

OPR Ref: MA-029-22

5<sup>th</sup> July 2024

Planning Section,
Sligo County Council,
City Hall,
Quay Street,
Sligo,
F91 Y763.

# Re: Material Alterations to Draft Sligo County Development Plan 2024-2030

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft Sligo County Development Plan 2024-2030 (material alterations to the draft Plan).

As your authority will be aware, one of the key functions of the Office of the Planning Regulator (the Office) includes strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the material alterations to the draft Plan under the provisions of sections 31AM (1) and (2) of the *Planning and Development Act, 2000*, as amended, (the Act) and within the context of the Office's earlier recommendations and observations.

As outlined in the submission of the Office to the draft Plan, the Office considered the draft Plan to be generally consistent with policies in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the North and Western Regional Assembly area, and recommended changes to enhance its alignment with national and regional policies in the aforementioned, and for consistency with the *Housing Supply Target Methodology for Development Planning, Guidelines* (2020), the *Development Plans, Guidelines for Planning Authorities* 



(2022), the Wind Energy Development Guidelines (2006), and The Planning System and Flood Risk Management Guidelines (2009).

The planning authority is advised that section 12(10) of the Act provides the members of the planning authority with scope to make a further modification to a material alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

#### Overview

The Office acknowledges the significant work undertaken by Sligo County Council in preparing the material alterations to the draft Plan and in responding positively to the many issues raised by the Office through the recommendations and observations made in the Office's submission to the draft Plan.

In particular, the Office acknowledges the positive response of the planning authority to Recommendation 1 through the inclusion of revised housing targets in the core strategy to more closely align with the *Housing Supply Target Methodology Guidelines for Planning Authorities* (2021) and welcomes the allocation of the



additional growth to Sligo town as the Regional Growth Centre and one of the main drivers of growth for the region.

The Office notes the omission of the Strategic Land Reserve from the western approach to Grange Village, in accordance with Recommendation 2, and the proposed restriction of uses within the Community Facilities land use zone as required by Recommendation 3.

In this regard, the material alterations to the draft Plan include very extensive proposed material amendments to the land use zoning objectives across the county. While the Office accepts and, indeed, welcomes many of these amendments as reasonable, if not positive, the Office has identified a significant number which are evidently inconsistent with the national and/or regional policy framework.

These zoning amendments are located in peripheral and often unserviced locations inconsistent with the compact and sustainable growth of the county, and in circumstances in which the draft Plan otherwise includes enough zoned land that is better located to accommodate the housing growth in the core strategy and the identified requirement for employment land. The planning authority's own Infrastructure Assessment, Settlement Capacity Audit, Strategic Environmental Assessment, and Strategic Flood Risk Assessment also identifies serious problems with many of these zoning amendments.

These zonings are subject of the majority of the MA Recommendations set out below.

In respect of the requirements of Recommendation 4 of the Office's submission to the draft Plan, concerning renewable energy, the Office considers the amended policy provisions to be sufficient, if not optimum. The planning authority should consider a minor amendment to PA-185, which amends section 33.11.1 Wind Energy Development, to omit the reference to the Draft Revised Wind Energy Guidelines 2019 as they have no statutory basis.

The Office welcomes the response of the planning authority to Recommendation 5 of the Office's submission to the draft Plan, flood risk management, which appropriately



addresses the concerns of the Office. However, several material amendments to land use zoning objectives entail the zoning of undeveloped lands within flood risk zone A/B, which lands have not passed the plan making justification test. This matter is addressed in an MA Recommendation 1, below.

Finally, the Office commends the planning authority for the clear and systematic formatting of the extensive material alterations to the draft Plan and, in particular, in providing a direct reference linkage to the Chief Executive's Report on submissions to the draft Plan. This enabled the Office to better understand the reasons of the planning authority in pursuing the subject amendments.

It is within this context the submission below sets out eight (8) recommendations under the following five themes:

Key theme	MA Recommendation	MA Observation
Zoning for residential use	MA Recommendation 1	-
	MA Recommendation 2	
	MA Recommendation 3	
	MA Recommendation 4	
Zoning for non-residential use	MA Recommendation 5	-
Access to national roads	MA Recommendation 6	-
Greenways and recreational	MA Recommendation 7	-
<u>infrastructure</u>		
Flood Risk Management	MA Recommendation 8	-

# 1. Zoning for residential use

## 1.1 Sligo Town – Regional Growth Centre

The Office welcomes the proposed amendments to the core strategy in response to Recommendation 1 of its submission to the draft Plan, which increase the housing target for the county and allocated this increase to Sligo as the Regional Growth Centre and one of the key drivers of growth in the northwest.



