



31<sup>st</sup> May 2024

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 (as amended)  
Decision to Issue a Direction to Galway County Council regarding the  
Athenry Local Area Plan 2024-2030**

Dear Liam,

I am writing to inform you of the following in relation to the section 31 draft Direction that issued to Galway County Council on 19<sup>th</sup> February 2024, and the subsequent consideration by the Office of the Planning Regulator ('the Office') of your report and the submissions made directly to the Office in connection with the Athenry Local Area Plan 2024-2030, as adopted by the elected members of Galway County Council on 9<sup>th</sup> January 2024.

The Office notified the Minister pursuant to section 31AP(4) of the Planning and Development Act 2000 ('the Act') on 23<sup>rd</sup> April 2024 and recommended that I, as Minister, issue the Direction.

The draft Direction can be summarised as follows:

- Part 2(a) Delete eight identified material alterations from the adopted Local Area Plan such that the subject lands revert to as indicated in the draft Local Area Plan, 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:

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



Accordingly, having reviewed and considered the Office of the Planning Regulator's notice letter under section 31AP(4), your report of March 2024 on the draft Direction and submissions received, and the submissions made directly by elected members of the Council to the Office, I am of the opinion that the Direction should be issued to effect

- Recommendation (2)(a)i – insofar as it relates to Material Alterations MA46 and MA49, and
- Recommendations (2)(a)ii, (2)(a)iii, and (2)(a)iv,

of the Office, and in that regard, I refer you to the reasons set out in the enclosed Direction.

I have decided not to issue a Direction in relation to Recommendation (2)(a)i – insofar as it relates to Material Alteration MA47, and Recommendation (2)(a)v of the Office (which relates to Material Alteration MA48), and which would have required those lands not to be zoned, contrary to the decision of the elected members of Galway County Council.

My reasons for not issuing a Direction in respect of the recommendations relating to Material Alterations MA47 and MA48 are set out below:

1. The subject lands are contiguous to existing residential development and to zoned and serviced lands with the result that these lands may be considered to be serviced and may be developed for housing within the lifetime of the Local Area Plan.

Accordingly, the zoning of these lands for residential development is reasonable in the circumstances.

In light of my decision you will note that there are consequent changes to the numbering of the elements of the Direction in its final form.

In reaching my decision to issue a 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, Galway County Council should **TAKE NOTICE** that on 31<sup>ST</sup> 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, Galway 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 Athenry Local Area Plan 2024-2030 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,

Alan Dillon TD

Minister of State for Local Government and Planning

Copied to:

- Cathaoirleach, Galway County Council, Áras an Chontae, Prospect Hill, 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.

**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) ("the Act") and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2024 (S.I. No. 234 of 2024), 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 (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 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,

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 unserviced locations either fully or partly outside the CSO boundary. The material alterations would therefore 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) of 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 with 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



Alan Dillon TD  
Minister of State for Local Government and Planning

31<sup>st</sup> May 2024