



1 May 2024

Mr. Kevin Kelly
Chief Executive
Mayo County Council
Áras an Chontae
The Mall
Castlebar
Co. Mayo
F23 WF90

Section 31 of the Planning and Development Act 2000 (as amended)
Decision to Issue a Direction to Mayo County Council regarding the
Castlebar Town & Environs Local Area Plan 2023-2029

Dear Kevin,

I am writing to inform you of the following in relation to the section 31 draft Direction that issued to Mayo County Council on 16th January 2024, and the subsequent consideration by the Office of the Planning Regulator ('the Office') of your report and the submission made directly to the Office in connection with the Castlebar Town & Environs Local Area Plan 2023-2029, as adopted by the elected members of Mayo County Council on 27th November 2023.

The Office notified the Minister pursuant to section 31AP(4) of the Planning and Development Act 2000 ('the Act') on 28th March 2024 and recommended that I, as Minister, issue the Direction.

The draft Direction can be summarised as follows:

- Part 2(a) Provide a clear core strategy table setting out the area and quantum of housing to be delivered;
- Part 2(b) Reinstate the zoning objectives and associated text to that of the draft plan at eight locations;
- Part 2(c) Delete an identified zoning objective from the local area plan at a specified location;



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

A copy of the notice letter and proposed final Direction was submitted to me, as Minister, by the Office along with supporting documentation, which included the following:

- Mayo County Council Chief Executive's Report under section 31(8) of the Act;
- A copy of the submission received by the Office pursuant to section 31(10) of the Act.

Accordingly, having reviewed and considered the Office of the Planning Regulator's notification letter under section 31AP(4), your report of 12th March 2024 on the draft Direction and submissions received, and the submission made directly by elected members of the Council to the Office, I am of the opinion that the Direction should be issued in line with the recommendations of the Office. In the above regard, I refer you to the Statement of Reasons set out in the enclosed Direction.

In reaching my decision to issue the Direction I have noted your recommendations as Chief Executive under section 31(9) of the Act. I further note the Office's consideration of, and response to, those matters in its subsequent recommendation to me, as Minister, under section 31AP(4) of the Act.

Accordingly, Mayo County Council should **TAKE NOTICE** that on 1st May 2024 I have issued a Direction pursuant to section 31 of the Planning and Development Act 2000 (as amended). Pursuant to section 31(17) of the Act this Direction is deemed to have immediate effect and its terms are considered to be incorporated into the plan. A copy of this Direction is enclosed.

In light of the foregoing, Mayo County Council is required, pursuant to section 31(2) of the Planning and Development Act 2000 to comply with this Direction so as to rectify the matter in a manner that, in my opinion, will ensure that the Castlebar Town & Environs Local Area Plan 2023-2029 sets out an overall strategy for proper planning and sustainable development and meets the requirements of the Act.



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

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

Yours sincerely,



Darragh O'Brien TD
Minister for Housing, Local Government and Heritage

Copied to:

- Cathaoirleach, Mayo County Council, Áras an Chontae, The Mall, Castlebar, Co. Mayo, F23 WF90.
- 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.

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

Castlebar Town & Environs Local Area Plan 2023-2029

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

“Planning Authority” means Mayo County Council.

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

The Minister for 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 consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AP(4) of the Act, hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Castlebar Town & Environs Local Area Plan 2023-2029) Direction 2024.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Local Area Plan:
 - (a) 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 shall be applied to demonstrate anticipated yield.
 - (b) Reinstate the following zoning objectives and associated text to that of the draft Local Area Plan:
 - (i) Material Alterations 10, 12, 14 and 21 – i.e. the subject lands revert to Agriculture from New Residential

- (ii) Material Alterations 13 and 17 – i.e. the subject lands revert to Enterprise and Employment, and Agriculture from New Residential
 - (iii) Material Alterations 15 and 18 – i.e. the subject lands revert to Enterprise and Employment from New Residential
- (c) Delete the following zoning objective from the adopted Local Area Plan, i.e. the subject lands are unzoned:
- (i) Land zoned Enterprise and Employment at Cloonagh (Site EE 1) located to the southwest of Saleen Lough and to the immediate east of the rail line

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 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 inconsistent with RPO 3.1 and RPO 3.2 of the RSES for compact growth and Objective SSO 3 of the Mayo County Development Plan 2022-2028 to promote town centre regeneration, which aligns with the Government's *Town Centre First: A Policy Approach for Irish Towns* (2022).
- 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. These material alterations are inconsistent with Objective CSO 1 of the County Development Plan 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 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, some of which are 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 SSO 3 and Objective SSO 6), and is inconsistent with RPO 3.1 and RPO 3.2 of the RSES, and demonstrates that the Planning Authority has failed to have regard to the *Development Plans Guidelines for Planning Authorities (2022)* issued under section 28 of the Act.

- III. The absence of a detailed core strategy table, and the extensive zoning of land in peripheral and non-sequential locations represents a piecemeal and ad hoc approach that individually and cumulatively fails to set out an overall strategy for growth that is consistent with the objectives of the Mayo County Development Plan 2022-2028 to deliver compact and sequential growth and the regeneration of the town centre under Objective SSO 3 and Objective SSO 6.
- IV. The Local Area Plan as adopted includes a material alteration (MA 21) to the draft Local Area Plan which zones land at Ballymacraha (referred to as Ballynaboll in MA 21) for vulnerable uses within flood zone A and B which has not passed the plan making Justification Test. This material alteration is inconsistent with NPO 57 of the National Planning Framework, RPO 3.10 and RPO 3.11 of the RSES, and Objectives NEO 7 and NEO 24 of the Mayo County Development Plan 2022-2028, and fails to have regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* issued under section 28 of the Act.
- V. The Local Area Plan as adopted includes an extensive area of land zoned for Enterprise and Employment at Cloonagh which could accommodate a range of

high intensity employment uses. This zoning lacks a 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 and sustainable travel modes, inconsistent with RPO 6.30 and 6.31 of the RSES. The zoning objective would, therefore, be inconsistent with Objective SO 12 of the Mayo County Development Plan 2022-2028 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 location, extent and the nature of uses that are permissible on such lands under the zoning matrix, also has the potential to generate significant additional traffic movements with consequent adverse impacts on the national road network, inconsistent with RPO 6.5 of the RSES 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 and National Roads Guidelines* (2012) issued under section 28 of the Act.

Furthermore, this zoning objective is inconsistent with NPO 57 of the National Planning Framework, RPO 3.10 and RPO 3.11 of the RSES, and Objectives NEO 7 and NEO 24 of the Mayo County Development Plan 2022-2028. Part of the lands are located within flood zones A and B and the criteria of the Justification Test have not been adequately addressed in accordance with *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) issued under section 28 of the Act.

- 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 31AO of the Act.

- VII. In light of the matters set out at I to 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.
- VIII. 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.
- IX. The Minister is of the opinion that the Local Area Plan as made is not consistent with the objectives of the National Planning Framework, including National Policy Objective 33 and National Policy Objective 57.
- X. 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.
- XI. The Local Area Plan is not in compliance with the requirements of the Act.

GIVEN under my Official Seal



Darragh O'Brien TD
Minister for Housing, Local Government and Heritage

1st Bealtaine 2024