The Office notes that a large number of proposed additions to the new residential (nRES) zoning objectives for Sligo town are proposed as material amendments, notwithstanding that the chief executive determined that sufficient land was zoned in the draft Plan to accommodate the increased housing target. While many of these zoning amendments are well located in terms of proximity to services and facilities and infrastructure, the Office has identified a significant number of zoning amendments that are inconsistent with the national and regional policy framework to ensure that Sligo grows in a compact and sustainable manner, and are not required to ensure a sufficient supply of zoned land consistent with the core strategy of the draft Plan.

In respect of proposed material amendments to the zoning objectives for Sligo town, the Office notes that PAZ-9 and PAZ-13 which propose to remove new residential (nRES) land from the Strategic Land Reserve (SLR), PAZ-14 which proposes to zone land as nRES, and PAZ-15 which proposes to rezone land as nRES and include it in the SLR, are situated entirely outside the CSO Settlement Boundary. PAZ-11, which proposes to remove nRES land from the SLR, is almost entirely situated outside the said boundary, as is the majority of PAZ-12, which proposes new nRES land.

The subject material amendments are therefore inconsistent with NPO 3c, RPO 3.2(b) and RPO 3.7.39 compact growth. These peripheral and remote sites, which leapfrog extensive lands zoned nRES, land zoned SLR and Greenbelt lands in the draft Plan, do not have regard to the policy and objective to follow the sequential approach in zoning of land under section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities* (2022) (the Development Plans Guidelines).

Furthermore, the peripheral locations of these lands mean that they do not facilitate the provision of housing in areas that facilitate active and sustainable modes of travel and do not, therefore, accord with mandatory objectives for sustainable settlement and transport strategies which promote measures to reduce greenhouse gas (GHG) emissions under section10(2)(n) of the Act, and will undermine the achievement of



mandatory targets for GHG emissions reduction under the *Climate Action and Low Carbon Development Act 2015*, as amended (the Climate Act).

The Infrastructural Assessment carried out by the planning authority has determined that the sites subject to PAZ-12, PAZ-14 and PAZ-15 are not serviced or serviceable. PAZ-11 has not been subject to an infrastructural assessment, but Uisce Éireann (UÉ) has confirmed that it is not currently serviced and that connection to water services would require a significant network extension. The proposed amendments are therefore inconsistent with NPO 72.

Further, while the planning authority determined that PAZ-9 and PAZ-13 are Tier 1 serviced land in terms of physical infrastructure, it also determined through a detailed Settlement Capacity Audit (SCA) that these lands ranked poorly relative to other zoned lands in terms of sequential development and accessibility. In failing to implement the findings of the SCA in respect of these sites the planning authority has not had regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines.

Further, in the absence of a suitable evidence-base which demonstrates that the development of PAZ-14 would not compromise the capacity and efficiency of the adjacent the N4 / Western Distributor Road / Carragh Rd interchange, this material amendment does not have regard to section 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) (National Roads Guidelines). PAZ-14 is therefore inconsistent with RPO 3.7.54 to strengthen connectivity to Dublin (N4) and with RPO 6.5 to maintain the strategic capacity and safety of the national road network in line with the NSO 2 of the NPF.

In addition, the Department of Housing, Local Government and Heritage has raised concern with respect to PAZ-11 and PAZ-12 which are situated in the Cairns Hill / Tonaphubble area, of an archaeological landscape containing Neolithic tombs, cairns and ringforts. These amendments may therefore be inconsistent with NPO 60 and RPO 5.14 to conserve built heritage.



The Office notes that the SEA Environmental Report identified PAZ-9, PAZ-11, PAZ-12, PAZ-13, PAZ-14 and PAZ-15 as having the potential to 'Probable Conflict with status of SEOs - unlikely to be fully mitigated'.

The Office also notes that the lands proposed to be zoned for residential use under PAZ 15 are located in an area at risk of flooding. This matter is separately addressed below under flood risk management.

