



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

23rd April 2024

Mr. Darragh O'Brien TD

Minister for Housing, Local Government and Heritage

Department of Housing, Local Government and Heritage

Custom House

Dublin 1

D01 W6X0

BY HAND AND BY EMAIL

**Re: Notice pursuant to section 31AP(4) of the Planning and Development Act
2000 (as amended) – Athery Local Area Plan 2023-2029**

A chara,

I am writing to you pursuant to section 31AP(4) of *the Planning and Development Act 2000* (as amended) (the "Act") in the context of the Athery Local Area Plan 2024-2030 (the "Local Area Plan"). In particular, I write arising from the consideration by this Office of the following:

- a) the Notice of Intent to issue a Direction pursuant to section 31(3) of the Act issued to Galway County Council (the "Council") by your office on 19th February 2024, and
- b) the report of the Chief Executive of the Council issued to the Office on 3rd April 2024 regarding the submissions and observations received by the Council and prepared in accordance with section 31(8) of the Act (the "CE's Report").

I refer also to two submissions made directly to this Office and considered by this Office pursuant to section 31(10)(a) of the Act; a joint submission by four (4) elected members of the Council, and a further individual submission by Councillor Shelly Herterich-Quinn. This Office has carefully considered the CE's Report and the submissions made directly to this Office.

As a matter of clarification, the Office acknowledges the typographical error in the section 31AO(7) Notice Letter issued to your office on 2nd February 2024 and the proposed draft Direction which refers on occasion to Objective CS 8 of the Galway County Development Plan 2022 – 2028 (the “County Development Plan”) rather than Objective CC 8. The Office confirms that, as per the text of the relevant objective set out in the factors that the Office has taken into account in forming this opinion specified in section 2 ‘Opinion of the Office and Reasons’ of the section 31AO(7) Notice Letter, the relevant objective is Objective CC 8 as per the draft Direction issued by the Minister.

Draft Direction

The draft Direction issued by the Minister contained a single part.

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 - 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 – the subject lands revert to Outside the Settlement Boundary and not zoned from Residential Existing.*

Having regard to the requirement under section 31(9)(d) of the Act that the CE’s Report shall ‘*make recommendations in relation to the best manner in which to give effect to the draft direction*’, the CE’s Report responds as follows:

The Recommendation for each particular remains the same as that contained in the Chief Executive Report at Material Alteration stage.

Public Consultation on the Draft Direction

The public consultation on the draft Direction took place from 29th February 2024 to 14th March 2024 inclusive. The CE's Report summarised the views of members of the public and the prescribed authorities that made submissions to the planning authority. The CE's Report states that six (6) submissions were received in relation to the draft Direction during the statutory public consultation period.

You might please note the following:

- The Office received a joint submission from or on behalf of the following elected members of the Athenry Municipal District, submitted under a covering email dated 14th March 2024 by Councillor Shelly Herterich-Quinn, with an attachment entitled 'Letter to OPR re MA46' :

- 1) Councillor Shelly Herterich-Quinn (FF)
- 2) Councillor Gabe Cronnelly (Ind)
- 3) Councillor Albert Dolan (FF)
- 4) Councillor Jim Cuddy (Ind)

The joint submission received from the elected members opposed the draft Direction in respect of MA 46, in summary for the reasons that:

- there is a housing need due to the census figures and additional housing need arising from the Dexcom development;
- the lands are currently zoned Residential R2, are fully serviceable within the lifetime of the Local Area Plan and are 'shovel ready' for a planning application due to the expansion of the Athenry Sewage Pipe Network;
- the site is accessible to the town centre;
- the zoning follows a sequential approach within the settlement boundary and would contribute to compact growth; and

- MA 46 is fully supported by elected members as it is entirely consistent with the guidelines and in line with the National Planning Framework (NPF).

