



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

27th October 2024

Alan Dillon TD,
Minister of State for Local Government and Planning,
Department of Housing, Local Government and Heritage,
Custom House,
Dublin 1,
D01 W6X0.

BY HAND AND BY EMAIL

**Re: Notice Pursuant to section 31AM(8) of the Planning and Development Act
2000 (as amended) – Sligo County Development Plan 2024-2030**

A chara,

I am writing to you in relation to the recent adoption by the elected members, of the Sligo County Development Plan 2024-2030 (the County Development Plan), of Sligo County Council (the Planning Authority).

In particular, I am writing to you in the context of the statutory duty of the Office of the Planning Regulator (the Office) pursuant to section 31AM(8) of the Planning and Development Act 2000 (as amended) (the Act) to issue a Notice to you on the basis that, having considered the County Development Plan, the Office is of the opinion that:

- a) the County Development Plan has not been made in a manner consistent with recommendations of the Office, which required specific changes to the County Development Plan:
 - i. to ensure consistency with the core strategy of the draft Plan and with NPO 3c, NPO 57, NPO 60, NPO 72a-c of the National Planning Framework (NPF), RPO 3.2(b), RPO 3.7.39, RPO 5.14 and RPO 3.10 of the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly (NWRA), and section 10(2)(n) of the Act

concerning the promotion of sustainable settlement and transport strategies and the obligations under the Climate Action and the Low Carbon Development Act 2015, as amended (the Climate Act), and having regard to the policy and objective for settlement capacity audits and the policy and objective for sequential zoning under the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines) and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines).

Specifically, the County Development Plan zones land for residential development in peripheral and / or non-sequential locations, and/or are not serviced or serviceable within the plan period, and/or in area at risk of flooding, that does not support compact growth; the tiered approach to zoning; the sequential approach to zoning; and would not facilitate the promotion of sustainable settlement and transport strategies.

- ii. to ensure consistency with NPO 74 to align the NPF and the National Development Plan (NDP) through the delivery of National Strategic Outcomes (NSO) including NSO 1 compact growth, NPO 72a-c tiered approach to zoning, NPO 57, RPO 3.10 of the RSES, and section 10(2)(n) of the Act concerning the promotion of sustainable settlement and transport strategies and the obligations under the Climate Action Act, and having regard to the policy and objective for sequential zoning under the Development Plans Guidelines and the Flood Guidelines.

Specifically, the County Development Plan zones land for Tourism and Business/Industry/Enterprise development in peripheral and / or non-sequential locations, and/or are not serviced or serviceable within the plan period, and/ or in areas at risk of flooding, that does not support compact growth; the tiered approach to zoning; the sequential approach to zoning; and would not facilitate the promotion of sustainable settlement and transport strategies.

- iii. to ensure consistency with NPO 74 to align the NPF and the NDP through the delivery of NSOs including NSO 2 Enhanced Regional

Accessibility, and RPO 6.5 of the RSES to give effect to NSO 2 and to maintain the strategic capacity and safety of the national road network, and having regard to sections 2.5 and 2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) (National Roads Guidelines) to maintain the capacity, efficiency and safety of national roads, avoiding 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 km/h apply.

Specifically, the County Development Plan includes a material amendment to introduce text into section 33.9.1 of the plan which provides for direct vehicular access onto national primary roads in certain circumstances.

- b) as a consequence of the above, the County Development Plan made by the Planning Authority fails to set out an overall strategy for the proper planning and sustainable development of the area concerned; and
- c) the use by you of your functions to issue a direction under section 31 of the Act would be merited.

The reasons for the Opinion of the Office are set out in further detail in section 2 of this Notice Letter. This letter is a Notice to you pursuant to section 31AM(8) of the Act (the 31AM(8) notice letter).

1. Background

1.1 Draft Sligo County Development Plan 2024-2030

The draft Sligo County Development Plan 2024-2030 (the draft Plan) was on public display from 13th October 2023 to 22nd December 2023.

A statement was appended (as Appendix I) to the draft Plan as required under section 28(1A)(b) of the Act, concerning the implementation of the Ministerial Guidelines, which was not amended at material alteration stage.