# MA Recommendation 1 - Zoning for residential use around Sligo Town

Having regard to the provision of new homes at locations that can support compact and sustainable development and the co-ordination of land use zoning, infrastructure and services, and in particular to:

- section 10(2)(n) of the Planning and Development Act 2000, as amended, concerning the promotion of sustainable settlement and transport strategies and associated mandatory targets for greenhouse gas emissions reduction targets under the Climate Action and Low Carbon Development Act 2015, as amended;
  - the core strategy of the draft Sligo County Development Plan 2024-2030 (the draft Plan);
- NPO 3c, RPO 3.2(b) and RPO 3.7.39 compact growth;
- NPO 72a-c and associated NPF Appendix 3, tiered approach to zoning;
- the infrastructural assessment and settlement capacity audit in Appendix A of the draft Plan;
- the Development Plans, Guidelines for Planning Authorities (2022) in respect of the policy and objective under section 6.2.1 for zoning to be informed by the settlement capacity audit, and the policy and objective under section 6.2.3 to implement a sequential approach to zoning;
- NSO 2 and NPO 74 of the NPF, RPO 6.5 and RPO 3.7.54 of the RSES and the Spatial Planning and National Roads Guidelines for Planning



Authorities (2012) in respect of the zoning of land at national road interchanges or junctions;

- NPO 60 and RPO 5.14 to conserve built heritage; and
- the Strategic Environmental Assessment Addendum and the Strategic Flood Risk Assessment,

the planning authority is required to make the Plan without the following material amendments around Sligo town:

- (i) PAZ-9,
- (ii) PAZ-11,
- (iii) PAZ-12,
- (iv) PAZ-13,
- (v) PAZ-14, and
- (vi) PAZ-15.

# 1.2 Support towns

Extensive material amendments are also proposed to include additional nRES zonings, to remove nRES zonings from the SLR, and to include unjustified eRES zonings in Ballymote (seven), Enniscrone (ten) and Tobercurry (four). The Office has accepted the majority of proposed material amendments for the support towns.

Together with the lands zoned in the draft Plan, these zonings objectives and amendments provide sufficient zoned land to implement the core strategy in respect of the support towns in a compact and sustainable manner.

PAZ-20 (new nRES) and PAZ-23 (new nRES for inclusion in SLR) for Ballymote, PAZ-32, PAZ-33 and PAZ-35 (new nRES) for Enniscrone, and PAZ-37 (new eRES) for Tobercurry, are all situated outside, or almost entirely outside, the CSO Settlement Boundary<sup>1</sup> for the respective towns and are inconsistent with NPO 3c and

<sup>&</sup>lt;sup>1</sup> As per endnote 17 of the National Planning Framework (Appendix 4, References).



#### RPO 3.3.

These sites, in addition to PAZ-21 (removes nRES from SLR) Ballymote and PAZ-31 Enniscrone (new nRES) are located in peripheral and/or remote locations, which leapfrog peripherally located land zoned nRES, SLR, and Greenbelt in the draft Plan, do not have regard to the policy and objective to follow the sequential approach in zoning of land under section 6.2.3 of the Development Plans Guidelines.

The planning authority's SCA also determined that the site subject of PAZ-21 scored comparatively lower than other sites in terms of sequential development and accessibility and determined. These sites do not therefore accord with mandatory objectives for sustainable settlement and transport strategies, as described above.

PAZ-20, PAZ-23, PAZ-31, PAZ-32, PAZ-33 and PAZ-37, in addition to PAZ-18 (new nRES), PAZ-20 (nRES) Ballymote and PAZ-39 (nRES) Tobbercurry were not subject to infrastructural assessment, and PAZ-35 was determined by the planning authority to be neither T1 nor T2 lands. The proposed material amendments are therefore inconsistent with NPO 72 and have not had regard to the policy and objective under section 6.2.1 of the the Development Plans Guidelines that zoning is informed by a settlement capacity audit.

The Office notes that the SEA Environmental Report identified PAZ-20, PAZ 21 PAZ-23, PAZ-31, PAZ-32, PAZ-33 and PAZ-35 and as having the potential to 'probably conflict with the status of Strategic Environmental Objectives (SEO's) – unlikely to be fully mitigated'.

The Office also notes that the lands proposed to be zoned for residential use under PAZ 23 are located in an area at risk of flooding. This matter is separately addressed below under flood risk management.