The cover email also included a further attachment entitled 'Rationale to support retention of MA46 in adopted Plan', which in summary raised the following:

- MA 46 lands have been within the town boundary and zoned residential since 2005;
 - lands should not have been de-zoned in the draft Local Area Plan on the basis of the *Development Plans, Guidelines for Planning Authorities* (2022) (the Development Plans Guidelines) that any lands zoned residential that can be developed during the lifetime of the plan should not be de-zoned;
 - the motion of elected members (MA 46) included the extension of the settlement boundary to include the subject lands. The lands are therefore inside the settlement boundary; and
 - the infrastructure capacity assessment is a clear error and misrepresentation as there is an intention to develop a footpath and cycleway on the L3112 and funding is in place and the lands are within 50m of the new sewer system. This site is therefore a fully serviced site and is shovel ready.
- A further individual submission was received by the Office from Councillor Shelly Herterich-Quinn by email dated 14th March 2024 that opposed the draft Direction in respect of MA47 and MA48 on the basis that the lands are well connected to the town by way of the R347 (including a future pedestrian crossing at the existing southern bypass), the site is ready to go and additional housing provision is required with the imminent arrival of Dexcom.
 - As set out in the CE's Report, a total of six (6) submissions were received by the Chief Executive during the consultation period, including two (2) from members of the public, and a submission each from the Northern and

Western Regional Assembly (NWRA), the National Transport Authority (NTA), Transport Infrastructure Ireland (TII), and Uisce Éireann. Of these:

- the submissions from the public opposed the draft Direction in respect of MA 46 (Noel and Sharon Lally) and MA 47 (Environplan Ltd. on behalf of Laurem Construction Ltd);
- the submission from the NWRA supported the draft Direction in respect of all parts – i.e. MA 46, MA 47, MA 48, MA 49, MA 50, MA 51, MA 59 and MA 60;
- the submission from NTA supported the draft Direction in respect of MA 46, MA 47, and MA 49;
- the submission from TII requests that its submissions at the draft local area plan and material alterations stages are considered; and
- the submission from Uisce Éireann refers to the submissions made at the earlier stages of the process and notes that sequential, phased development is recommended to optimise existing infrastructure and minimise the investment required and welcomes the draft Direction.

In respect of MA 49, MA 50, MA 51, MA 59 and MA 60

None of the submissions received by either the Chief Executive or the Office opposed the draft Direction in respect of MA 49, MA 51, MA 60, MA 50 and MA 59.

The submission from the NWRA supports the draft Direction, and notes the following:

- MA 46, MA 47, MA 49 are respectively located to the southwest, south and southwest of the town, outside the settlement boundary where moderate or significant intervention is required;
- MA 51 is located southwest of the town, outside the settlement boundary where there are service constraints;
- MA 60 is located southwest of the town where there are service constraints; and

- MA50 and MA59 are located southwest of the town where there are service constraints with some requiring significant intervention.

In relation to MA 49, the submission from the NTA reiterates their previous comments made at the material alteration stage and further states:

...it was noted whilst MA69 includes changes to the Local Transport Plan and associated measures that could serve this land, it was considered that the measures could not be brought forward in the short and medium term to support the scale of the residential zoning as per the material alteration.

The Chief Executive's recommendation for each of these material alterations remains the same as that contained in the CE's Report at material alterations stage. As set out in the section 31AO(7) Notice Letter, that recommendation was to '*revert to the provisions of the Draft Athenry LAP*' in each case.

Following consideration of the submissions and CE's Report, there is no planning or policy basis to amend the recommendation of this Office in respect of MA 49, MA 50, MA 51, MA 59 and MA 60.

In respect of MA 46

Two (2) submissions were received opposing the draft Direction in respect of MA 46 (i.e. the subject lands revert to Outside the Settlement Boundary and not zoned, from Residential Phase 1). One of these submissions was received by the Chief Executive from members of the public (Noel and Sharon Lally), and a joint submission was also received by the Office from elected members.

The submissions from the NWRA and NTA support the draft Direction.

The CE's Report states that the Chief Executive has considered each of the six (6) submissions made through the statutory public consultation and has come to the following consideration. The recommendation remains the same as that contained in the CE's Report at material alterations stage. As set out in the section 31AO(7) Notice Letter, that recommendation was to '*revert to the provisions of the Draft Athenry LAP where these lands were not zoned*'.