The statement did not acknowledge any departure from the provisions of section 28 Guidelines, in particular it did not acknowledge any departure from the Flood Guidelines or Development Plans Guidelines. It did not include any information to demonstrate that the Planning Authority had formed the opinion that it was not possible to implement certain policies and objectives of the Minister contained in any relevant guidelines, as outlined in further detail below, and did not provide reasons for not implementing such policies and objectives. Such information and reasons are required where section 28(1B)(b) applies.

The Office made a submission to the draft Plan on 22nd December 2023 containing five (5) recommendations and seven (7) observations.

The Office's submission to the draft Plan identified a number of issues for the Planning Authority to address to align the draft Plan with current national and regional policy and the Act.

Specifically, issues raised related to:

- Recommendation 1: Population and Housing Targets
- Recommendation 2: Zoning of land for Strategic Land Reserve in Grange
- Recommendation 3: Community Facilities: Land Use Zoning Approach
- Recommendation 4: Renewable Energy Strategy
- Recommendation 5: Flood Risk Management

Subsequently, the Planning Authority sent a section 12(7) notice letter dated 6th June 2024 advising the Office of the proposed amendments to the draft Plan. There was no section 12(5)(aa) Notice Letter submitted. Subject to the adoption of specific proposed material amendments to address the matters raised in the recommendations, the Planning Authority had addressed all of the Office's recommendations to the draft Plan.

1.2 Material Alterations to the Draft Sligo County Development Plan 2024-2030

The elected members, having considered the draft Plan and the Chief Executive's Report (CE's Report) on submissions to the draft Plan dated 22nd March 2024 (CE's

Report draft stage), resolved to amend the draft Plan. The material alterations to the draft Plan (the Material Alterations) were on public display from 7th June to 5th July 2024.

The Material Alterations included a number of changes, including:

- a series of individual material amendments to residential land use zoning objectives across the county;
- a series of individual material amendments to non-residential land use zoning objectives across the county;
- a series of material amendments to re-zone land in flood zone A and B; and
- a material amendment to insert additional text into the draft Plan at Section 33.9.1 Access onto National Roads.

The Office made a submission on 5th July 2024 on the Material Alterations containing eight (8) recommendations and no observations.

The Office's recommendations on the Material Alterations included:

- MA Recommendation 1 – Zoning for residential use around Sligo Town
- MA Recommendation 2 – Zoning for residential use around Support Towns
- MA Recommendation 3 – Zoning for residential use around Satellite Villages and Villages with Special Tourism Functions
- MA Recommendation 4 – Zoning for Rural Villages around Other Villages
- MA Recommendation 5 – Non-residential zonings
- MA Recommendation 6 – Access to National Roads
- MA Recommendation 7 – Greenways
- MA Recommendation 8 – Flood risk management

1.3 Adopted Sligo County Development Plan 2024-2030

The elected members resolved to make the County Development Plan on 30th September 2024.

Subsequently, the Planning Authority sent a section 31AM(6) Notice Letter received by the Office on 7th October 2024 (31AM(6) notice letter) advising of the making of the County Development Plan and specifying the recommendations of the Office that had not been complied with or the aspects of the County Development Plan inconsistent with the recommendations of the Office.

The 31AM(6) notice letter stated that all eight of the MA Recommendations had not been complied with in full or in part, and provided a summary of the Chief Executive's reasons and / or the elected members' reasons for not complying with the aforementioned recommendations.

In addition, the 31AM(6) notice letter states that Recommendation 2 of the Office's submission to the draft Plan has not been complied with as the material amendment proposed by the Chief Executive to change the subject land use zoning from Strategic Land Reserve (SLR) to Green Belt (GB) in Grange under PAZ 49, was not accepted by the elected members and the County Development Plan was made with the Strategic Land Reserve zoning objective. The elected members' reasons for not complying with this recommendation are set out in the 31AM(6) notice letter.

In relation to MA Recommendation 7, the Office accepts the reasons given by the Chief Executive and / or the elected members.