# MA Recommendation 2 - Zoning for residential use around Support Towns

Having regard to the provision of new homes at locations that can support compact and sustainable development and the co-ordination of land use zoning, infrastructure and services, and in particular to:



- section 10(2)(n) of the Planning and Development Act 2000, as amended, concerning the promotion of sustainable settlement and transport strategies and associated mandatory targets for greenhouse gas emissions reduction targets under the Climate Action and Low Carbon Development Act, 2015;
- the core strategy of the Draft Sligo County Development Plan 2024-2030 (the draft Plan) and NPO 18a to support the proportionate growth of rural towns;
- NPO 3c, RPO 3.2(b) and RPO 3.7.39 compact growth;
- NPO 72a-c and associated NPF Appendix 3, tiered approach to zoning;
- the infrastructural assessment and settlement capacity audit in Appendix A of the draft Plan;
- the Development Plans, Guidelines for Planning Authorities (2022) in respect of the policy and objective under section 6.2.1 for zoning to be informed by the settlement capacity audit, and the policy and objective under section 6.2.3 to implement a sequential approach to zoning; and
- the Strategic Environmental Assessment Addendum,

the planning authority is required to make the Plan without the following material amendments to the Support Towns:

- (i) Ballymote PAZ-18, PAZ-20, PAZ 21 and PAZ-23
- (ii) Enniscrone PAZ-31, PAZ-32, PAZ-33 and PAZ-35
- (iii) Tobercurry PAZ-37 and PAZ-39.

# 1.3 Satellite Villages and Villages with Special Tourism Functions

Extensive material amendments are also proposed to include additional new residential (nRES) zonings, including to the settlements of Ballysadare, Strandhill and Easky. The Office accepts the proposed material amendments to many of the Satellite Villages as reasonable.



Together with the lands zoned in the draft Plan, these zonings objectives and amendments provide sufficient zoned land to implement the core strategy in respect of Ballysadare, Strandhill and Easky in a compact and sustainable manner.

## **Ballysadare**

PAZ-45 (nRES) is situated outside the CSO Settlement Boundary for the Balysadare inconsistent with NPO 3c and RPO 3.3. This site location is peripheral and does not have regard to the policy and objective for the sequential approach to zoning under section 6.2.3 of the Development Plans Guidelines and does not accord with mandatory objectives for sustainable settlement and transport strategies, as described above.

PAZ-42, PAZ-43, PAZ-45 were not subject to infrastructural assessment. UÉ states that PAZ-45 would require a significant network extension to connect to wastewater services. The proposed amendments are therefore inconsistent with NPO 72 and have not had regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines that zoning is informed by a settlement capacity audit.

However, the Office also notes PAZ-46 which proposes to include an nRES zoning within the SLR. In contrast to the other material amendments, this site is consistent with compact growth and the tiered approach to zoning and has regard to the policy and objective of the Development Plans Guidelines for sequential zoning and for settlement capacity audit.

#### Strandhill

PAZ-56, PAZ-57 and most of PAZ-58 (nRES) are situated outside the CSO Settlement Boundary for Strandhill and are inconsistent with NPO 3c and RPO 3.3. This sites are in peripheral locations and do not have regard to the policy and objective for the sequential approach to zoning under section 6.2.3 of the Development Plans Guidelines and do not accord with the mandatory objectives for sustainable settlement and transport strategies, as described above.



PAZ-56 was not subject to infrastructural assessment, and UÉ states that it would require significant network extension to connect to wastewater services. Although PAZ-57 and PAZ-58 were found to be T1 land in an infrastructural assessment, the planning authority's SCA determined that these lands should be SLR due to their lower accessibility ranking. The proposed amendments are therefore inconsistent with NPO 72 and have not had regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines that zoning is informed by a settlement capacity audit.

## **Easky**

The Office has significant concerns that the scale of the additional nRES zoning provided by PAZ-60, at almost 4ha, is disproportionate, and excessive in view of the core strategy target for this small village. In contrast PAZ-61 would omit an existing nRES site of 0.31ha.

PAZ-60 is situated outside the CSO Settlement Boundary for the settlement and is inconsistent with NPO 3c and RPO 3.3. This site is in peripheral location and does not have regard to the policy and objective for the sequential approach to zoning under section 6.2.3 of the Development Plans Guidelines and do not accord with mandatory objectives for sustainable settlement and transport strategies, as described above.

PAZ-60 was found in the infrastructural assessment to be neither T1 nor T2 land. The proposed amendment is therefore inconsistent with NPO 72 and has not had regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines that zoning is informed by a settlement capacity audit.

In contrast, PAZ-61 is located adjacent the core of the town, is brownfield in character and is therefore consistent with national and regional policy objectives for compact growth and regeneration, and has regard to sequential zoning. The site was determined as appropriate through an infrastructural assessment and SCA, and had regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines.