The Office notes that the reasons cited in the document entitled '*Rationale to support retention of MA46 in adopted Plan*' attached to the joint submission on behalf of elected members directly to the Office, are very similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Local Area Plan, and were detailed in the section 31AO(5) notice received from the planning authority including:

- *It is noted that these lands have been inside the town boundary and zoned Residential since the 2005 LAP. It is submitted that Section 4.4.1 of the Development Plans Guidelines requires that these lands are zoned residential and that the approach of the OPR in this case is a fundamental error.*
- *It is submitted that the motion of the elected member has been misrepresented as the motion sought to return lands to being within the town boundary and to zone them R1. Whereas, the Chief Executive's Report and the material alterations document present the proposal as rezoning of land from outside the settlement boundary to Residential phase 1. It is submitted that the recommendation of the OPR was arrived at through a misrepresentation of the motion.*
- *It is highlighted that the Infrastructure Assessment notes that the site as requiring "Significant Intervention" due to issues with sewer connections and footpaths. It is submitted that this is an error and misrepresentation of the correct position to mislead the OPR. Footpaths and safe routes to schools are to be delivered as per WC19 & WC20 and the site is therefore accessible. These routes are outlined in the LTP. These routes are also identified in the open consultation on the Athenry Town Public Realm Enhancement Project. Finally, it is noted that the upgrade of the sewer along the L3112 as far as the junction with the L7154 will allow for the upgraded sewer to serve the site as they will be within 50 metres of this new sewer. This upgrade is noted by Uisce Éireann in their submission.*

As set out in the section 31AO(7) Notice Letter to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act, and the Office adopts

the same rationale as set out in the 31AO(7) Notice Letter in response to those similar points raised again in submissions.

The following additional reasons were raised in submissions:

- the quantum of R1 zoned land in the Local Area Plan relied on the outdated 2016 Census figures and there is a need for more zoned land;
- the NWRA advised the local authority to review the extent of residential lands zoned in the context of the proposed 1,000 jobs at Dexcom;
- the Athenry Transport Plan, Active Travel Plan and Town Public Realm Enhancement Project (Phase 1) contain objectives and identify the L3112 for footpath and cycleway improvements. Funding is in place from the local authority for footpath and lighting along the L3112 to the junction of L7154. The lands the subject of MA 46 are on the same road within 350m from the local primary school;
- the lands are within walking distance of the train station, bus stops, the town centre Dexcom site and all schools;
- the sewer is now connected to the site (referring to attached documents in the Lally submission) and Uisce Éireann confirmed in its submission at the draft Local Area Plan stage that the lands are entirely serviceable. The site requires only a short 50m connection to be financed by the developer;
- there is a water main along the entire road frontage (L3112) of the development site;
- the site is closer to the town centre than other sites zoned Residential Phase 1 as illustrated in the Lally submission;
- RPO 3.2 states that 30% of new houses should be built within the CSO boundary allowing the Local Area Plan to build 70% of new houses outside the CSO boundary;
- the zoning would follow the sequential approach, and is within the settlement boundary; and

- the site is not removed from the town and the zoning of these lands would not breach the SEA, ASP 9.

In relation to housing need, as set out in the section 31AO(7) Notice Letter the draft Local Area Plan provides sufficient land to meet anticipated development requirements in a sequential and coordinated manner, including a number of material amendments for residential zoning objectives. The Office also notes that the submission of the NWRA to the Chief Executive states that the quantum of zoned land for residential development appears excessive.

There is, therefore, no evidence-based rationale to support the requirement for the subject zoning objective to ensure that adequate land is zoned to meet the population and housing supply targets set out in the core strategy, with which the Local Area Plan is required to be consistent. This matter is also addressed in respect of MA 47 and MA 48 below.

Furthermore, these MA 46 lands are peripherally located beyond the Part 8 approved relief road and the CSO settlement boundary¹. The lands do not therefore represent a sequential approach whereby the most spatially centrally located development sites in settlements are prioritised for new development first.

In response to the reference to other Residential Phase 1 lands, these lands are preferably located relative to the established fabric of the town, and within the relief road network to the north of the town. Conversely, MA 46, together with the adjacent lands at MA 49 and MA 51, leapfrog to peripherally located lands beyond the future relief road.

In relation to RPO 3.2 to deliver at least 30% of all new homes within existing built-up footprints, this is a clear objective to secure compact and sustainable growth settlements. It does not follow that 70% of all future housing can be located in peripheral locations that would not support sustainable compact growth, particularly in circumstances where sufficient land has been zoned consistent with this regional policy objective together with Objectives CS 2 and CC 8 of the County Development

¹As per Endnote 17 of the National Planning Framework (Appendix 4 References).