The outstanding matters, therefore, are as follows:

- Residential zoning objectives and material amendments:
 - Recommendation 2 (Grange)
 - MA Recommendation 1 (Sligo Town)
 - MA Recommendation 2 (Support Towns)
 - MA Recommendation 3 (Satellite Villages)
 - MA Recommendation 4 (Rural Villages)
- Material amendments to zone land for employment generating uses, tourism uses, and community facilities (MA Recommendation 5)
- Access to national roads (MA Recommendation 6)
- Flood risk management (MA Recommendation 8)

These outstanding matters are considered in detail below.

1.4 Strategic Land Reserve - Grange

The draft Plan included a significant site as Strategic Land Reserve in Grange which is located in a peripheral location outside of the CSO settlement boundary¹ and on lands which the Infrastructural Assessment (Appendix A) of the draft Plan determined are not fully serviced.

Recommendation 2 of the Office's submission to the draft Plan states:

Recommendation 2 - Zoning of land for Strategic Land Reserve in Grange

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;
- NPO 3c and RPO 3.2, compact growth;
- NPO 72a-c and associated NPF Appendix 3, tiered approach to zoning;
- the infrastructural assessment in Appendix A of the Draft Sligo County Development Plan 2023-2029; and
- the *Development Plans, Guidelines for Planning Authorities (2022)* in respect of the policy and objective for the sequential approach to zoning,

the planning authority is required to omit the Strategic Land Reserve zoning from the site on the L3203 on the western approach to the village and retain the Green Belt zoning.

¹ This means within the existing built-up footprint of all sizes of urban settlement, as defined by the CSO in line with UN criteria i.e. having a minimum of 50 occupied dwellings, with a maximum distance between any dwelling and the building closest to it of 100 metres, and where there is evidence of an urban centre (shop, school etc.).

The Material Alterations included material amendment PAZ 49 which sought to amend the zoning of 2.49ha from nRES² (SLR³) to Green Belt (GB). The lands are largely located outside of the CSO settlement boundary and leapfrog underdeveloped and greenbelt lands closer to the village.

The elected members rejected the Chief Executive's recommendation in support of PAZ 49 for the following reasons:

- the site is zoned in the current Sligo County Development Plan 2017-2023 (extended to 2024).

The Office notes, however, that while a portion of the subject lands are zoned in the Grange Village Plan in the Sligo County Development Plan 2017-2023, the lands are zoned for tourism-related uses not residential. Further, the majority of the lands are zoned as Green Belt.

Furthermore, the lands have not been included in the Settlement Capacity Audit (SCA), and the Infrastructure Assessment for the draft Plan determined that the lands are not fully serviced.

The reasons do not address the substance of the Office's reasons for recommending the omission of the Strategic Land Reserve zoning objective for these lands relating to the peripheral and non-sequential location of the lands, largely outside the CSO settlement boundary and the lack of adequate infrastructure services.

No or no adequate reasons consistent with proper planning and sustainable development have been provided to explain why the Planning Authority has decided to retain the nRes Strategic Land Reserve zoning objective on these lands when it is inconsistent with the core strategy of the County Development Plan, and with NPO 3(c) for compact growth, and NPO 72a-c and associated NPF Appendix 3 tiered approach to zoning, and fails to have regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines for zoning to be informed by the settlement capacity audit, and the policy and objective under section 6.2.3 to

² New Residential

³ Strategic Land Reserve

implement a sequential approach to zoning, and inconsistent with section 10(2)(n) of the Act for sustainable settlement and transport strategies and the obligations under the Climate Action Plan and Climate Act.

Furthermore, the Planning Authority has not indicated that it has formed the opinion that it is not possible, because of the nature and characteristics of the area, to implement the said policies and objectives of the Minister. In the Office's view this demonstrates a failure to have regard to the guidelines and/or a failure to properly understand the policies and objectives of the guidelines in circumstances where the planning authority has not considered it necessary to explain a failure to implement same as required by section 28(1A)(b).

1.5 Residential zoning – Sligo Town

At the Material Alterations stage, the draft Plan was amended to include new residential (nRES) zoning objectives for Sligo Town 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.

MA Recommendation 1 of the Office's submission to the Material Alterations required the plan to be made without a number of material amendments as follows:

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.