In respect of the three subject settlements, the Office notes that the SEA Environmental Report identified PAZ-42, PAZ-43, PAZ-44, PAZ-45, PAZ-46, PAZ-56, PAZ-57, PAZ-58 and PAZ-60 as having the potential to 'Probable Conflict with status of SEOs - unlikely to be fully mitigated'.

# MA Recommendation 3 - Zoning for residential use around SatelliteVillages and Villages with Special Tourism Functions

Having regard to the provision of new homes at locations that can support compact and sustainable development and the co-ordination of land use zoning, infrastructure and services, and in particular to:

- section 10(2)(n) of the Planning and Development Act 2000, as amended, concerning the promotion of sustainable settlement and transport strategies and associated mandatory targets for greenhouse gas emissions reduction targets under the Climate Action and Low Carbon Development Act 2015, as amended:
- the core strategy of the draft Sligo County Development Plan 2024-2030 (the draft Plan);
- NPO 3c and RPO 3.3 compact growth;
- NPO 72a-c and associated NPF Appendix 3, tiered approach to zoning;
- the infrastructural assessment and settlement capacity audit in Appendix A of the draft Plan;
- the Development Plans, Guidelines for Planning Authorities (2022) in respect of the policy and objective under section 6.2.1 for zoning to be informed by the settlement capacity audit, and the policy and objective under section 6.2.3 to implement a sequential approach to zoning; and
- the Strategic Environmental Assessment Addendum,



the planning authority is required to make the Plan without the following material amendments to:

- (i) Satellite villages
  - a) Ballysadare PAZ-42, PAZ-43, PAZ-45 and PAZ-46
  - b) Strandhill PAZ-56, PAZ-57 and PAZ-58
- (ii) Villages with special tourism functions
  - a) Easky PAZ-60 and PAZ-61.

# 1.4 Other Villages

Extensive material amendments are also proposed to include additional Rural Village (RV) zonings, including in the settlements of Ballintogher, Castlebaldwin, Cliffony, Curry and Gorteen.

PAZ-64 Ballintogher, PAZ-73 Cliffony are situated outside the CSO Settlement Boundary. Although the CSO Settlement Boundary has not been defined for Castlebalwin or Curry, PAZ-68 Castlebawn and PAZ-76 Curry are situated in peripheral locations outside the Development Limit defined in the draft Plan. The four sites are therefore considered inconsistent with NPO 3c and RPO 3.3.

While PAZ-79 and PAZ-80 Gorteen are within the CSO Settlement Boundary, these sites, in addition to PAZ-64, PAZ-73, PAZ68 and PAZ-76 do not have regard to the policy and objective for the sequential approach to zoning under section 6.2.3 of the Development Plans Guidelines and do not accord with the mandatory objectives for sustainable settlement and transport strategies, as described above.

PAZ-64, PAZ-68, PAZ-73, PAZ-76 and PAZ-79 also were not subject to infrastructural assessment. PAZ-80 was subject of an infrastructural assessment and found to be neither T1 nor T2 lands. The proposed amendments are therefore inconsistent with NPO 72 and have not had regard to the policy and objective under



section 6.2.1 of the Development Plans Guidelines that zoning is informed by a settlement capacity audit.

The scale of the additional lands for development for each of these rural villages is inconsistent with the core strategy and with NPO18a to support the proportionate growth of rural towns. Further, it does not have regard to the policy and objective that 'development in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure' in table 3.7 the Sustainable Residential Development Compact Settlement Guidelines for Planning Authorities (2024) (Compact Settlement Guidelines / CSGs).

In respect of the three subject settlements, the Office notes that the SEA Environmental Report identified PAZ-64, PAZ-68, PAZ-73 and PAZ-76 as having the potential to 'Probable Conflict with status of SEOs - unlikely to be fully mitigated'. The Office also note that the SFRA identifies PAZ-76 as not satisfying the plan making justification test.

The Office also notes that the lands proposed to be zoned for residential use under PAZ 76 in Curry and PAZ 79 and PAZ 80 in Gorteen are located in an area at risk of flooding. This matter is separately addressed below under flood risk management.

