6.2.1 of the Development Plans, Guidelines for Planning Authorities (2022);*
- *NPO 6 and NPO 11 regeneration, RPO 3.1 and Town Centre First: A Policy Approach for Irish Towns (2022); and*
- *RPO 3.10, RPO 3.11 and NPO 57 flood risk management; Policy IMP 14 of the Mayo County Development Plan 2022-2028; and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009),*

*the planning authority is required to make the LAP without the following Material Alterations:*

- (i) *Material Alterations 9, 10, 12, 14, 21 and 24 – from Agriculture to New Residential;*
- (ii) *Material Alterations 13, 17 and 18 – from Enterprise and Employment and Agriculture to New Residential;*
- (iii) *Material Alteration 15 - from Enterprise and Employment to New Residential; and*
- (iv) *Material Alteration 26 – from Strategic Residential Reserve to New Residential*

The CE's Report recommended to comply with MA Recommendation 1. With the exception of **MA 9**, the elected members decided not to accept the recommendation of the Chief Executive and to make the Local Area Plan with the material alterations.

With regard to the remainder of the sites, the reason given in the section 31AO(5) notice letter by the elected members for rejecting the recommendation to omit these zonings states that '*The elected members felt that the proposed recommendation did not align with their views in relation to the future development in Castlebar*'.



No or no adequate planning reasons or rationale, other than this singular statement, have been provided to explain why the recommendations of the Office were not accepted by the planning authority. In particular, the reason provided does not identify or explain what constitutes the views of elected members in relation to development in Castlebar. By contrast, the County Development Plan sets out a clear policy framework for the development of Castlebar in a sustainable, compact and sequential manner. It is not explained how, or on what basis, the views of elected members differ from the County Development Plan to justify the failure to implement that policy framework.

With regard to **MA 24**, the Office recommended that this site be omitted. This is a greenfield piece of land, with an area of 1.72 ha that is located between the existing Ashwood and Drumconclan Close/Hollow Grove estates, to the east of the town centre. Notwithstanding the recommendation of the Chief Executive, the Office considers that on balance, as the site is located within the CSO boundary and is contiguous to existing residential development, and having regard to its infill character, a recommendation to the Minister is not warranted.

Similarly, with regard to **MA 26**, this site is located to the south west of the town centre and is surrounded by lands zoned Strategic Reserve. The Office considers that on balance, having regard to the limited size of the site, its location within the CSO boundary contiguous to existing residential development, a recommendation to the Minister is not warranted.

The Office however, remains of the view that MA 10, 12, 13, 14, 15, 17, 18 and 21 are inconsistent with regional and development plan policies for compact growth and/ or sequential development, and with the core strategy of the County Development Plan. Further, MA 21 is partially located in flood zone A and B contrary to national, regional and development plan policy to avoid zoning land at risk of flooding for vulnerable uses.

With regard to all of these material alterations, the Office considers that these zonings are not sequential and leapfrog extensive undeveloped zoned residential land closer to the centre of the town. The zonings are, therefore, inconsistent with objectives SSO3 and SSO6 of the County Development Plan which state:

*Objective SSO3 - To require sustainable, compact, sequential growth and urban regeneration in Ballina, Castlebar and Westport by consolidating the built-up footprints of these towns through a focus on regeneration and development of town centre infill and brownfield sites, and encouraging regeneration of underutilised, vacant and derelict lands for residential development and mixed use to facilitate population growth.*

*Objective SSO6 - To strengthen the core of settlements and encourage the compact growth of settlements by way of the development of infill sites, brownfield lands, underutilised land / buildings, vacant sites, and derelict sites within the existing built-up footprint of the settlements and develop outwards from the centre in a sequential manner.*

The subject zonings also do not have regard to the policy and objective of the *Development Plans, Guidelines for Planning Authorities (2022)* (Development Plans Guidelines) to prioritise the most centrally located development sites in a settlement first.

No or no adequate reasons have been provided to explain why the planning authority has decided not to implement objectives SSO3 and SSO6 of the County Development Plan, and the planning authority has failed to have regard to the policy and objective of the said Development Plans Guidelines in respect of these zoning objectives.

Material alterations MA 10, 12, 14, 21 and 13 also fall predominantly outside the CSO settlement boundary and, therefore, the zoning of these lands would be inconsistent with RPO 3.1 and RPO 3.2 for compact growth and with objective SSO6 of the County Development Plan (above).

No or no adequate reasons have been provided to explain why the planning authority has decided not to implement RPO 3.1 and 3.2 of the RSES and/or Objective SSO6 of the County Development Plan.

Having regard, to the consistency with the core strategy of the County Development Plan, the proposed material alterations as adopted (MA 10,12,13,14,15,17,18, and 21) include over 36.42 ha of additional lands zoned New Residential.

The extent of New Residential zoned land (82.3 ha) is, therefore, far in excess of that required under the core strategy. Taking a conservative average (gross) density of 25 units per ha, the extent of lands zoned could accommodate c. 2,050 units, in addition to that which can be accommodated on town centre and opportunity sites. This is nearly three times the housing supply target (708 units).

As stated in relation to Recommendation 1 of the Office's submission to the draft Local Area Plan above, the extent of zoned lands in the Local Area Plan bears no reasonable relationship to the level of growth set out in the County Development Plan and is not consistent with the core strategy and with Objective CSO 1 and CSO 3 of the Development which state:

*Objective CSO 1 - To secure the implementation of the population and housing growth household allocation set out in the Core Strategy and Settlement Strategy, in so far as practicable, by facilitating rural housing, while allowing for the accommodation of further residential growth in our designated settlements, subject to the availability of infrastructure and services.*

*Objective CSO 3 - To adopt Local Area Plans for Ballina, Castlebar and Westport that align with the NPF, RSES and this Core Strategy....*

No or no adequate reasons have been provided to explain why the planning authority has decided not to implement objectives CSO 1 and CSO 3 of the County Development Plan.

It is also noted that the Strategic Environmental Assessment (SEA) Report raised significant concerns that the material alterations would: conflict with many Strategic Environmental Objectives (SEOs); contribute to peripheral growth; and represent an inefficient use of land as well as additional costs for servicing same in terms of water supply, wastewater treatment etc.

In reaching the above conclusions, the Office has assessed each of the New Residential zoning material alterations in detail, as outlined below.

## **MA 10 – Lands at New Antrim (RS 25 – Residential Settlement Capacity Assessment)**

The recommendation required the planning authority to make the Local Area Plan without MA 10, which would entail the site remaining as Agriculture as proposed in the draft Local Area Plan. This greenfield site has an area of 1.52 ha and is located in the northern environs of the town outside the CSO boundary.

The CE's Report (MAs stage) recommended that this zoning should not be adopted, noting the site's peripheral location, that it would be contrary to the core strategy and that it would not promote compact growth or sustainable travel options by reason of its non-sequential edge of town location. It was recommended that the site retain its Agricultural zoning. No or no adequate planning reasons have been provided as to why the Chief Executive's recommendation was rejected by the elected members.

The SEA report notes that zoning proposed by the material alteration would contribute to peripheral growth and represents an inefficient use of land as well as the additional costs in terms of servicing same in terms of water supply, wastewater treatment etc. The zoning is considered inconsistent with a number of SEOs and will result in medium to long term adverse effects on soils and geology and landscape. It is stated that the zoning is not consistent with the core strategy of the County Development Plan, and does not align with national or regional requirements relating to compact growth. Ground water vulnerability in the area is noted as being high. Uisce Éireann has confirmed the site requires network connections.

The site was not zoned for housing under the previous Local Area Plan, but was zoned rural character. The policy and objective, under the Development Plans Guidelines, not to de-zone serviced zoned housing land therefore does not apply.

## **MA 12 – Lands at Knockaphunta (RS 20 – Residential Settlement Capacity Assessment)**

The recommendation required the planning authority to make the Local Area Plan without MA 12, which would entail the site remaining as Agriculture, as proposed in the draft Local Area Plan. This site has an area of 2.09 ha and is located to the south east of the town, a considerable distance from the town centre and outside the CSO boundary.

The CE's Report (MAs stage) states that the proposed zoning of these lands, situated at a peripheral location, would not promote compact growth or sustainable travel options in Castlebar, by reason of its non-sequential edge of town location. Furthermore, the zoning of these lands for residential development would be contrary to the core strategy as set out in the County Development Plan. It was recommended that the site retain its Agricultural zoning. No or no adequate planning reasons have been provided as to why the Chief Executive's recommendation was rejected by the elected members.

