



22nd Lúnasa 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 –
Notice of Intention to Issue a Direction to Galway County Council
regarding the Loughrea Local Area Plan 2024-2030**

A Liam, a chara,

Consequent to a recommendation made to me as Minister by the Office of the Planning Regulator (the Office) on 9th August 2024 in connection with the *Loughrea Local Area Plan 2024-2030* (the Local Area Plan) as adopted by the elected members of Galway County Council on 15th July 2024, and pursuant to section 31 of the Planning and Development Act 2000 (the Act), I write to give notice of my intention to issue a direction to Galway County Council to take account of certain measures specified in this notice.

Opinion

On consideration of the recommendation made to me by the Office, and on the basis of the information available to me, I have formed the opinion that:

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



A draft of the Direction accompanies this notice and I request that you publish notice of this draft Direction, no later than two weeks after its receipt. The reasons for the Direction are set out in the Statement of Reasons incorporated in the attached draft Direction and further detail is provided in the Summary of Issues as set out below.

Process to Date

The draft Loughrea Local Area Plan 2024-2030 (the draft Plan) was on public display from 24th November 2023 to 15th January 2024. The Office of the Planning Regulator made a submission to the draft Plan on 15th January 2024, containing 2 recommendations which addressed a range of matters.

The elected members, having considered the draft Plan and the Chief Executive's report on submissions received, decided to amend the draft Plan. The proposed material alterations were on public display from 15th April 2024 to 13th May 2024. The Office made a submission on 13th May 2024 containing 1 recommendation. The Office's recommendation at the Material Alterations stage comprised *MA Recommendation 1 – Lands Zoned for Community Facilities Uses*.

The elected members of Galway County Council adopted the *Loughrea Local Area Plan 2024-2030* on 15th July 2024. Subsequently, the planning authority issued a notice letter to the Office advising of the making of the Local Area Plan and specifying the recommendations of the Office that were not complied with.

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

- *MA Recommendation 1 – Lands Zoned for Community Facilities Uses – (i) Material Alteration MA35*



Summary of Issues

OPR MA Recommendation 1 – (i) Material Alteration MA35

Having regard to specific cited objectives of the Galway County Development Plan, the Regional Spatial and Economic Strategy, relevant Ministerial Guidelines, as well as other pertinent policy considerations, Galway County Council was recommended to make the Local Area Plan without material alteration MA35. This material alteration proposed to zone a very significant quantum of land for community facilities in a peripheral location outside the settlement boundary of Loughrea and outside the town's bypass, a national road to which a 100 km/h speed limit applies.

The Office has advised that this location is not serviced by existing or proposed pedestrian or cycling infrastructure, or public transport links from Loughrea, and therefore would give rise to car dependent development. Any persons (including vulnerable road users) intending to access the lands by walking or cycling from Loughrea would be required to cross the N65 national road in the absence of any appropriate crossing facility. While the elected members have suggested that an underpass could be provided, the Office states that no such proposal is included in either the Local Area Plan or the Local Transport Plan and it is not clear how such infrastructure would be funded or its timeline for delivery.

The material alteration was adopted contrary to your recommendations as Chief Executive and against the advice of both the National Transport Authority and Transport Infrastructure Ireland. The Office has advised that no, or no adequate, reasons have been provided to justify the decision of the elected members to depart from local, regional and national planning policy with respect to the zoning of the subject lands. The Office has therefore concluded that this zoning objective is inconsistent with the planning authority's statutory obligations, as detailed in its recommendation to me, as Minister, under section 31AO(7) of the Act, and reflected in the reasons set out in the draft Direction.

Decision

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



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

- is not in compliance with the provisions of the Act including:
 - Section 19(2), which requires that the Local Area Plan shall be consistent with the objectives of the County Development Plan and any regional spatial and economic strategy that applies to the area of the plan.
 - Section 27(1), which states a planning authority shall ensure, when making a local area plan, that the plan is consistent with any regional spatial and economic strategy in force for its area.
 - Section 28(1), which requires planning authorities to have regard to ministerial guidelines in the performance of their functions.

- is not consistent with the objectives of the National Planning Framework and Regional Spatial and Economic Strategy for the Northern and Western Region, including NPO 27, RPO 6.5 and RPO 6.30.

- fails to have regard to Ministerial Guidelines issued under section 28 of the Act, specifically the Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

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

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

Measures to be taken – Draft Direction

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



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

In particular, I wish to highlight that notwithstanding the reference to the N65 being a national primary road in the Office of the Planning Regulator's section 31AO(7) notice letter, I am cognisant that the N65 is classified as a national secondary road pursuant to Schedule 2 of the Roads Act 1993 (Classification of National Roads) Order 2012 (S.I. 53 of 2012), but nonetheless is a national road for the purposes of planning and development and the Spatial Planning and National Roads Guidelines.

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

- (a) Delete Material Alteration MA35 from the adopted Local Area Plan - i.e. the subject lands revert to unzoned from Community Facilities.

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

Next Steps – Procedural requirements

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

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



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

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

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

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

Where the Office is of the opinion that a material amendment to the draft Direction is required, or further investigation is necessary, or it is necessary for any other reason, then the Office may appoint an inspector no later than 3 weeks after receipt of the Chief Executive's report, prior to making a final recommendation to me.

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

Is mise, le meas,



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



Copied to:

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

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

Loughrea Local Area Plan 2024-2030

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

“Planning Authority” means Galway County Council.

“County Development Plan” means Galway County Development Plan 2022-2028.

“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) (“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 (Loughrea Local Area Plan 2024-2030) Direction 2024.
- (2) The Planning Authority is hereby directed to take the following step with regard to the Local Area Plan:
 - (a) Delete Material Alteration MA35 from the adopted Local Area Plan - i.e. the subject lands revert to unzoned from Community Facilities.

STATEMENT OF REASONS

- I. The Local Area Plan includes a material alteration to the draft Local Area Plan to zone land as Community Facilities located on the far side of the N65 national road with no existing or planned access by walking, cycling or public transport from Loughrea, inconsistent with the objectives of the RSES and County Development Plan for sustainable growth which prioritises connectivity by way of safe, secure walking and cycling routes and public transport (RPO 6.30 of the RSES and County Development Plan Policy Objectives PM 4 and PM 6), and supports the provision of pedestrian and cycling infrastructure for shorter local journeys (County Development Plan Policy Objectives GCTPS 4 and WC 4).

- II. The Local Area Plan includes a material alteration to zone land as Community Facilities adjoining the N65 national road which is inconsistent with RPO 6.5 of the RSES and Policy Objective NR 1 of the County Development Plan to protect the strategic capacity and safety of the national roads network and associated national road junctions, and fails to have regard to sections 2.4 and 2.7 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012)
- III. 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.
- IV. 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.
- V. The Minister is of the opinion that 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.
- VI. The Minister is of the opinion that the Local Area Plan as made is not consistent with National Policy Objective 27 of the National Planning Framework.
- VII. 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.
- VIII. The Local Area Plan is not in compliance with the requirements of the Act.

GIVEN under my Official Seal

Minister for Housing, Local Government and Heritage

[Day] of [Month], [Year]