Plan for compact growth and SEA, ASP 9, and/or is otherwise sequentially preferable to the subject lands.

In addition, the MA 46 lands require significant infrastructure development in terms of both the sewer network, pedestrian and cycle facilities and lighting.

The Infrastructure Assessment² of the adopted Local Area Plan identifies ‘*significant intervention required*’ in respect of a connection extension to the sewer and footpath connections or lighting. Uisce Éireann’s submission to the material alterations to the draft Local Area Plan dated 3rd November 2023 in relation to MA 46 and the adjoining land at MA 49 (also the subject of the draft Direction) states:

Together these areas will extend residential development beyond the existing settlement boundary to the east of the new road. Water supply could be obtained from a 80mm pipe within the highway to the north of the site, though this would require an upgrade over an extended length (400m+). An extension of 150m to 350m would be required to connect to the new gravity sewer (under construction).

This constitutes significant upgrade works and there is no certainty regarding delivery within the lifetime of the Local Area Plan.

In relation to footpath, cycleway and lighting improvements along the L3112, these measures will be provided as part of the relief road and are, therefore, dependent on the delivery of this infrastructure to connect the lands to the town. In this respect, the NTA submission states that the delivery of active travel measures supporting the site will not be brought forward in the short and medium term.

It follows, therefore, that in the absence of these improvements, the lands cannot be considered to be within walking distance of the train station, bus stops, the town centre and schools.

The submission from the NWRA also concludes that MA 46, together with MA 47, and MA 49, are located outside the settlement boundary where moderate or significant intervention is required.

² Infrastructure Assessments on Residential and Employment Lands

Following consideration of the submissions and CE's Report, there is no planning or policy basis to amend the recommendation of this Office in respect of the draft Direction in relation to MA 46.

In respect of MA 47 and MA 48

Two (2) submissions were received opposing the draft Direction in respect of the adjoining lands at MA 47 (i.e. the subject lands revert to Outside the Settlement Boundary and not zoned, from Residential Phase 1) and MA 48 (i.e. the subject lands revert to Outside the Settlement Boundary and not zoned from Residential Existing). One of these submissions was received by the Chief Executive from Environplan Ltd. on behalf of Laurem Constructions Ltd, and a direct submission was also received by the Office from Councillor Shelly Herterich-Quinn.

The submission from the NWRA supports the draft Direction in respect of MA 47 and MA 48.

The submission from the NTA supports the draft Direction in respect of MA 47.

The CE's Report states that the Chief Executive has considered each of the six (6) submissions made through the statutory public consultation and has come to the following consideration. The Chief Executive's recommendation in respect of MA 47 and MA 48 remains the same as that contained in the CE's Report at material alterations stage. As set out in the section 31AO(7) Notice Letter, that recommendation was to *'revert to the provisions of the Draft Athenry LAP where these lands were not zoned'*.

The submissions opposing the draft Direction in respect of MA 47 and MA 48 can be summarised as follows:

- lands were zoned Residential Existing and Residential Phase 1 in the Athenry Local Area Plan 2012 – 2022;
- there is a need to provide additional housing provision to accommodate the employment generation associated with the proposed development connected with Dexcom and the need for more houses according to the ESRI. The core strategy figures are out of date as there are based on the 2016 Census;