The SEA report notes that the zoning proposed by the material alteration would contribute to peripheral growth and represents an inefficient use of land as well as the additional costs in terms of servicing same in terms of water supply, wastewater treatment etc. Moreover, as this location is at a significant distance from the town centre it does not align with compact growth and the need for sustainable transport options. The zoning is considered to be inconsistent with a number of SEOs and will have medium to long-term adverse effects on SEOs such as soils and geology and landscape. It is stated that the zoning is not consistent with the core strategy in the County Development Plan, and does not align with national or regional requirements relating to compact growth.

The site was not zoned for housing under the previous Local Area Plan, but was zoned rural character. The policy and objective, under the Development Plans Guidelines, not to de-zone serviced zoned housing land therefore does not apply.

### **MA 13 - Lands at Breafy Road, Knockraver (RS 22 – Residential Settlement Capacity Assessment)**

The recommendation required the planning authority to make the Local Area Plan without MA 13, which would entail the site remaining as Enterprise and Employment and Agriculture as proposed in the draft Local Area Plan. This site has an area of 1.27 ha and is located on the eastern periphery of the town, predominantly outside the CSO boundary, and in a predominantly industrial/ employment area of the town. Lands to the immediate west are zoned for employment.

The CE's Report (MAs stage) details that the proposed rezoning of these lands situated at a peripheral location would not promote compact growth and sustainable

travel options in Castlebar, by reason of its non-sequential edge of town location. Furthermore, the proposed rezoning of these lands for residential development would be contrary to the core strategy as set out in the County Development Plan. It was recommended that the site retain its Enterprise and Employment and Agriculture zoning. No or no adequate planning reasons have been provided as to why the Chief Executive's recommendation was rejected by the elected members.

The SEA notes that the provision of this zoning would contribute to peripheral growth and represents an inefficient use of land as well as the additional costs in terms of servicing same in terms of water supply, wastewater treatment etc. Moreover, this location does not align with compact growth and need for sustainable transport options. The zoning is not consistent with a number of SEOs and will have medium to long term adverse effects on SEOs such as soils and geology and landscape. It is stated that the zoning is not consistent with the core strategy of the County Development Plan, and does not align with national or regional requirements relating to compact growth.

The site was primarily zoned rural character under the previous Local Area Plan. The policy and objective, under the Development Plans Guidelines, not to de-zone serviced zoned housing land, therefore, does not apply to the lands.

#### **MA 14 – Lands at Ballynaboll South (RS 18 – Residential Settlement Capacity Assessment)**

The recommendation required the planning authority to make the Local Area Plan without MA 14 which would entail the site remaining as Agriculture as proposed in the draft Local Area Plan. This is a very large site, with an area of 10.34 ha located to the west of the town centre and outside the CSO boundary.

The CE's Report (MAs stage) states that it is considered that residential development at this peripheral location would not promote compact growth or sustainable travel options, by reason of its non-sequential out of town location. Furthermore, the rezoning of these lands for residential development would be contrary to the core strategy of the County Development Plan. It was recommended that the site retain its Agricultural zoning. No or no adequate planning reasons have

been provided as to why the Chief Executive's recommendation was rejected by the elected members.

The SEA report notes that this zoning would contribute to peripheral growth and represents an inefficient use of land as well as the additional costs in terms of servicing same in terms of water supply, wastewater treatment etc. Moreover, the location does not align with compact growth and need for sustainable transport options. The zoning is not consistent with a number of SEOs and will have medium to long term adverse effects on SEOs such as soils and geology and landscape. The SEA report also notes that due to the presence of hedgerows and adjacent bogland habitat, that the site is of ecological importance. It is stated that the zoning is not consistent with the core strategy of the County Development Plan, and does not align with national or regional requirements relating to compact growth and is in conflict with the Local Area Plan development policies and objectives.

The site was primarily zoned rural character under the previous Local Area Plan, with a small sliver zoned Existing Residential. The policy and objective, under the Development Plans Guidelines, not to de-zone serviced zoned housing land, therefore, does not apply to the majority of the lands.

#### **MA 15, 17 and 18 – Lands at Rinshinna (RS 24 – Residential Settlement Capacity Assessment)**

The recommendation required the planning authority to make the Local Area Plan without MAs 15, 17 and 18 which would entail the site remaining as Enterprise and Employment and Agriculture as proposed in the draft Local Area Plan.

MAs 15 and 17 relate to adjoining land parcels and are located on the eastern periphery of the town. They immediately abut another large tract proposed under MA 18. The cumulative area of the three material alterations is c. 13.8 ha.

The CE's Report (MAs stage) notes that the zoning of these lands would not promote compact growth and sustainable travel options by reason of their non-sequential edge of town location. It is also stated that the zoning would be contrary to the core strategy. It is recommended that the lands retain their Enterprise and Employment and Agricultural zonings. No or no adequate planning reasons have

been provided as to why the Chief Executive's recommendation was rejected by the elected members.

The SEA report notes that the area is noted as having high groundwater vulnerability and is of ecological importance. Site 18 accommodates a large archaeological feature. The proximity to the large Roadstone Quarry is noted with potential for adverse dust and noise impacts. The SEA report states that the provision of these zonings would contribute to peripheral growth and represents an inefficient use of land as well as the additional costs in terms of servicing same in terms of water supply, wastewater treatment etc. It is stated that the zonings are not consistent with the core strategy of the County Development Plan, and do not align with national or regional requirements relating to compact growth and need for sustainable transport options. The zonings are not consistent with a number of SEOs and will have medium to long term adverse effects on SEOs such as soils and geology and landscape.

The site was primarily zoned enterprise and employment and rural character under the previous Local Area Plan. The policy and objective, under the Development Plans Guidelines, not to de-zone serviced zoned housing land, therefore, does not apply to the lands.

### **MA 21 – Lands at Ballynaboll North (RS 19 – Residential Settlement Capacity Assessment)**

The recommendation required the planning authority to make the Local Area Plan without MA 21, which would entail the site remaining as Agriculture as proposed in the draft Local Area Plan. This site has an area of 7.4 ha and is located to the south west of the town centre and outside the CSO boundary.

The CE's Report (MA's stage) notes that the zoning would not promote compact growth and sustainable travel options and would be contrary to the core strategy<sup>5</sup>. It was recommended that the site retain its Agricultural zoning. No or no adequate

---

<sup>5</sup> As detailed in the CE's Report on the material alterations, the Chief Executive's recommendation in respect of MA 21 was made in response to the submission made by the OPW and NTA.



planning reasons have been provided as to why the Chief Executive's recommendation was rejected by the elected members.

Part of the site to the north, is located within flood zone A and B. The Justification Test undertaken has failed on the basis that there are more suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.

In making the Local Area Plan with this material alteration the planning authority failed to have regard to the Flood Guidelines and/or has misinterpreted the said guidelines and is inconsistent with Policy INP 14 of the County Development Plan which states:

*To have regard to the Guidelines for Planning Authorities on the Planning System and Flood Risk Management (DoEHLG/OPW 2009) and Circular PL2/2014 (or as updated), in the preparation of plans and strategies related to development and in the assessment of projects.*

The Flood Guidelines provide a sound basis for planning authorities to identify, assess and take appropriate steps to manage flood risk in a sustainable manner within its area. The key message of the Flood Guidelines is to avoid development in areas at risk of flooding and to adopt a sequential approach to flood risk management.

The sequential approach set out in the Flood Guidelines provides that where a planning authority is considering the future development of areas at a high or moderate risk of flooding, it 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. As noted, above, the justification test for MA 21 has not passed.

RPO 3.10 also seeks to ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding to create safe places and requires that development plans should assess flood risk by implementing the recommendations of the Flood Guidelines, as amended. RPO 3.11 require the planning authority to implement the recommendations of the CFRAM programme.

The land use zoning objective would facilitate uses that are vulnerable to flood risk. The making of the Local Area Plan with the subject land use zoning objective is not, therefore, consistent with the County Development Plan (Policy INP 14), with RPO 3.10 and does not have regard to the Flood Guidelines. In this respect, no or no adequate reasons have been provided to explain why the planning authority has not implemented the objectives of the County Development Plan and why the planning authority has failed to have regard to the said Guidelines.

The SEA report notes that the lands are liable to flooding at the lake edge (Lough Lannagh). The SEA also notes that the proposed zoning located at a peripheral location would not promote compact growth and sustainable travel options in Castlebar, by reason of its non-sequential edge of town location and that it is not consistent with the core strategy. It states that the zoning conflicts with the policies and objectives of the Local Area Plan.