## MA Recommendation 4 - Zoning for Rural Village around Other Villages

Having regard to the provision of new homes at locations that can support compact and sustainable development and the co-ordination of land use zoning, infrastructure and services, and in particular to:

- section 10(2)(n) of the Planning and Development Act 2000, as amended, concerning the promotion of sustainable settlement and transport strategies and associated mandatory targets for greenhouse gas emissions reduction targets under the Climate Action and Low Carbon Development Act 2015, as amended;
- the core strategy of the draft Sligo County Development Plan 2024-2030
   and the Sustainable Residential Development Compact Settlement



Guidelines for Planning Authorities (2024) in respect of the policy and objective under table 3.7 that development is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure;

- NPO 3c, RPO 3.2(b) and RPO 3.7.39 compact growth;
- NPO 72a-c and associated NPF Appendix 3, tiered approach to zoning;
- the infrastructural assessment and settlement capacity audit in Appendix A of the Draft Sligo County Development Plan 2023-2029;
- the Development Plans, Guidelines for Planning Authorities (2022) in respect of the policy and objective under section 6.2.1 for zoning to be informed by the settlement capacity audit, and the policy and objective under section 6.2.3 to implement a sequential approach to zoning; and
- the Strategic Environmental Assessment Addendum and the Strategic Flood Risk Assessment,

the planning authority is required to make the Plan without the following material amendments:

- (i) Ballintogher PAZ-64
- (ii) Castlebaldwin PAZ-68
- (iii) Cliffony PAZ-73
- (iv) Curry- PAZ-76
- (v) Gorteen PAZ-79 and PAZ-80.

#### 2. Zoning for non-residential uses

The Office welcomes the inclusion, under PA-27, of an additional text to section 7.3 Spatial Planning for Economic Development, which explains the simple, evidence-based approach applied by the planning authority to determine that 25.2ha of Business / Industry / Enterprise (BIE) zoned land is needed for the entire county to



accommodate 60% of projected employment demand over the plan period. It is apparent that 40% of future employment would be accommodated on other zoned lands, including town centre uses (TC1). mixed uses (MIX), tourism (TOU) and community facilities (CF), among others.

The text clarifies that as the draft Plan zones 290ha for BIE, most of which are located strategically within the Regional Growth Centre, the draft Plan is capable of supporting far in excess of the projected employment growth. Notwithstanding, the material alterations to the draft Plan include a number of proposed amendments to the zoning of BIE lands and other non-residential lands with potential to accommodate employment uses.

PAZ-10 proposes to zone an additional c.2ha as BIE, in the unzoned area outside Sligo town. This remote site is c.1.2km outside the CSO Settlement Boundary and would be inconsistent with RPO 3.7.39 compact growth for employment, would not support the achievement of the NSO compact growth, does not apply the sequential approach to zoning and therefore does not have regard to the sequential test for enterprise and employment land under the Development Plans Guidelines (Appendix A).

Furthermore, the peripheral location of this site means that it cannot facilitate access by active and sustainable modes of travel and does not therefore accord with mandatory objectives for sustainable settlement and transport strategies which promote measures to reduce GHG emissions under section10(2)(n) of the Act, and will undermine the achievement of mandatory targets for GHG emissions reduction under the Climate Act, as supported by the *Climate Action Plan 2024* and by the goals of the *National Sustainable Mobility Policy* (2022).

PAZ-34, which proposes to change the zoning of 3.6ha land, located outside the 2016 settlement boundary and the Development Limit for Enniscrone, from Greenbelt (GB) to Tourism (TOU), would not support the achievement of the NSO compact growth. This site does not represent sequential zoning and does not have regard to sequential test for enterprise and employment land under the Development Plans Guidelines (Appendix A). These lands have been determined by the planning



authority as neither T1 nor T2 lands and would require a 730m network extension to connect to the wastewater system according to UÉ, and therefore the subject zoning is inconsistent with NPO 72 and does not have regard to the policy and objective for zoning to be informed by the settlement capacity assessment under section 6.2.1 of the Development Plans Guidelines.

PAZ-41 and PAZ-44 propose to zone over 5ha Green Belt lands for Business / Industry / Enterprise (BIE) outside Ballysadare. PAZ-46 proposes to place 4.11ha of BIE in Ballysadare into the Strategic Land Reserve (SLR). Unlike the lands subject of PAZ-46, the sites of PAZ-41 and PAZ-44 are located outside the CSO Settlement Boundary and will not support the achievement of NSO compact growth and are non-sequential zonings that do not have regard to the sequential test for enterprise and employment land under the Development Plans Guidelines (Appendix A). The two sites are also situated outside the defined Development Limit and access onto the public road within the 80kph speed limit. Unlike the lands subject of PAZ-46, the sites of PAZ-41 and PAZ-44 have been determined by the planning authority as neither T1 nor T2 lands and, according to UÉ, access to wastewater may necessitate a 900m network extension. The subject amendments are therefore inconsistent with NPO 72 and do not have regard to the policy and objective for zoning to be informed by the settlement capacity assessment under section 6.2.1 of the Development Plans Guidelines

PAZ-59 proposes to change 1.15ha of GB land to BIE, and PAZ-62 proposes to change 1.2ha of GB land to TOU around Easky.