- the NWRA submission at the draft Local Area Plan stage recommended a re-examination of the quantum of land zoned for residential development;
- there is flexibility to zone more serviced land for residential purposes under section 4.4.3 of the Development Plans Guidelines, and MA 47 can be considered in this case;
- there is a live planning application on appeal which includes connections to physical infrastructure including public mains, public sewer network, and public footpath, within the urban speed limit and within walking distance to the town centre, IDA lands, Athenry Shopping Centre and new schools to the south-west of the town. The Local Transport Plan (LTP) includes the same footpaths as the planning application appeal. The site is ready to go;
- the Infrastructure Assessment notes that “Moderate intervention is required”;
- reference to Uisce Éireann’s submission at material alterations stage and serviceability of MA 5 and MA 47;
- the site is well connected to the town by way of the R347 and from a pedestrian perspective and the local authority have draft designs with the NTA in relation to a pedestrian crossing at the existing southern bypass of the Athenry Relief Road;
- MA 47 and MA 48 are sequentially preferable to other sites zoned Residential Phase 1, and are equidistant to the town centre as MA 5 which is not considered in the draft Direction, and are within close proximity to new secondary schools and IDA employment lands (including the Dexcom site);
- MA 47 and MA 48 have infill and brownfield characteristics, is bound by existing development to the east and west, and MA 48 contains a shed in ruins, therefore the subject lands would be consistent with policy objectives RPO 3.1, RPO 3.2, RPO 7.2 of the RSES and objective CS 2 of the County Development Plan;
- the zoning objectives are consistent with Objectives CS 3, CGR 1, CC 8 of the County Development Plan; and

- inconsistency of the Local Area Plan for procedural reasons in the draft Direction with proper planning and sustainable development, non-compliance with the requirements of the Act, particularly section 31AO, 19 (2) and section 27(1) of the Act and policy objective NPO 33 of the NPF.

In relation to the points raised regarding the zoning history of the lands, the planning history including the current refusal of planning permission by Galway County Council, and the infrastructure and accessibility of the lands these reasons were previously set out in the elected members' reasons for making the Local Area Plan with MA 47 and MA 48, and the Office adopts the same rationale as set out in the 31AO(7) notice in response to those similar points raised again in submissions.

While the Office notes the submission made in respect of an ongoing appeal to An Bord Pleanála, that is subject to a separate statutory process to be determined by An Bord Pleanála.

In relation to housing need and the flexibility to zone more serviced land for residential purposes under the Development Plans Guidelines, the draft Local Area Plan provides sufficient land to meet anticipated development requirements in a sequential and coordinated manner, including a number of material amendments for residential zoning objectives. Specifically, the Local Area Plan estimates that 544 housing units will be delivered on greenfield lands. The draft Local Area Plan that was placed on display proposed 21.8 ha of land be zoned Residential Phase 1 to meet this housing need, and the adopted Local Area Plan, net of the zoning objectives the subject of the draft Direction, would provide 26.1 ha. The Local Area Plan as adopted (including the zoning objectives the subject of the draft Direction) provides for 41 ha of Residential Phase 1 lands.

The Office also notes the submission of the NWRA to the Chief Executive that the quantum of zoned land for residential development appears excessive.

There is, therefore, no evidence-based rationale to support the requirement for the subject zoning objective to ensure that adequate land is zoned to meet the population and housing supply targets set out in the core strategy and consistent with Objective CS 3 of the County Development Plan, with which the Local Area Plan is required to be consistent.

Furthermore, section 4.4.3 of the Development Plans Guidelines states that there is no automatic presumption of additional provision lands or sites to meet housing supply targets and the extent of such lands should be comprehensively identified, quantified and explained in the core strategy and must be consistent with specified criteria, including consistency with sequential development patterns, Town Centre First principles, proximity to services and facilities, and the need to reduce carbon emissions. For the reasons set out in both this notice letter and the section 31AO(7) Notice Letter, the Office does not consider that the subject lands accord with these criteria.

In relation to consistency with policy objectives RPO 3.1, RPO 3.2, RPO 7.2 of the RSES and objective CS 2 and CC 8 of the County Development Plan for compact growth, as set out in the section 31AO(7) Notice Letter MA 47 and MA 48 are located in peripheral locations outside the CSO settlement boundary³, and would not therefore promote compact growth, irrespective or not of the adjacent development or remains of a shed (MA 48). Furthermore, there is no existing residential development on the site such as to form a reasonable basis for the 'Residential Existing' zoning objective on the MA 48 lands.

The basis for the reference to consistency with RPO 7.2 in the Environplan submission is not clear.

Further the submission from the NTA to the Chief Executive concludes in relation to MA 47:

the zoning of lands in peripheral locations or outside the settlement boundary, particularly MA47 is contrary to the principles of compact growth, sequential approach and proper planning and sustainable development.

In relation to footpath and cycle connectivity, there are no proposals in the Local Area Plan to provide for this infrastructure and, furthermore, the proposed interventions in the LTP identifies the delivery of these key interventions not within the lifetime of the Local Area Plan.