The site was primarily zoned rural character and visual character/high amenity under the previous Local Area Plan. The policy and objective, under the Development Plans Guidelines, not to de-zone serviced zoned housing land, therefore, does not apply to the lands.

### **1.5 Recommendation 3 – Enterprise and Employment Zoning**

Recommendation 3 of the Office's submission to the draft Local Area Plan required the planning authority to provide a robust evidence-based justification for the extent, location and infrastructural capacity of Enterprise and Employment zoned land in the town and specifically, to omit the Employment and Enterprise land use zoning located to the south of Lough Saleen and to the immediate east of the rail line. It stated:

*Having regard to:*

- *National Strategic Outcome 1 for Compact Growth; National Strategic Outcome 2 Enhanced Regional Accessibility; NPO 10b, NPO 54, and NPO 74;*
- *NPO 72 infrastructure assessment and tiered approach to zoning;*
- *RPO 6.30 and 6.31 active travel;*

- *RPO 6.5 national roads;*
- *provisions for the sequential approach to zoning and section 6.2.5 Zoning for Employment Uses and the principles of the sequential approach to zoning and accessibility set out in section 1.4 of Appendix A of the Development Plans, Guidelines for Planning Authorities (2022);*
- *section 2.7 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012);*
- *Objective SO12 of the Mayo County Development Plan 2022-2028; and*
- *provisions of the Climate Action and Low Carbon (Amendment) Act 2021 and the Climate Action Plan 2023 and the goals of the National Sustainable Mobility Policy (2022), and Town Centre First, A Policy Approach for Irish Towns (2022);*

*the planning authority is required:*

- to provide a robust evidence based justification for the extent, location and infrastructural capacity of enterprise/employment zoned land in the town having regard to the guidance and methodology set out Development Plans, Guidelines for Planning Authorities (2022). The assessment should identify the quantum and rate of take up of existing employment lands; distinguish between the different typologies of commercial /industrial land-uses that will generate different employment; should include relevant servicing information; and should consider the potential of the town centre and identified opportunity sites to contribute to future employment land needs. Where necessary, the planning authority should reconsider and appropriately prioritise and/ or reduce the provision of such land to align with the evidence-based assessment, particularly that located to the south west of the town, to the west of the N84; and*
- having regard to their peripheral and poorly serviced location; their risk of flooding; the need to prioritise lands that are sequentially preferable; and will be served by the public transport and active travel networks necessary to facilitate sustainable travel over the lifetime of the Plan, the*

*planning authority is required to omit the Employment and Enterprise land use zoning located to the south of Lough Saleen and to the immediate east of the rail line.*

The Office's submission on the draft Local Area Plan noted concerns regarding the lack of any clear evidence to underpin the extensive areas of land zoned Enterprise and Employment in the Local Area Plan (approximately 233 ha) including large amounts of undeveloped land. No analysis was undertaken by the planning authority to justify the quantum, location or servicing capacity of the lands. Nor was there evidence that the LTP informed the zoning of these lands.

The Office had particular concerns regarding the extensive parcel of land zoned Enterprise and Employment located to the immediate south of Saleen Lough to the east of the rail line. This land parcel is severed from connectivity by the rail line and is not contiguous with the built up area. Given the peripheral location of these lands, it was envisaged that extensive road infrastructure would be required to service them. However, the draft LTP did not indicate any planned upgrade to cycle or pedestrian facilities that would serve these lands nor are they served by public transport. It was also highlighted that part of the lands is located within a flood zone and the Office was not satisfied that all the criteria of the plan making Justification Test regarding these lands were met in the SFRA (see also Recommendation 5 below).

Concerns were also raised regarding the large parcel of land that flanks either side of the N84 and it was noted that these lands, likely to be accessed and serviced off the future N5 national road, have the capacity to accommodate a significant intensity of employment with the potential to undermine the carrying capacity of this strategic road infrastructure.

The CE's Report (draft stage) noted that Castlebar is designated as a Key Town in the RSES and has the role of a regionally strategic employment centre of significant scale that can act as a regional driver to support and complement the higher-order urban areas within the RSES settlement hierarchy. It stated that the existing Enterprise and Employment lands in Castlebar are at full capacity, and that it is of critical importance for the economic growth of Castlebar to have sufficient strategic

employment sites available in the plan area to attract and retain business/jobs and deliver a more balanced, compact regional development.

It further detailed that an infrastructural capacity audit was carried out and that the lands located to the south-west of the town and west of N84 are adjoining an established logistics enterprise (KOG Logistics) and are in close proximity to the recently opened N5 dual carriageway to Westport. This will allow for creation/further expansion of existing enterprises at this location which will further help promote and enhance the sustainable development of the Castlebar-Westport Growth Cluster. Development proposals at this location will be accessed to ensure compliance with Policy MTP 23 of Volume I and section 7.2 (Access onto National Roads) of Volume II of the County Development Plan.

With regard to the site located to the south of Lough Saleen, it stated that the draft LTP will be amended to ensure sustainable transport alternatives are available to access these lands including upgraded cycling and pedestrian facilities extended along the N84, with a proposed permeability link into the Enterprise and Employment lands. Further, the Zoning Map and SFRA will be amended to remove any Enterprise and Employment lands from Flood Zone A and B. In addition, the report notes that following consultation with Irish Rail, the subject lands are under consideration as a Strategic Rail Freight Hub owing to the lands location adjacent the railway line and National road network.

It is noted however, that the Chief Executive's recommendations regarding the amendments to the LTP and amendment of the land use zoning map to zone the portion of the lands within Flood Zone A and B to open space were not accepted by the elected members. No or no adequate planning reason has been provided as to why the elected members rejected the Chief Executive's recommendation.

Some clarity has been provided in the adopted Local Authority Plan regarding the extent of employment lands, and Appendix 2 includes an Enterprise and Employment Settlement Capacity Assessment which provides information regarding the extent of developed and undeveloped employment land and their servicing capacity. This establishes that there is c. 140 ha of undeveloped unzoned Enterprise and Employment land in the town.

The Office still has considerable reservations regarding the approach to economic development and zoning taken in the Local Authority Plan and the lack of an appropriate strategic assessment in accordance with section 6.2.5 of the Development Plans Guidelines. However, the Office acknowledges the comments of the Chief Executive that Castlebar is designated as a Key Town in the RSES and has the potential to play a regionally strategic role and act as a regional driver. In this regard, on balance, there is a case for a certain quantum of employment zoned land. The Office accepts the rationale for the additional zoning of land to the east and west of the N84 to the south of the town – sites referred to as EE2 (south of KOG Logistics (N84)), EE3 (north of KOG Logistics (N84)) and EE4 (N84/Milebush) in the adopted Local Area Plan. These zonings can be served by active travel with measures identified in the LTP, and are contiguous to the built up area. In this regard, the Office considers that a recommendation to the Minister to issue a draft Direction in respect of these particular sites is not warranted.

With regard to the other extensive land parcel zoned Enterprise and Employment to the south of Lough Saleen and referred to as site EE1 Cloonagh in the adopted Local Area Plan, the Office notes the comments by the Chief Executive that these lands are under consideration as a Strategic Rail Hub. The Office accepts the general rationale for an employment zoning objective to support this use, but notes that no specific objective applies to these lands to facilitate this specific use. In this regard, the subject lands could be developed for a variety of employment uses. Nor is there a policy basis for this particular land use and the *Iarnród Éireann Rail Freight 2040 Strategy* does not identify Castlebar as a location for a rail freight terminal, interchange or hub. It would appear that intention to develop the subject lands for this use is aspirational and not grounded by an appropriate policy context.

It is noted that although the LTP provides for some active travel improvements along the N84, these do not extend to the subject lands. In this regard, it is considered that the peripheral location of these lands would encourage primarily car based development that will not support the modal shift to active modes contrary to RPO 6.30 and 6.31.

The zoning objective would therefore be inconsistent with the objectives of the County Development Plan and, in particular, Objective SO12 Integrated Land Use

and Transportation Planning which seeks to: integrate land use planning and sustainable transportation planning; promote the consolidation of development; encourage sustainable travel patterns by reducing the need to travel, particularly by private transport, while prioritising walking, cycling and public transport.

It is also noted that both National Transport Authority (NTA) and Transport Infrastructure Ireland (TII) raised specific concerns regarding these lands.

