



19<sup>th</sup> February 2024

For the Attention of: Mr. Liam Conneally, Chief Executive

Galway County Council  
Áras an Chontae  
Prospect Hill  
Galway  
H91 H6KX

**Section 31 of the Planning and Development Act 2000 –  
Notice of Intention to Issue a Direction to Galway County Council  
regarding the Athenry Local Area Plan 2024-2030**

Dear Liam,

Consequent to a recommendation made to me as Minister by the Office of the Planning Regulator (the Office) on 2<sup>nd</sup> February 2024 in connection with the *Athenry Local Area Plan 2024-2030* (the Local Area Plan) as adopted by the elected members of Galway County Council on 9<sup>th</sup> January 2024, and pursuant to section 31 of the Planning and Development Act 2000 (the Act), I write to give notice of my intention to issue a direction to Galway County Council to take account of certain measures specified in this notice.

**Opinion**

On consideration of the recommendation made to me by the Office, and on the basis of the information provided to me in the above-mentioned section 31AO(7) notice letter (dated 2<sup>nd</sup> February 2024), I have formed the opinion that:

- (i) Galway County Council, as planning authority, in making the Local Area Plan, has failed to implement recommendations made to it by the Office under section 31AO of the Act;
- (ii) The Local Area Plan is not consistent with national and regional policy objectives specified in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Northern and Western Region (RSES);
- (iii) The Local Area Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area;
- (iv) The Local Area Plan, as made, is not in compliance with the requirements of the Act.

A draft of the Direction accompanies this notice and I request that you publish notice of this draft Direction, no later than two weeks after its receipt. The reasons for the Direction are set out in the



Statement of Reasons incorporated in the attached draft Direction and further detail is provided in the Summary of Issues as set out below.

### **Process to Date**

The draft Athenry Local Area Plan 2023-2029 (the draft Plan) was on public display from 25<sup>th</sup> May 2023 to 7<sup>th</sup> July 2023. The Office of the Planning Regulator made a submission to the draft Plan on 7<sup>th</sup> July 2023, containing three (3) recommendations which addressed a broad range of issues.

The elected members, having considered the draft Plan and the Chief Executive's report on submissions received, decided to amend the draft Plan. The proposed material alterations were on public display from 5<sup>th</sup> October 2023 to 3<sup>rd</sup> November 2023. The Office made a submission on 3<sup>rd</sup> November 2023 containing three (3) recommendations. The Office's recommendations at the Material Alterations stage included *MA Recommendation 1 – Land Use Zoning for Residential Use*.

The elected members of Galway County Council adopted the *Athenry Local Area Plan 2024-2030* on 9<sup>th</sup> January 2024. Subsequently, the planning authority issued a notice letter to the Office advising of the making of the Local Area Plan and specifying the recommendations of the Office that were not complied with.

Having reviewed the Chief Executive's reports on the draft Plan and material alterations to the draft Plan, the notice of the making of the Local Area Plan and the reasons set out in the section 31AO(5) notice letter, the Office has concluded that, with the exception of the item below, the recommendations of the Office have been responded to and/or have been addressed to the satisfaction of the Office, or are otherwise considered satisfactory within the legislative and policy context. The outstanding matter, therefore, relates to the following:

- Land Use Zoning for Residential Use – MA Recommendation 1

### **Summary of Issues**

#### **OPR MA Recommendation 1**

MA Recommendation 1 of the Office's submission on the Material Alterations to the draft Plan sought to ensure that the provision of new homes in Athenry takes place at locations that can support compact and sustainable development. Having regard to specific cited objectives of the County Development Plan, the NPF and the RSES, as well as other relevant policy considerations, Galway County Council was recommended to make the Local Area Plan without certain material alterations that proposed to zone a very significant quantum of additional lands for residential development.

These material alterations are located in peripheral and/or non-sequential and/or unserved locations, and would encourage a pattern of development which is inconsistent with the objectives





of the Galway County Development Plan to implement a sequential approach to development, achieve compact growth and reduce carbon emissions. These material alterations were also adopted contrary to your recommendations as Chief Executive and in circumstances whereby the Local Area Plan provides more residential zoned land than is required to meet Athenry's housing target. In doing so the total quantum of residential zoned land in the Local Area Plan exceeds the requirements as set out in the core strategy of the Galway County Development Plan 2022-2028.