The CE's Report on the Material Alterations dated 6th September 2024 (CE's Report MA stage) recommended that the County Development Plan be made without each of the subject amendments on the basis that the proposed amendments are:

- *inconsistent with the Core Strategy.*
- *have not been considered in the context of the Local Transport Plan.*
- *are located in peripheral locations.*
- *the Settlement Capacity Audit confirmed that there are many sites ranked higher than the subject lands that, when aggregated, have sufficient capacity to deliver the Core Strategy housing allocation for Sligo Town.*

- *some of the proposed amendments would have a negative effect on the landscape character of the area and/or on the integrity of the landscape of archaeological significance.*

Similarly, the NWRA submission (MA stage) does not support the subject amendments for the following reasons:

- *inconsistency with the Core Strategy.*
- *lack of any evidenced based approach.*
- *peripheral in nature and will not deliver compact growth and are not sequential.*
- *PAZ 13 constitutes leapfrogging contrary to compact growth objectives; proposed amendments are contrary to RPO 3.7.37 for Sligo Town which sets an ambition for Sligo to grow to 27,200 by 2024.*
- *the proposed amendments have not been considered within the context of the Local Transport Plan and do not support the principle of delivering integrated land use and transport planning to enable increased travel by sustainable transport modes and a reduction in greenhouse gas emissions.*

In relation to PAZ 9, PAZ 11, PAZ 12, PAZ 13, and PAZ 14, the Strategic Environmental Assessment (SEA) conclusion recorded in the SEA Addendum Environmental Report for the Proposed Material Amendments (June 2024) (the Environmental Report) states:

These Proposed Amendments would not provide the most evidence-based framework for development and would have the potential to undermine sustainable development and proper planning. There is potential for associated unnecessary adverse effects on various environmental components.

The elected members rejected the Chief Executive's recommendation and made the County Development Plan with all of the material amendments for the following reasons:

- *PAZ 9: water, foul and surface water services are available to the site; Sligo County Council has awarded a contract for the construction of footpaths to these sites; OPR acknowledge that these lands are Tier 1 fully serviced; is*

about 800m from ATU which needs accommodation for staff and students; site completely cleared and little to no vegetation and the presence of natural habitats now is indicative of the care taken by the owners.

- *PAZ 11: in the current plan the lands are zoned SLR, Residential; lands are Tier 1 serviced lands with pedestrian access to the town centre which is within walking distance; are close to public transport routes, public parks, sports complex, churches and schools.*
- *PAZ 12: site is within settlement boundary; adjacent to existing development; is serviced; in proximity to public transport.*
- *PAZ 13: housing targets in draft development plan are out of step with housing need; lands are fully serviced; located within settlement limit; their development has the potential to contribute to much needed housing supply together with supporting infrastructure such as childcare, community, recreational and leisure facilities.*
- *PAZ 14 and PAZ 15⁴: The 2024 ESRI report indicates that the housing projections in the draft Plan have underestimated the quantum of land required to be zoned to meet growth demands; UE has had ongoing engagement with the developer on these lands and confirmed PAZ 14 is feasible at present without external upgrades; UE have no issue with future infrastructure works being completed by the developer similar to approach at Hazelwood Distillery; core strategy does not include sufficient additional provision of zoned land nor does it adequately account for the additional NWRA population correction of high migration; a portion of the site is within the CSO boundary; NWRA fail to acknowledge the available exceptions to the sequential approach as provided for in the Development Plan Guidelines for Planning Authorities 2022; with out additional land zoning mathematical assessments carried out as part of submissions clearly tell us will not hit our growth targets; fails to recognise the site is serviced by public bus route and is within walking/cycling distance of the ATU, Sligo hospital and key employers; site scores maximum 20 points in the infrastructure assessment for proximity*

⁴ Resolution PAZ 14, 15, 16 dated 30/09/24 combines all three amendments together

to public transport which clearly demonstrates sustainable modes of transport; area of flood risk is less than a hectare out of a total 23hectares which has no flood risk, area is in a region of forestry which would be outside of any development zone in line with biodiversity net gain required and a site-specific flood risk assessment has been commissioned and provided to elected members which confirms same; submissions by individuals include various points of factually incorrect information which should be discounted; proposed development of the lands would result in the retention of existing trees and hedgerows, significant community facilities and housing within the lifetime of the plan which is critically needed.