The TII submission states:

*TII observes the subject Enterprise and Employment lands are remote from residential catchment areas, appear difficult to serve by proposed active travel measures, or at the least, have not been addressed in the LTP, and given proximity to the national road junction may lend themselves to continued car dominated transport and as such would be expected to be addressed in the LTP as well as the LAP.*

*In addition, matters that are required to be addressed relating to development proposals at national road junctions as set out in Section 2.7 of the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012) do not appear to be addressed.*

*TII Land Use Planning has not been consulted on the preparation of an evidence base in accordance with Section 2.7 of the DoELG Guidelines nor is aware of such an evidence base being developed by the Council. Accordingly, the zoning of the lands in question do not appear consistent with the requirements of the Ministerial Guidelines and do not appear to support the NWRA RSES key priority for Castlebar to utilise and expand upon the capacity that exists within commercial/industrial estates in Castlebar nor Section 4.7.2 of the Draft LTP which indicates that future development will fundamentally build on the strength of established development areas and hence demand patterns.*

*Related to the above, it does not appear that the Draft LTP has considered the zoning of these peripheral lands which are remote from the town centre and large residential areas to the north and west of the town and in proximity to a national road junction. Given these circumstances it could be expected that these zonings will continue to support car dominated transport and be difficult*

*to support with active travel/public transport measures and, therefore, may not facilitate compact growth especially in the absence of an evidence base.*

The NTA's submission states:

*The NTA notes that under the Draft LAP, there is land in the southern portion of the town (adjacent to the N84 and the Castlebar to Westport railway line) that has the 'Enterprise and Employment' zoning objective. Under this zoning objective, the development of certain employment intensive uses are either permitted in principle or open for consideration. In this regard, the NTA would consider that land zoned under this objective must be served by sustainable transport infrastructure to ensure trips to developments at these sites are not solely car based. Such an approach is consistent with key policies of the Mayo CDP, including EDO 14, MTP 1 and MTP 2.*

*In line with the policy direction of the Mayo Development Plan, the NTA would consider that given the location of the subject 'Enterprise and Employment' zoned lands, the Local Authority must also account for the policies outlined in Section 2.7 of the 'Spatial Planning and National Roads Guidelines for Planning Authorities', as prepared by the Department of Housing, Local Government and Heritage (2012), which requires Local Authorities to address development proposals at national road junctions.*

*As presented, the NTA do not consider that the above mentioned policies of the Mayo CDP, and Government Guidance have been adequately addressed in the Draft LAP both in terms of the policy objectives that have been set and the zoning objectives in relation to the designated 'Enterprise and Employment' lands to the south of the town.*

*Equally, the Draft LTP does not appear to address the transport requirements of the aforementioned lands in the southern portion of the town. There are a lack of proposals under the Draft LTP for public or active travel infrastructure serving this area of the town. In this regard, it is considered that development permitted at these locations under this zoning could become primarily car based and could hinder the fulfilment of wider objectives of the Draft LAP and LTP, as well as the Mayo CDP and national planning, transport and*



*environmental policy which seeks to reduce dependency on private vehicles for travel.”*

Section 2.7 of the Spatial Planning and National Road Guidelines for Planning Authorities state that planning authorities must exercise particular care in their assessment of local area plan proposals relating to zoning at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road and that they

*must make sure that such development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users.*

In the absence of any appropriate evidence base to support the zoning of these lands and having regard to deficiencies in public transport access and lack of accessibility in terms of walking and cycling distances to residential areas, the Office considers that the extent of this large employment zoning of over 48 ha has the potential to generate significant additional traffic movements with a consequent potential adverse impacts on the national road network contrary to RPO 6.5 to maintain the strategic capacity of the national road network, and section 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (Spatial Planning Guidelines).

Furthermore, Objective SO12 also promotes the consolidation of development, which reflects the *Development Plans Guidelines* that the

*sequential approach to land-use zoning will also apply, with lands contiguous to existing development within a settlement being prioritised for high-intensity employment zoning ahead of lands located further on the periphery of the settlement.*

Given the peripheral location of the lands and limited opportunities for integration and direct linkages into the town centre the Office considers that the subject zoning is not consistent with this objective.

In this respect, no or no adequate reasons have been provided to explain why the planning authority has not implemented the objectives of the County Development Plan including Objective SO12 regarding the integration of land use planning and sustainable transportation planning, RPO 6.30 and RPO 6.31 to promote active travel and RPO 6.5 to maintain the strategy capacity of the national road network, and why the planning authority has failed to have regard to the section 28 Spatial Planning Guidelines.

## **1.6 Recommendation 5 – Flood Risk Management**

Recommendation 5 of the Office's submission to the draft Local Area Plan required the planning authority to review of the Justification Tests included in the SFRA to ensure that all sites fully comply with the criteria set out in box 4.1 of the Flood Guidelines. Where lands at risk of flooding have not passed the Justification Test carried out in accordance with the Flood Guidelines, the zoning objective should not facilitate highly vulnerable (Flood Zone A and B) or vulnerable (Flood Zone A) development. It stated:

*Having regard to:*

- *RPO 3.10, RPO 3.11 and NPO 57 flood risk management; and*
- *the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) as amended by Circular PL 2/2014,*

*the planning authority is required to:*

- carry out a revised strategic flood risk assessment for the draft LAP, having regard to the detailed provisions of the Flood Guidelines, including a Stage 3 detailed Flood Risk Assessment based on appropriate level of detail and up to date flood risk modelling at an appropriate scale; and taking into account future climate change scenarios that align fully with the Mid-Range Future Scenario set out by the OPW or with the High-End Future Scenario.*
- review the methodology and approach to the Justification Tests included in the SFRA to ensure that all sites fully comply with the criteria set out in*

*box 4.1 of the aforementioned guidelines. In particular, the Justification Tests should:*

- a. only apply to land use zonings within or adjoining the urban centre and not peripheral areas. Zonings should only be assessed against the criteria of the Plan Making Justification Test when avoidance and substitution have not been possible.*
  - b. for Opportunity Site 1 - the Hat Factory site (A.4.1): specify the structural or non-structural measures required as prerequisites to development and provide information on the residual risks that would remain and how they might be managed in the Plan-making Justification Test. The flood risk assessment must demonstrate that flood risk can be adequately managed and the use or development of the lands will not cause unacceptable impacts elsewhere.*
  - c. For Opportunity site 3 – Lannagh Road (A.4.1): provide clarification that less vulnerable development is not appropriate in Flood Zone A.*
  - d. For site A.9.3 Education – clarify that only water compatible development should be placed in Flood Zone A and B.*
  - e. Notwithstanding Recommendation 4, should the Northern Orbital Route be included in the plan, a full plan making Justification Test should be carried out.*
- (iii) Overlay the extent of Flood Zones A and B on the land use zoning maps in the draft Plan to provide for greater transparency and to inform zoning decisions.*
- (iv) Ensure consistency between the final land use zoning maps and the Justification Tests and mapping in the SFRA.*

*Consequent to (i) and (ii) above, where lands at risk of flooding have not passed the Justification Test, the zoning objective should not facilitate highly vulnerable (Flood Zone A and B) or vulnerable (Flood Zone A) development.*

*The planning authority should consult with the OPW regarding this recommendation.*

A significant portion of the lands zoned for Employment and Enterprise located to the south of Lough Saleen and to the immediate east of the rail line under

Recommendation 3 of the Office's submission to the draft Local Area Plan are located within flood zone A and B. It is noted that the Chief Executive's recommendation to zone the affected lands as open space was not accepted by the elected members. No or no adequate planning reason has been provided as to why the elected members rejected the Chief Executive's recommendation.

The Office notes that a Justification Test has been carried out and was stated as passed. However, the Office is not satisfied that all the criteria of the plan making Justification Test set out in box 4.1 of the Flood Guidelines have been met.

NPO 57 and RPO 3.10 and 3.11 seek to ensure that flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with Flood Guidelines and to adopt a sequential approach to flood risk management. Policy INP14 of the County Development Plan (above) is consistent with this approach.

The sequential approach set out in the Flood Guidelines provides that where a planning authority is considering the future development of areas at a high or moderate risk of flooding, it 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. The Office does not accept the conclusions of the Justification Test and in particular, that there are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.

Consequently, in making the Local Area Plan with this material alteration the planning authority failed to have regard to the Flood Guidelines and/or has misinterpreted the said Guidelines and is inconsistent with Policy INP 14 of the County Development Plan and RPO 3.10.

In this respect, no or no adequate reasons have been provided to explain why the planning authority has not implemented the policy of the County Development Plan or the RSES.

## **2. Opinion of the Office and Reasons**

Having considered the Local Area Plan as adopted, the Office is of the opinion, under section 31AO(6) of the Act, that the said Local Area Plan has not been made in a manner consistent with the recommendations of the Office.