The Office has advised that no, or no adequate, reasons have been provided to justify the decision of the elected members with regard to the subject lands. The Office has therefore concluded that these zoning objectives are inconsistent with the planning authority's statutory obligations, as detailed in its recommendation to me, as Minister, under section 31AO(7) of the Act, and reflected in the reasons set out in the draft Direction.

### **Decision**

On review of the recommendation issued by the Office, on the basis of the information provided, with corresponding documents and analysis, I, as Minister, am of the opinion to issue a draft Direction and in that regard, I refer you to the Statement of Reasons set out in the enclosed draft Direction and the considerations below.

I, as Minister, consider that the plan as made:

- is not in compliance with the provisions of the Act including:
  - Section 19(2), which requires that the Local Area Plan shall 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.
  - Section 27(1), which states a planning authority shall ensure, when making a local area plan, that the plan is consistent with any regional spatial and economic strategy in force for its area.
  - Section 28(1), which requires planning authorities to have regard to ministerial guidelines in the performance of their functions.
- is not consistent with the objectives of the National Planning Framework and Regional Spatial and Economic Strategy for the Northern and Western Region, including NPO 33, RPO 3.1 and RPO 3.2.
- fails to have regard to Ministerial Guidelines issued under section 28 of the Act, specifically the Development Plans, Guidelines for Planning Authorities (2022).



The Local Area Plan has also not been made in a manner consistent with, and has failed to implement, the recommendations of the Office under section 31AO of the Act.

Having regard to the matters set out above both individually and cumulatively, the Local Area Plan fails to set out an overall strategy for the proper planning and sustainable development of the area and is not in compliance with the requirements of the Act.

**Measures to be taken – Draft Direction**

Accordingly, having considered the recommendation of the Office, I am issuing a draft Direction pursuant to section 31 of the Planning and Development Act 2000 (as amended), to direct Galway County Council with regard to the *Athenry Local Area Plan 2024-2030*.

In accordance with section 31AP(1) of the Act, having considered and taken account of the proposed draft direction submitted by the Office, the draft Direction as issued incorporates minor descriptive amendments which are not material in nature and do not alter the substance of the Office's recommended draft direction but provide additional clarity to aid its interpretation.

The draft Direction sets out the following steps for the Planning Authority to take:

(a) Delete the following material alterations from the adopted Local Area Plan such that the subject lands revert to as indicated in the draft Local Area Plan:

(i) Material alterations MA46, MA47 and MA49 – i.e. the subject lands revert to Outside the Settlement Boundary and not zoned, from Residential Phase 1;

(ii) Material alteration MA51 – i.e. the subject lands revert to Outside the Settlement Boundary and not zoned, from Residential Phase 2;

(iii) Material alteration MA60 – i.e. the subject lands revert to Agriculture from Residential Phase 2;

(iv) Material alterations MA50 and MA59 – i.e. the subject lands revert to Open Space/Recreation & Amenity from Residential Phase 2;

(v) Material alteration MA48 – i.e. the subject lands revert to Outside the Settlement Boundary and not zoned from Residential Existing

and apply all necessary consequential updates to the text of the plan consistent with the foregoing.



Please note that in accordance with section 31(4)(c) and section 31(6) of the Act, those parts of the Local Area Plan referred to in this notice shall be taken not to have come into effect, been made or amended.

#### **Next Steps – Procedural requirements**

I wish to draw your attention to the public consultation obligations under section 31 of the Planning and Development Act 2000 (as amended), and the initial requirement as Chief Executive, under section 31(7) to publish notice of the draft Direction no later than 2 weeks after receipt of this notice, stating that the draft Direction may be inspected as specified in the notice, for a period of not more than 2 weeks. The notice must also state that written submissions or observations in respect of the draft Direction may be made to the planning authority during the consultation period.

Further, in line with statutory requirements, a Chief Executive's report is to be prepared on the public consultation period under section 31(8), and must be furnished to the Office, the elected members and myself as Minister, no later than 4 weeks after the public consultation process is completed, for further consideration.

In accordance with section 31(9) of the Act, the report of the Chief Executive must:

- (a) summarise the views of any person who made submissions or observations to the planning authority;
- (b) summarise the views of and recommendations (if any) made by the elected members of the planning authority;
- (c) summarise the views of and recommendations (if any) made by the regional assembly, and;
- (d) make recommendations in relation to the best manner in which to give effect to the draft Direction.