The Office has assessed each of the zoning amendments and considered the reasons provided by the Planning Authority in each case.

In respect of the need for more zoned land to increase housing supply and support growth raised by the elected members, based on the SCA prepared as part of the County Development Plan, the zoning objectives for Sligo Town provides sufficient capacity to accommodate the housing targets set out in the core strategy, ensuring that a sufficient supply of zoned land is provided and that choice for development potential is safeguarded. There is no evidence, therefore, to support the argument that the subject lands are required to meet housing demand in the area.

The NWRA submission (MA stage) states that the amendments at MA stage:

represented significant amendments to the Sligo Town Plan that would constitute an increase of approximately 66.7ha of new residential zoned land, primarily at the periphery of the plan area or outside the plan area. This would represent a 75% increase in the overall Residential Zoning allocation for Sligo town.

The NWRA also stated that these zonings do not appear to be realistic based on current growth trajectory for Sligo Town.

Specifically, in relation to PAZ 9, PAZ 11, PAZ 12, PAZ 13, PAZ 14 and PAZ 15, the Office notes that these material amendments zone an additional 44ha of land for New Residential (nRES), an increase of 51% to that area determined by the core strategy as sufficient to accommodate the housing targets for Sligo Town.

There is, therefore, no evidence-based rationale consistent with proper planning and sustainable development to support the decision to zone a further c.44 ha of New Residential lands in peripheral and non-sequential locations that do not support more sustainable travel patterns, and/or without adequate infrastructure services and utilities, and/or in areas at risk of flooding.

PAZ 9 changed the zoning of 2.48ha from Strategic Land Reserve (SLR) in the draft Plan to New Residential (nRES).

The CE's Report (MA stage) stated that

Such zoning lacks consistency with the Core Strategy of the Draft Plan and has not been considered within the context of the Local Transport Plan. The lands are in a peripheral location, outside the CSO settlement boundary. The Settlement Capacity Audit (SCA) confirmed that there are many sites ranked higher than the subject lands that, when aggregated, have sufficient capacity to deliver the Core Strategy housing allocation for Sligo Town.

Specifically, in relation to PAZ 9, the Uisce Éireann's (UÉ) submission (MA stage) states that on-site boosting may be needed and that the nearest sewer and water networks are over 900m and 250m away respectively.

The Department of Housing, Local Government and Heritage raised concerns that these lands contained areas of natural habitat and ecological corridors.

It is acknowledged that the lands were determined as Tier 1 in the Infrastructure Assessment, however the SCA identified that the lands ranked poorly in terms of sequential development and delivery of compact growth. In particular, the Office notes that the adjacent lands to the south, which are sequentially preferable to PAZ 9 are zoned Strategic Land Reserve, and the subject lands are located outside the CSO settlement boundary.

PAZ 11 changed the zoning of 3.06ha from Green Belt (GB) in the draft Plan to 2.46ha New Residential (nRES) and 0.6ha Open Space (OS). The motion of the elected members carried at the meeting dated 30th September 2024 also includes, *'amend the Plan so that the lands be included within the Development Limit'*.

The Department of Housing, Local Government and Heritage considers that this zoning would have a negative effect on the landscape character of Carns Hill which

has been included in The Passage Tomb Landscape of County Sligo World Heritage Tentative List for UNESCO World Heritage Site. The submission on the Material Alterations raised concerns that

Were this rezoning to take place it would represent an objectionable visual intrusion and negative impact on the overall amenity and integrity of the great cairns at Carns Hill. It is considered that the proposed rezoning will have a negative effect on the landscape character of Cairns Hill and on the amenity of the cairns upon it.

The Supplementary Infrastructure Assessment - Appendix 1 of the CE's Report (MA Stage) determined that the lands are not fully serviced and the site was not included in the SCA. It is acknowledged that there is an existing footpath and lighting along the public road adjacent to these lands. However, UE's submission (MA stage) states that the land requires network extensions longer than 150m.

Notwithstanding, the subject lands are outside of the CSO settlement boundary and are located in a peripheral and non-sequential location some 1.5km from the town centre and in an area of rich cultural heritage contrary to NPO 60 of the NPF to conserve and enhance the rich qualities of natural cultural heritage, and with RPO 5.14 of the RSES.