Further, the Office does not accept that the reason given for not implementing the Office's recommendations in the notice letter received by the Office on the 12th December 2023 adequately justifies the failure to implement those recommendations or explain how, notwithstanding that failure, the Local Area Plan as made is consistent with the objectives of the County Development Plan.

As you will be aware, under section 31AO(1) of the Act, the Office has a statutory duty to evaluate and assess planning authority local area plans.

The following provisions of the Act are relevant in terms of the evaluation and assessment of local authority plans such as this Local Area Plan:

- the provisions of section 31AO(2) in respect of ensuring that, where appropriate, the Office addresses the legislative and policy matters set out thereunder;
- under section 31AO(3)(a), in making observations or submissions in respect of any local area plan evaluation or assessment, the Office shall make, to the relevant planning authority, such recommendations in relation to the Office's evaluation and assessments as it considers necessary to ensure effective co-ordination of national, regional and local planning requirements by the relevant planning authority in the discharge of its development planning functions;
- under section 31AO(6), the Office shall consider whether or not the local area plan as made, amended or revoked by the planning authority is, in the opinion of the Office, consistent with any recommendations made by the Office;
- in performing its functions, the Office must, under section 31P(3) of the Act, take account of the objective for contributing to proper planning and sustainable development and the optimal functioning of planning under the Act; and
- under section 31S, the Office must, in performing its functions, have regard to:

- a) the policies and objectives for the time being of the Government, a State authority (including Ministerial guidelines, policy directives and directions issued under *Chapter IV of Part II*), planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns, villages or other areas, whether urban or rural;
- b) the public interest and any effect the performance of the Office's functions may have on issues of strategic, economic or social importance to the State;
- c) the National Planning Framework (or, where appropriate, the National Spatial Strategy) and any regional spatial and economic strategy for the time being in force; and
- d) the requirements of relevant acts of the European Union, in particular, those relating to —
  - (i) the Environmental Impact Assessment Directive,
  - (ii) Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment,
  - (iii) the Habitats Directive, and
  - (iv) the Birds Directives,

in so far as those requirements relate to planning authorities by virtue of being designated competent authorities for the purposes of those acts.

Accordingly, having considered the Local Area Plan in light of section 31AO(1), section 31AO(2)(a)-(e), section 31AO(3)(a), section 31P(3) and section 31S, and the notice from the planning authority received on the 12th December 2023 issued under section 31AO(5), the Office is of the opinion that the Local Area Plan has not been made in a manner consistent with the recommendations of the Office under section 31AO (3). In particular,

- the Local Area Plan as adopted fails to include an accurate core strategy table and in particular, does not set out a table which estimates the quantum of

housing that will be delivered on lands zoned Existing Residential, the quantum to be delivered on mixed use town centre and opportunity sites and the quantum to be delivered on lands zoned New Residential. This is contrary to RPO 3.1 and 3.2 for compact growth and the broader strategic objective of the County Development Plan (SSO3) to promote town centre regeneration which aligns with the Government's Town Centre First strategy;

- the Local Area Plan includes material alterations to the draft Local Area Plan, which zone additional residential land in excess of what is required for the town having regard to the growth targets for Castlebar under the core strategy of the County Development Plan. These material alterations are inconsistent with Objective CSO1 to secure the implementation of the population and housing growth set out in the core strategy and settlement strategy, and Objective CSO3 to adopt a Local Area Plan for Castlebar that aligns with the NPF, RSES and core strategy.

These material alterations are located in peripheral and non-sequential locations, predominantly outside the CSO boundary, and would encourage a pattern of development in particular locations which is inconsistent with the objectives of the County Development Plan to implement a sequential approach to development and promote compact growth (Objective SSO3 and Objective SSO6), and RPO 3.1 and RPO 3.2 of the RSES for compact growth. For the avoidance of doubt, the Office is satisfied that Objectives SSO3 and SSO6 have regard to the policy and objective for a sequential approach to development in the Development Plans Guidelines issued under section 28 of the Act;

- the absence of a detailed core strategy table and extensive zoning of land in peripheral locations predominantly outside boundary represents a piecemeal and adhoc approach that individually and cumulatively represent a clear failure to set out a strategy for growth consistent with the objectives of the County Development Plan for compact and sustainable growth and the regeneration of the town centre under Objective SSO3 and Objective SSO6;
- the Local Area Plan also includes a material alteration (MA 21) to the draft Local Area Plan which zones land for vulnerable uses within flood zone A and

B which lands have not passed the plan making Justification Test. This material alteration is inconsistent with RPO 3.10 and 3.11, and with the County Development Plan, in particular Policy INP 14 by failing to have adequate regard to and/or misinterpreting the Flood Guidelines in the preparation of the Local Area Plan; and

- the Local Area Plan as adopted also includes an extensive area of land zoned for Enterprise and Employment at Cloonagh which zoning objective can accommodate a range of high intensity employment uses. This zoning has no clear evidence basis, and the peripheral location of these lands would encourage primarily car based development that will not support the modal shift to active modes inconsistent with RPO 6.30 and 6.31. The zoning objective would, therefore, be inconsistent with Objective SO12 of the County Development Plan to integrate land use planning and sustainable transportation planning, promote the consolidation of development, encourage sustainable travel patterns by reducing the need to travel particularly by private transport, while prioritising walking, cycling and public transport.

This zoning objective, by reason of its extent and the nature of uses permitted under the zoning also has the potential to generate significant additional traffic movements with consequent potential adverse impacts on the national road network, inconsistent with RPO 6.5 to maintain the strategic capacity of the national road network, and Section 2.7 (development at national road interchanges or junctions) of the *Spatial Planning National Road Guidelines* (2012) to which regard must be had.

Further, this zoning objective would be inconsistent with RPO 3.10, RPO 3.11 and with Policy INP 14 of the County Development Plan having regard to the fact that part of the lands are located within flood zones A and B; and that it is considered that the criteria of the Justification Test have not been adequately addressed in accordance with the Flood Guidelines.

Moreover, having considered the reasons given by the elected members as set out above, the Office remains of the view that provisions of the Local Area Plan as made are inconsistent with the County Development Plan, specifically objectives CSO 1,



CSO 3, SSO3, SSO6, SO12 in addition to policy INP 14; and with RPO 3.1, 3.2, 3.10, 3.11, 6.5, 6.30 and 6.31 of the RSES.

No or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why the planning authority has failed to implement the objectives of the County Development Plan and the RSES.

In making the Local Area Plan with the subject zoning objectives and alterations, the planning authority has made the plan inconsistent with the requirements of section 19(2) of the Act which requires local area plans be consistent with the objectives of the county development plan, its core strategy and any regional spatial and economic strategy that applies to the area of the plan.

The factors that the Office has taken into account in forming this opinion are as follows:

- (i) The objectives and policies of the County Development Plan, CSO1, CSO3, SSO3, SSO6 and, SO12, and INP14 which state:

**Objective CSO1**

*To secure the implementation of the population and housing growth household allocation set out in the Core Strategy and Settlement Strategy, in so far as practicable, by facilitating rural housing, while allowing for the accommodation of further residential growth in our designated settlements, subject to the availability of infrastructure and services.*

**Objective CSO3**

*To adopt Local Area Plans for Ballina, Castlebar and Westport that align with the NPF, RSES and this Core Strategy. During the transition period between adoption of this County Development Plan and the adoption of the Local Area Plans for Ballina, Castlebar and Westport, the objectives (including zoning objectives), policies and standards in this County Development Plan shall apply to these towns.*

### **Objective SS03**

*To require sustainable, compact, sequential growth and urban regeneration in Ballina, Castlebar and Westport by consolidating the built-up footprints of these towns through a focus on regeneration and development of town centre infill and brownfield sites, and encouraging regeneration of underutilised, vacant and derelict lands for residential development and mixed use to facilitate population growth.*

### **Objective SS06**

*To strengthen the core of settlements and encourage the compact growth of settlements by way of the development of infill sites, brownfield lands, underutilised land / buildings, vacant sites, and derelict sites within the existing built-up footprint of the settlements and develop outwards from the centre in a sequential manner.*

### **Policy INP14**

*To have regard to the Guidelines for Planning Authorities on the Planning System and Flood Risk Management (DoEHLG/OPW 2009) and Circular PL2/2014 (or as updated), in the preparation of plans and strategies related to development and in the assessment of projects.*

### **Objective SO12**

*Integrate land use planning and sustainable transportation planning, promote the consolidation of development, encourage sustainable travel patterns by reducing the need to travel particularly by private transport, while prioritising walking, cycling and public transport;*