In this respect the NTA submission states:

³ As per Endnote 17 of the National Planning Framework (Appendix 4 References).

it is also noted that the Material Alterations subject to the Draft Ministerial Direction could further embed a reliance on private car trips and reduce the potential for walking, cycling, and use of public transport therefore contrary to the objectives of the LTP and LAP.

The Environplan submission also contends that MA 47 and MA 48 although located outside the CSO boundary are both sequentially preferable to other sites zoned Residential Phase 1 and are equidistant to the town centre as MA 5, which is not considered in the draft Direction. It is also submitted that large portions of Residential Phase 1 lands are located outside of CSO boundaries, also contrary to RPO 3.2.

In relation to the above, these Residential Phase 1 lands are preferably located relative to the established fabric of the town, and within the relief road network to the north of the town. Conversely, MA 47 and MA 48 leapfrog undeveloped greenfield lands to beyond the regional road to the south of the town.

Regarding MA 5, these lands (0.6 ha) are recorded as fully serviced and would facilitate a minor extension to an established housing estate at Pairc Na hAbhain. The Office considers that the nature and scale of the zoning objective is not therefore significant in the context of the objectives of the RSES and/or the Development Plan such as to represent a basis for a recommendation to the Minister.

In relation to the policy and objective under the Development Plans Guidelines to not to de-zone serviced land, the Infrastructure Assessment⁴ of the adopted Local Area Plan records that the lands are not currently serviced. The policy and objective under the Development Plans Guidelines does not therefore apply.

In relation to water services infrastructure, notwithstanding the potential options for connection to the existing public systems, the Infrastructure Assessment identifies these lands as requiring 'moderate intervention' and this is consistent with the Uisce Éireann submission to the material alterations to the draft Local Area Plan which states that localized upgrades and third party submissions may be required.

⁴ Infrastructure Assessments on Residential and Employment Lands

The Office also notes that Uisce Éireann's submission to the Chief Executive welcomes the draft Direction noting that sequential, phased development is recommended to optimise existing infrastructure and minimise the investment required.

The NWRA submission also concludes that the land, in respect of MA 47 and MA 48, is located to the south of the town, outside the settlement boundary where moderate or significant intervention is required.

Notwithstanding the matters relating to water services infrastructure, the Office remains of the view that these zoning objectives are contrary to compact growth and do not constitute a sequential approach to development having regard to the policy and objective of the Development Plans Guidelines and should not be zoned for Residential use in the Local Area Plan.

In relation to the point regarding non-compliance with the Act and NPF, the Office does not accept that the draft Direction is contrary to the requirements of 31AO, 19(2), 27(1) or NPO 33.

Following consideration of the submissions and CE's Report, there is no planning or policy basis to amend the recommendation of this Office in respect of draft Direction in relation to MA 47 and MA 48.

Recommendation

In light of the above and for the reasons given in our section 31AO(7) Notice Letter dated 2nd February 2024, the Office remains of the view, as set out in this notice letter, that the Local Area Plan is inconsistent with the objectives of the Galway County Development Plan 2022-2028, and with the objectives of the NWRA RSES.

Having regard to section 31AP(4)(a) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act to issue the Direction as per the attached proposed final Direction.

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.

Yours sincerely,

A handwritten signature in black ink that reads "Niall Cussen". The signature is written in a cursive style and is contained within a light grey rectangular box.

Niall Cussen

Planning Regulator

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 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) (as amended) ("the Act") 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 MA 46, MA 47 and MA 49 – i.e. the subject lands revert to Outside the Settlement Boundary and not zoned, from Residential Phase 1;
- ii. Material alteration MA 51 – i.e. the subject lands revert to Outside the Settlement Boundary and not zoned, from Residential Phase 2;
- iii. Material alteration MA 60 – i.e. the subject lands revert to Agriculture from Residential Phase 2;
- iv. Material alterations MA 50 and MA 59 – i.e. the subject lands revert to

Open Space/Recreation & Amenity from Residential Phase 2,

- v. Material alteration MA 48 – 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 (“County Development Plan”). 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 for compact growth 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 emission (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 31 AO 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 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 for Housing, Local Government and Heritage

day of Month, year.