In addition, the elected members of the planning authority may make a submission to the Office of the Planning Regulator at any time up to the conclusion of the 2 week public consultation period referred to above and must send a copy of any such submission to me, as Minister.

The Office will then consider the Chief Executive's report together with any submissions made and will make a further recommendation to me, as Minister, regarding whether the Direction is to be issued with or without minor amendments, or not issued.

Where the Office is of the opinion that a material amendment to the draft Direction is required, or further investigation is necessary, or it is necessary for another reason, then the Office may appoint





an inspector no later than 3 weeks after receipt of the Chief Executive's report, prior to making a final recommendation to me.

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

Yours sincerely,

**Kieran O'Donnell TD**

**Minister of State for Local Government and Planning**

Copied to:

- Cathaoirleach, Galway County Council, Áras an Chontae, Prospect Hill, Co. Galway, H91 H6KX
- Director, Northern and Western Regional Assembly, The Square, Ballaghaderreen, Co. Roscommon, F45 W674.
- Office of the Planning Regulator, Fourth Floor, Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWV4.

**DRAFT DIRECTION IN THE MATTER OF SECTION 31**  
**OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)**  
**Athenry Local Area Plan 2024-2030**

“Local Area Plan” means the Athenry Local Area Plan 2024-2030.

“Planning Authority” means Galway County Council.

“RSES” means the Regional Spatial and Economic Strategy for the Northern and Western Region.

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:

(1) This Direction may be cited as the Planning and Development (Athenry Local Area Plan 2024-2030) Direction 2024.

(2) The Planning Authority is hereby directed to take the following steps with regard to the Local Area Plan:

(a) Delete the following material alterations from the adopted Local Area Plan such that the subject lands revert to as indicated in the draft Local Area Plan:

(i) Material alterations MA46, MA47 and MA49 – i.e. the subject lands revert to Outside the Settlement Boundary and not zoned, from Residential Phase 1;

(ii) Material alteration MA51 – i.e. the subject lands revert to Outside the Settlement Boundary and not zoned, from Residential Phase 2;

(iii) Material alteration MA60 – i.e. the subject lands revert to Agriculture from Residential Phase 2;

(iv) Material alterations MA50 and MA59 – i.e. the subject lands revert to Open Space/Recreation & Amenity from Residential Phase 2;

(v) Material alteration MA48 – i.e. the subject lands revert to Outside the Settlement Boundary and not zoned from Residential Existing

and apply all necessary consequential updates to the text of the plan consistent with the foregoing.

## **STATEMENT OF REASONS**

- I. 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 Athenry under the core strategy of the Galway County Development Plan 2022-2028. These material alterations are inconsistent with Objective CS 1 of the County Development Plan to secure the implementation of the population growth and housing supply targets set out in the core strategy and the settlement hierarchy, and Objective CS 3 to support and manage self-sufficient sustainable development of all settlements in a planned manner, with population growth and the development of economic, physical and social infrastructure.

These material alterations are located in peripheral and/or non-sequential and/or unserved locations either fully or partly outside the CSO boundary. The material alterations would individually and cumulatively encourage a pattern of development in particular locations which is inconsistent with RPO 3.1 and RPO 3.2 of the RSES, and the objectives of the County Development Plan to achieve compact growth through the delivery of new homes in urban areas within the existing built up footprint of settlements (Objective CS 2), discourage the development of lands with no links to the town or village centre (Objective CGR 1), encourage sustainable compact growth and settlement patterns to secure climate resilience and reduce carbon dioxide and greenhouse emissions



(Objective CC 8), and fail to have regard to the policy and objective for a sequential approach to development in the Development Plans Guidelines for Planning Authorities (2022) issued under section 28 of the Act.

- II. 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 31AO of the Act.
- III. In light of the matters set out at I 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 section 19(2) the Act.
- IV. The Local Area Plan as made is not consistent with the objectives of the RSES contrary to section 19(2) and section 27(1) of the Act.
- V. The Minister is of the opinion that the Local Area Plan as made is not consistent National Policy Objective 33 of the National Planning Framework.
- VI. The Minister is of the opinion that the Local Area Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VII. The Local Area Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister of State for Local Government and Planning

Day of Month, Year.