- (ii) Regional Policy Objectives RPO 3.1, RPO 3.2, RPO 3.10, RPO 3.11, RPO 6.5, RPO 6.30, RPO 6.31 which state:

#### **RPO 3.1**

*Develop urban places of regional-scale through:*

- Delivering on the population targets for the Metropolitan and Regional Growth Centres through compact growth;*

- *Delivering significant compact growth in Key Towns; and*
- *Developing derelict and underutilised sites, with an initial focus within town cores.*

### **RPO 3.2**

*(a) Deliver at least 50% of all new city homes targeted in the Galway MASP, within the existing built-up footprint of Galway City and suburbs.*

*(b) Deliver at least 40% of all new housing targeted in the Regional Growth Centres, within the existing built-up footprint.*

*(c) Deliver at least 30% of all new homes that are targeted in settlements with a population of at least 1,500 (other than the Galway MASP and the Regional Growth Centres), within the existing built-up footprints.*

### **RPO 3.10**

*Ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding and integrate sustainable water management solutions (such as SUDS, non-porous surfacing and green roofs) to create safe places. Development plans should assess flood risk by implementing the recommendations of the Planning System and Flood Risk Assessment Guidelines for Planning Authorities (2009) and Circular PL02/2014 (August 2014).*

### **RPO 3.11**

*Local Authorities, DHPLG, OPW, and other relevant Departments and agencies to work together to implement the recommendation of the CFRAM programme to ensure that flood risk management policies and infrastructure are progressively implemented.*

### **RPO 6.5**

*The capacity and safety of the region's land transport networks will be managed and enhanced to ensure their optimal use, thus giving effect to National Strategic Outcome No.2 and maintaining the strategic capacity and*

*safety of the national roads network including planning for future capacity enhancements.*

#### **RPO 6.30**

*Planning at the local level should promote walking, cycling and public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centres, public transport services and other services at the local level such as schools.*

#### **RPO 6.31**

*New development areas should be permeable for walking and cycling and the retrospective implementation of walking and cycling facilities should be undertaken where practicable in existing neighbourhoods, to give a competitive advantage to these modes. Prioritisation should be given to schools and areas of high employment density;*

- (iii) Development Plans Guidelines, which state:

#### **Section 6.2.3 - Sequential Approach to Zoning for Residential Development**

*In undertaking the zoning function for new residential development at individual settlement scale, planning authorities are required to adopt a sequential approach which reflects the compact growth, utilisation of existing infrastructure and town regeneration national policy objectives of the NPF, further developing the Tiered Approach.*

*It is a policy and objective of these Guidelines that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.*

- (iv) Flood Guidelines which state:

*Require the planning system at national, regional and local levels to:*

*Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere;*

*Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk;*

- (vii) *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* which state:

**Section 2.7**

*planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road. They must make sure that such development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users;*

- (xi) The CE's Reports on the draft Plan and the material alteration stages and the section 31AO(5) Notice;
- (xii) Matters generally within the scope of section 19 of the Act; and
- (xiii) The Office's statutory obligations under the Act.

In light of the above, the Office is, therefore, of the opinion that the Local Area Plan has not been made in a manner consistent with its recommendations as set out in the submissions of 11th April 2023 and 20th September 2023, and that the decision of the Council results in the making of a Local Area Plan in a manner that is inconsistent with the County Development Plan of the area concerned, and as a

consequence the use by the Minister of his or her functions to issue a direction under section 31 would be merited.

### **3. Recommendation to the Minister**

Having regard to section 31AO(7) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act taking such steps as to rectify the matter in a manner that, in the opinion of the Office, will ensure that the local area plan sets out an overall strategy for proper planning and sustainable development as set out in the draft direction to the planning authority accompanying this notice, i.e.:

- (i) provide a clear core strategy table which sets out the area and quantum of housing to be delivered on lands zoned Town Centre, Existing Residential and New Residential. Appropriate densities should be applied to demonstrate anticipated yield;
- (ii) reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report on the material alterations, and delete the following material alterations from the adopted Local Area Plan:
  - Material Alterations 10, 12, 14 and 21 – i.e. the subject lands revert to Agriculture from New Residential as per the draft Local Area Plan;
  - Material Alterations 13 and 17 - i.e. the subject lands revert to Enterprise and Employment and Agriculture from New Residential as per the draft Local Area Plan; and
  - Material Alterations 15 and 18 - i.e. the subject lands revert to Enterprise and Employment from New Residential as per the draft Local Area Plan;
- (iii) delete the following zoning objective from the adopted Local Area Plan, i.e. the subject lands are unzoned:
  - Land zoned Enterprise and Employment in the adopted Local Area Plan at Coonagh (Site EE1) located to the south of Lough Saleen and to the immediate east of the rail line.

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,



---

**Niall Cussen**

Planning Regulator

**DRAFT DIRECTION IN THE MATTER OF SECTION 31  
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**Castlebar Town and Environs Local Area Plan 2023-2029**

“Local Area Plan” means the Castlebar Town and Environs Local Area Plan 2023-2029.

“Planning Authority” means Mayo County Council.

The Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (No.30 of 2000) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2023 (S.I. No. 116 of 2023), and consequent to a recommendation made to him by the Office of the Planning Regulator, hereby directs as follows:

This Direction may be cited as the Planning and Development (Castlebar Town and Environs Local Area Plan 2023-2029) Direction 2023.

The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:

- (i) provide a clear core strategy table which sets out the area and quantum of housing to be delivered on lands zoned Town Centre, Existing Residential and New Residential. Appropriate densities should be applied to demonstrate anticipated yield;
- (ii) reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report on the material alterations, and delete the following material alterations from the adopted Local Area Plan:
  - Material Alterations 10, 12, 14 and 21 – i.e. the subject lands revert to Agriculture from New Residential as per the draft Local Area Plan;
  - Material Alterations 13 and 17 - i.e. the subject lands revert to Enterprise and Employment and Agriculture from New Residential as per the draft Local Area Plan; and



- Material Alterations 15 and 18 - i.e. the subject lands revert to Enterprise and Employment from New Residential as per the draft Local Area Plan;
- (iii) delete the following zoning objective from the adopted Local Area Plan, i.e. the subject lands are unzoned:
- Land zoned Enterprise and Employment in the adopted Local Area Plan at Coonagh (Site EE1) located to the south of Lough Saleen and to the immediate east of the rail line.

## STATEMENT OF REASONS

- I. The Local Area Plan as adopted fails to include an accurate core strategy table and in particular, does not set out a table which estimates the quantum of housing that will be delivered on lands zoned Existing Residential, the quantum to be delivered on mixed use town centre and opportunity sites and the quantum to be delivered on lands zoned New Residential. This is contrary to RPO 3.1 and 3.2 for compact growth and the broader strategic objective of the County Development Plan (SSO3) to promote town centre regeneration which aligns with the Government's *Town Centre First: A Policy Approach for Irish Towns* (2022) strategy.
- II. The Local Area Plan as adopted includes material alterations to the draft Local Area Plan, which zone additional residential land in excess of what is required for the town having regard to the growth targets for Castlebar under the core strategy of the Mayo County Development Plan 2022-2028 (the 'County Development Plan'. These material alterations are inconsistent with Objective CSO1 to secure the implementation of the population and housing growth set out in the core strategy and settlement strategy, and Objective CSO3 to adopt a Local Area Plan for Castlebar that aligns with the National Planning Framework, Regional Spatial and Economic Strategy, and the core strategy of the County Development Plan.

These material alterations are located in peripheral and non-sequential locations, predominantly outside the CSO boundary, and would encourage a pattern of development in particular locations which is inconsistent with the objectives of the County Development Plan to implement a sequential approach to

development and promote compact growth (Objective SSO3 and Objective SSO6), and RPO 3.1 and RPO 3.2 of the RSES for compact growth, and has failed to have regard and/or has misinterpreted the policy and objective of the *Development Plans, Guidelines for Planning Authorities* (2022) for a sequential approach when zoning land for residential development.