The lands subject of PAZ-59 are consistent with compact growth and the sequential approach, being adjacent the village core, and have been determined by the planning authority as T1 lands. These lands are therefore well located to provide for employment uses in a sustainable, compact, and well-planned way.

Conversely, the lands subject of PAZ-62 are remote from the CSO boundary and the defined Development Limit for Easky and will not support the achievement of NSO compact growth and are non-sequential zonings that do not have regard to the sequential approach under the Development Plans Guidelines. The said lands have



not been subject of an infrastructural assessment or settlement capacity audit and, according to UÉ, would require a 500m network extension to connect to the WWTP. The subject amendment is therefore inconsistent with NPO 72 and does not have regard to the policy and objective for zoning to be informed by the settlement capacity assessment under section 6.2.1 of the Development Plans Guidelines.

There is, therefore, no evident planning reason for replacing the lands the subject of PAZ 59 with PAZ 62.

MA PAZ-81 proposes to change the zoning of 1.3ha of GB to Community Facilities (CF) around Monasteraden. The CSO Settlement Boundary has not been defined, but the lands are outside the defined Development Limit and mostly outside the village plan limit. The proposed amendment would therefore not support the NSO compact growth and would not have regard to the sequential approach under the Development Plans Guidelines. The site has not been subject of an infrastructure assessment or SCA and UÉ states that it would require pipe upsizing for connection. The amendment is inconsistent with NPO 72 and does not have regard to the policy and objective under s.6.2.1 of the Development Plans Guidelines.

The SEA ER identifies PAZ-10, PAZ-34, PAZ-41, PAZ-44, PAZ-46, PAZ-62 and PAZ-81 as having the potential for *'Probable Conflict with status of SEOs - unlikely to be fully mitigated'* (See Table 8.7 of SEA ER).

The Office also notes that the lands proposed to be zoned under PAZ-34 Enniscrone and PAZ-62 Easky are located in an area at risk of flooding. This matter is separately addressed below under flood risk management.

### MA Recommendation 5 – Non-residential zonings

Having regard to the provision of employment at locations that can support compact and sustainable development and the co-ordination of land use zoning, infrastructure and services, and in particular to:

section 10(2)(n) of the Planning and Development Act 2000, as amended,
 concerning the promotion of sustainable settlement and transport strategies



and associated mandatory targets for greenhouse gas emissions reduction targets under the Climate Action and Low Carbon Development Act, 2015;

- RPO 3.7.39 compact growth for employment for Sligo Regional Growth Centre
- NPO 74 and the National Sustainable Outcome and Regional Growth Ambition for compact growth;
- NPO 72a-c and associated NPF Appendix 3, tiered approach to zoning;
- the infrastructural assessment and settlement capacity audit in Appendix A of the Draft Sligo County Development Plan 2023-2029;
- the Development Plans, Guidelines for Planning Authorities (2022) in respect of the policy and objective under section 6.2.1 for zoning to be informed by the settlement capacity audit, and the provisions for the sequential approach to zoning; and
- the Strategic Environmental Assessment Addendum and the Strategic Flood Risk Assessment.

the planning authority is required to make the Plan without the following material amendments to:

- (i) Sligo town PAZ-10
- (ii) Enniscrone PAZ-34
- (iii) Ballysadare PAZ-41, PAZ-44 and PAZ-46
- (iv) Easky PAZ-59 and PAZ-62
- (v) Monasteraden PAZ-81.



#### 3. Access to national roads

Proposed amendment PA-180 proposes to include text into the Plan which states:

Where direct vehicular access onto national primary roads cannot be avoided, a Departure from TII Publications Standards DN-GEO-03060 with justification shall be required.

This provision is not, however, consistent with national and regional policy to maintain the strategic capacity and safety of the national roads network, particularly inter-urban roads between Sligo and other cities and regional growth centres as part of enhanced regional accessibility in accordance with NSO 2 of the NPF, RPO 6.5 of the RSES, and the section 28 ministerial guidelines for National Roads Guidelines.