- III. The absence of a detailed core strategy table and extensive zoning of land in peripheral locations predominantly outside boundary represents a piecemeal and adhoc approach that individually and cumulatively represent a clear failure to set out a strategy for growth consistent with the objectives of the County Development Plan for compact and sequential growth and the regeneration of the town centre under Objective SSO3 and Objective SSO6.
- IV. The Local Area Plan as adopted also includes a material alteration (MA 21) to the draft Local Area Plan which zones land at Ballynaboll for vulnerable uses within flood zone A and B which lands have not passed the plan making Justification Test. This material alteration is inconsistent with RPO 3.10 and 3.11, and with the County Development Plan, in particular Policy INP 14 by failing to have adequate regard to and/or misinterpreting the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines) in the preparation of the Local Area Plan.
- V. The Local Area Plan as adopted also includes an extensive area of land zoned for Enterprise and Employment at Cloonagh which zoning objective can accommodate a range of high intensity employment uses. This zoning has no clear evidence basis, and the peripheral location of these lands would encourage primarily car based development that will not support the modal shift to active modes inconsistent with RPO 6.30 and 6.31. The zoning objective would, therefore, be inconsistent with Objective SO12 of the County Development Plan to integrate land use planning and sustainable transportation planning, promote the consolidation of development, encourage sustainable travel patterns by reducing the need to travel particularly by private transport, while prioritising walking, cycling and public transport.

This zoning objective, by reason of its extent and the nature of uses permitted under the zoning also has the potential to generate significant additional traffic

movements with consequent potential adverse impacts on the national road network, inconsistent with RPO 6.5 to maintain the strategy capacity of the national road network, and section 2.7 (development at national road interchanges or junctions) of the *Spatial Planning National Road Guidelines* (2012) to which regard must be had.

Further, this zoning objective would be inconsistent with RPO 3.10, RPO 3.11 and with Policy INP 14 of the County Development Plan having regard to the fact that part of the lands are located within flood zones A and B; and that it is considered that the criteria of the Justification Test have not been adequately addressed in accordance with the Flood Guidelines.

- VI. The Local Area 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 AO of the Act.
- VII. In light of the matters set out at I-V above, the Minister is of the opinion that the Local Area Plan as made is inconsistent with the objectives of the Development Plan of the area, which is a requirement of the Act.
- VIII. In light of the matters set out at I to V and VI, above, the Local Area Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister for Housing, Local Government and Heritage

day of Month, year.



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

## **Appendix 1: Mapping of Sites Identified in Draft Direction**

## Aerial view of 9 sites in context



Sites presented in order of draft direction:

Part (ii) - MA10, MA12, MA14 & MA21

MA13 & MA17

MA15 & MA18

Part (iii) Site EE1



**Material Amendment MA10 (part (ii) of DD)**



**Draft LAP zoning = Agriculture (outlined black)**



**Proposed material alteration zoning – New Residential (outlined red)**



**Aerial view MA10**

**Material Amendment MA12 (part (ii) of DD)**



**Draft LAP zoning = Agriculture (outlined black)**



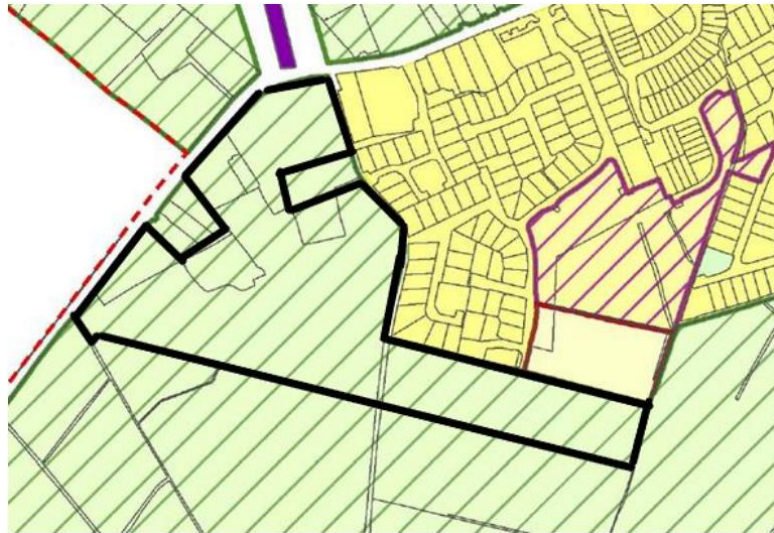
**Proposed material alteration zoning – New Residential (outlined red)**



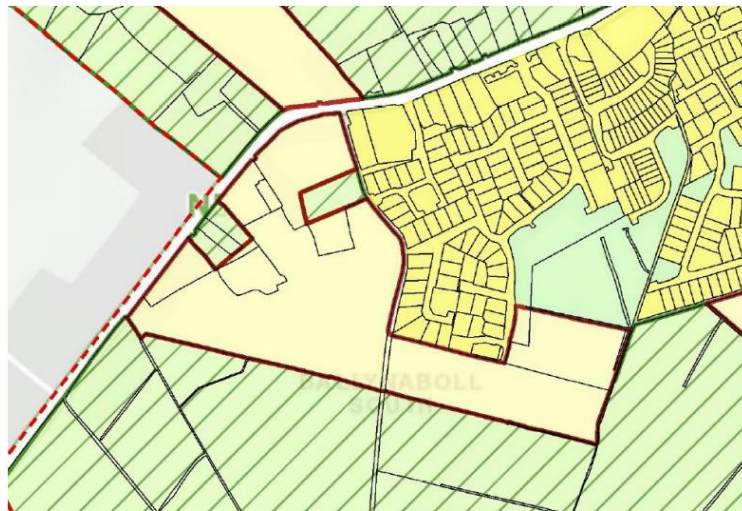
**Aerial view MA12**



**Material Amendment MA14 (part (ii) of DD)**



**Draft LAP zoning = Agriculture (outlined black)**



**Proposed material alteration zoning – New Residential (outlined red)**



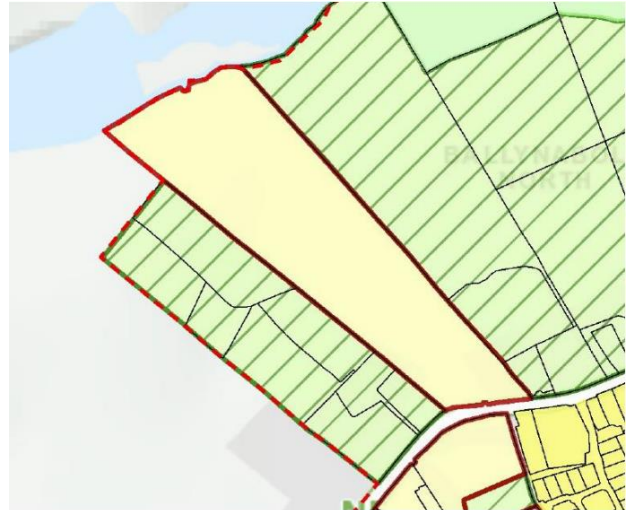
**Aerial view MA14**



**Material Amendment MA21 (part (ii) of DD)**



**Draft LAP zoning = Agriculture (outlined black)**



**Proposed material alteration zoning – New Residential (outlined red)**

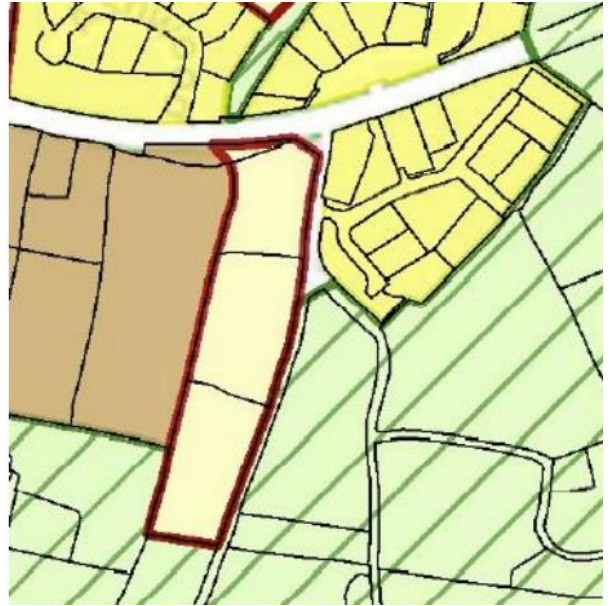


**Aerial view MA21**

**Material Amendment MA13 (part (ii) of DD)**



**Draft LAP zoning = Enterprise & Employment  
and Agriculture (outlined black)**



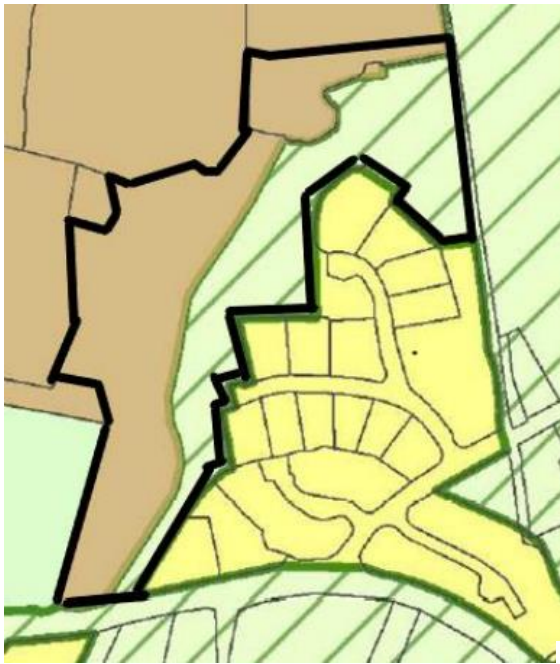
**Proposed material alteration zoning – New  
Residential (outlined red)**



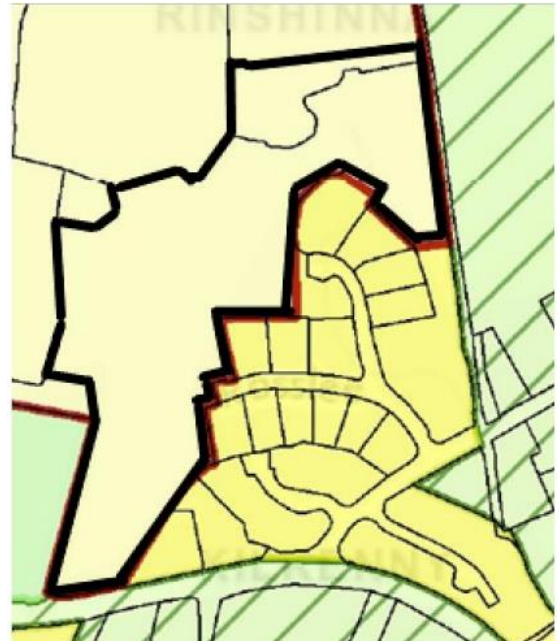
**Aerial view MA13**



**Material Amendment MA17 (part (ii) of DD)**



**Draft LAP zoning = Enterprise & Employment  
and Agriculture (outlined black)**

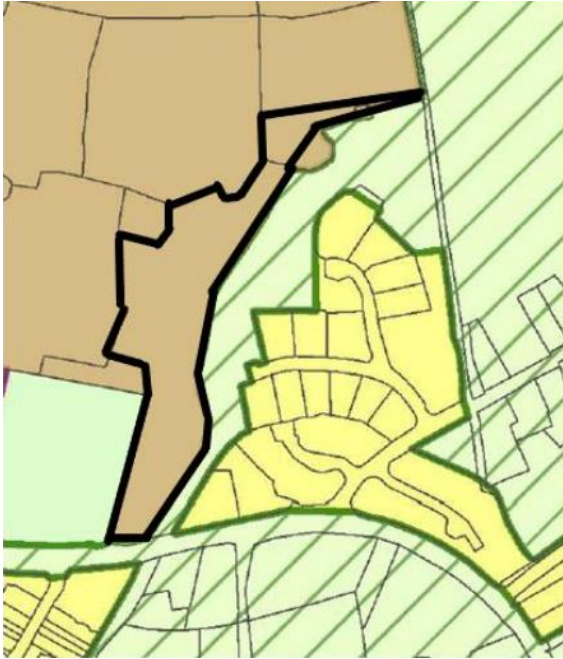


**Proposed material alteration zoning – New  
Residential (outlined red)**

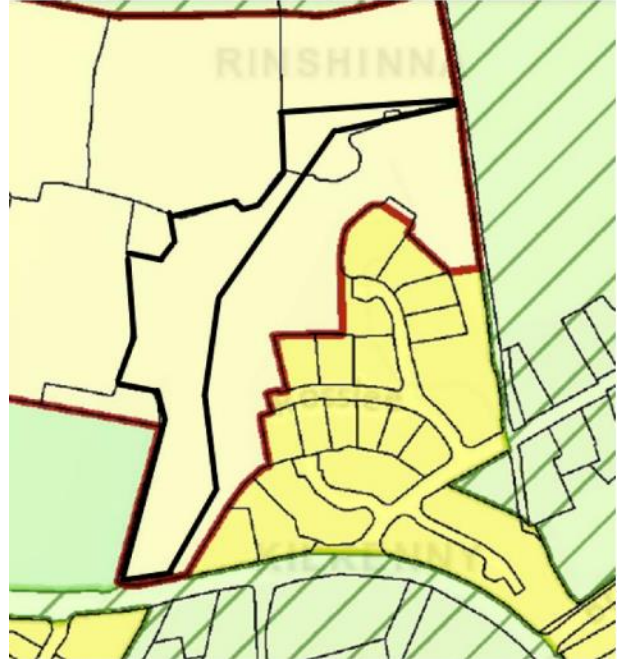


**Aerial view MA17**

**Material Amendment MA15 (part (ii) of DD)**



**Draft LAP zoning = Enterprise & Employment  
(outlined black)**



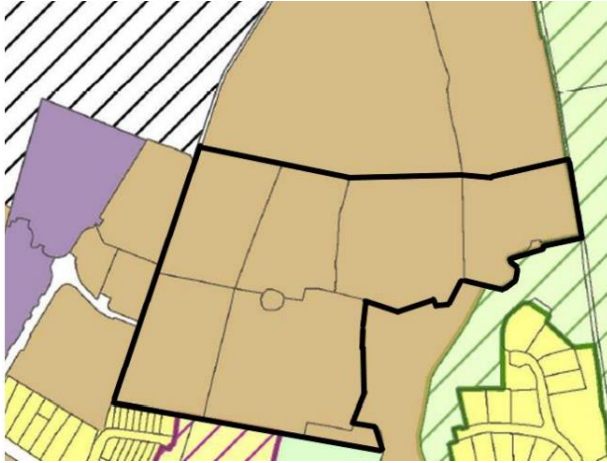
**Proposed material alteration zoning – New  
Residential**



**Aerial view MA15**



**Material Amendment MA18 (part (ii) of DD)**



**Draft LAP zoning = Enterprise & Employment  
(outlined black)**

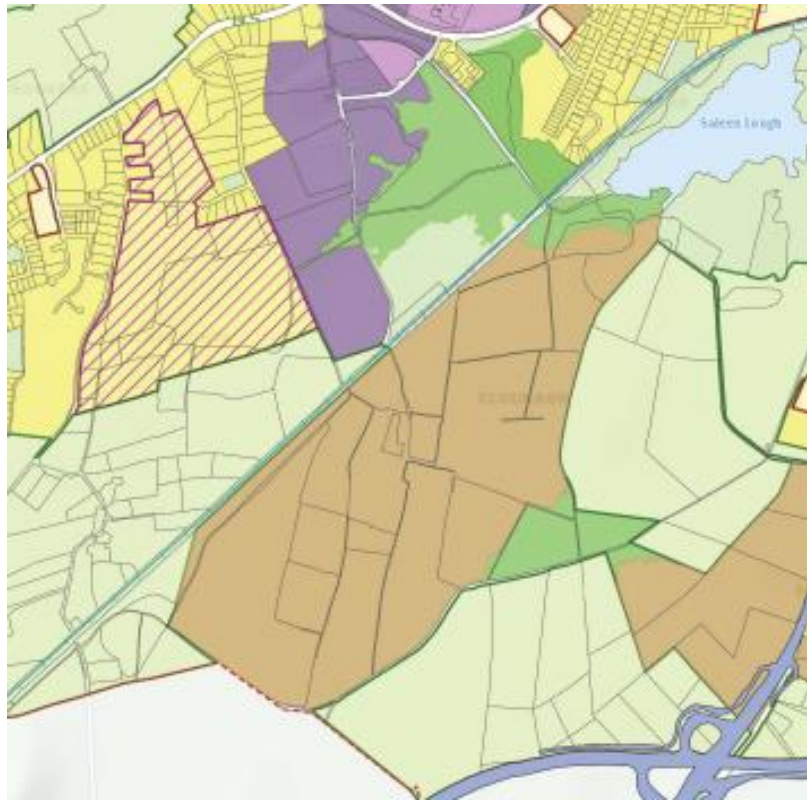


**Proposed material alteration zoning – New  
Residential**



**Aerial view MA18**

**Site EE1 draft LAP (part (iii) of DD)**



**Draft LAP Site EE1**



**Aerial view Site EE1**