A key message of the National Roads Guidelines is that:

Development plans must include policies which seek to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50 kmh applies.

Section 2.5 of these guidelines outlines that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply.

PA-180 is not consistent with this policy framework to avoid direct vehicular access onto national primary roads.

Furthermore, the proposed amendment does not fall under the exceptional circumstances to these provisions under with section 2.6 of the National Roads Guidelines.



#### MA Recommendation 6 - Access to National Roads

Having regard to the need to maintain the capacity and safety of the strategic road network and, in particular:

- NPO 74 to align the NPF with the NDP through the delivery of the national strategic outcomes;
- NSO 2 and RPO 6.5, concerning maintaining the strategic capacity and safety of the national roads network; and
- sections 2.5 and 2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012), in respect of the require policy approach for access to national roads,

the planning authority is required to make the Plan without MA PA-180.

# 4. Greenways and recreational infrastructure

The NPF includes NPO 22 to facilitate the development of greenways and blueways, and NPO 60 to conserve and enhance natural heritage.

The Office notes that two material amendments are proposed in respect of the routing of greenways, PA-105 and PA-106.

MA PA-106 introduces policy P-OR-23 which states:

Ensure that the routing/location, siting and design of proposed outdoor recreational infrastructure (greenways, walking and cycling paths/trails, parks and other open spaces) does not have a significant adverse impact on biodiversity.

This policy provides a clear and appropriate basis to protect biodiversity and allow individual proposals to be assessed against through the development management process in a manner which is consistent with both NPO 22 (greenways) and NPO 60 (natural heritage).



MA PA-105 however induces text at section 27.7.4 stating that 'greenways should not be routed through areas of high nature value', which has the potential to conflict with that policy resulting in a lack of clarity and transparency. Furthermore, 'areas of high nature value' do not appear to be defined or otherwise referenced in the draft Plan.

The Office is of the view therefore, that PA-105 is inconsistent with NPO 22 to facilitate greenways, and NPO 60 the protection of natural heritage in a manner appropriate to its significance.

# **MA Recommendation 7 - Greenways**

Having regard to NPO 22 to facilitate greenways, and NPO 60 to conserve and enhance natural heritage in a manner appropriate to its significance, the planning authority is required to make the plan without material amendment PA-105.

# 5. Flood risk management

In general, the Office welcomes the response of the planning authority to its recommendation on flood risk management issues, however the material alterations to the draft Plan include a significant number of amendments relating to the zoning of land for uses vulnerable to flooding, which sites have not passed the plan making justification test. These include: PAZ-15 Sligo town; PAZ-18, PAZ-19 and PAZ-23 Ballymote; PAZ-23 Enniscrone; PAZ-62 Easky; PAZ-63 Ballinafad; PAZ-76 Curry; PAZ-79 and PAZ-80 Gorteen; several of which are addressed under other recommendations, above.

It is noted that the decision of the planning authority to include the zoning of these lands is that 'the land use zoning objective reflects the existing use of the site'. However, this is not appropriate where the lands concerned are undeveloped lands.

Any undeveloped lands in Flood Zone A should be zoned for water compatible development, and in Flood Zone B for less vulnerable usage, unless all criteria of the Plan Making Justification Test can be satisfied. The subject amendments are



therefore inconsistent with NPO 57 and RPO 3.1, and have not had regard to the Flood Guidelines.

# MA Recommendation 8 - Flood risk management

Having regard to the need to manage flood risk and, in particular:

- NPO 57 and RPO 3.10 to ensure flood risk management avoids inappropriate development at risk of flooding;
- the provisions of *The Planning System and Flood Risk Management for Planning Authorities* (2009), including the plan making justification test; and
- the Strategic Flood Risk Assessment,

the planning authority is required to make the Plan without:

- (i) Sligo town PAZ-15;
- (ii) Ballymote PAZ-18, PAZ-19 and PAZ-23;
- (iii) Enniscrone PAZ-23;
- (iv) Easky PAZ-62;
- (v) Ballinafad PAZ-63;
- (vi) Curry PAZ-76; and
- (vii) Gorteen PAZ-79 and PAZ-80.

#### **Summary**

The Office requests that your authority addresses the recommendations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office **within five working days** of the decision of the planning authority in relation to the material



alterations to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the Plan in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Yours sincerely,

**Anne Marie O'Connor** 

Deputy Regulator and Director of Plans Evaluations