PAZ 12 changed the zoning of 1.4 ha from Green Belt (GB) in the draft Plan to New Residential (nRES).

The Office acknowledges that a portion of the lands is located within the CSO settlement boundary and that the lands were determined as Tier 1 in the Infrastructure Assessment included in the CE's Report (MA Stage).

Notwithstanding, the lands are peripherally located on the very edge of the town and would extend development into the rural hinterland without any clear evidence basis, and where the SCA identified that the lands ranked poorly in terms of sequential development, delivery of compact growth and availability of social infrastructure.

PAZ 13 changed the zoning of 27.08ha from Strategic Land Reserve (SLR) in the draft Plan to New Residential (nRES).

The lands are located in an undeveloped area outside the CSO settlement boundary, and on the far side of the N4, adjacent to the N4/Western Distributor Road interchange.

The Department of Housing, Local Government and Heritage submission (MA stage) raised concern that these lands contained areas of natural habitats and ecological corridors, including hedgerows and species rich wetland. The submission states that this area coincides with the mapped wetland Caltragh Marsh (on the Irish Wetland Map), which appears to have suffered some infill in recent years.

The Office acknowledges that these lands are determined as Tier 1 in the Infrastructure Assessment included in the CE's Report (MA Stage) and the UÉ submission regarding the proximity of sewer and water services. However, the SCA identified that the lands are poorly located in terms of accessibility to social infrastructure.

The Office further notes that the lands are located on the far side of the N4 in an identifiable landbank that is otherwise zoned Strategic Land reserve or Strategic land reserve long term strategic and sustainable development site (residential).

The subject site extends to 27ha which would increase the amount of zoned land for residential uses by 31% in a peripheral location that has not been considered within the context of the Local Transport Plan (LTP), is outside the CSO settlement boundary for the town, leapfrogs extensive undeveloped zoned residential land closer to the town centre and is contrary to the sequential approach to zoning.

PAZ 14 changed the zoning of 10.26 ha from Green Belt (GB) in the draft Plan to New Residential (nRES). **PAZ 15** changed the zoning of 23.19ha from Green Belt (GB) to New Residential (nRES) and Strategic Land Reserve (SLR).

These lands are adjacently located outside the CSO settlement boundary and within an extensive area otherwise zoned Green Belt (GB). The elected members have combined their reasons for both amendments.

As outlined previously there is no evidence-based rationale to support the requirement for the subject zoning objective to ensure that adequate housing is available.

UE's submission (MA stage) states that new connections would require network extensions and upgrades, pumping station and rising main infrastructures and that such works would have to be undertaken by developers. The Infrastructure Assessment (Appendix 1 of draft Plan) identified these lands as 'not fully serviced' and these lands were not included in the SCA.

The Department of Housing, Local Government and Heritage submission (MA stage) raised concerns that both PAZ 14 and PAZ 15 are adjacent to Lough Gill SAC and contain ecological corridors including hedgerows and watercourses that connect with the SAC. The Office notes, that PAZ 14 lies immediately adjacent to the boundary of the SAC, but that both amendments were screened out for stage 2 Appropriate Assessment in the Natura Impact Report (NIR).

PAZ 14 extends to c.0ha and PAZ 15 to c.23ha, both of which are in a location that has not been considered within the context of the LTP, is outside the CSO settlement boundary for the town, leapfrogs extensive undeveloped zoned residential land closer to the town centre, as well as greenbelt lands, and is contrary to the sequential approach to zoning.

Further, flood risk issues arise in respect of PAZ 15 and are addressed under Flood Risk Management (MA Recommendation 8) below.

1.5.1 Summary

The subject lands are located outside or partially outside the CSO settlement boundary and are therefore inconsistent with NPO 3(c) of the NPF, and RPO 3.2(b) and RPO 3.7.39 of the RSES for compact growth.

Furthermore, the material amendments are all located in peripheral or highly peripheral, non-sequential locations, which fail to have regard to the policy and objective under section 6.2.3 of the Development Plans Guidelines to prioritise the most centrally located development sites in a settlement first.

The zoning objectives and material amendments are also largely unserved, and are in those instances inconsistent with NPO 72a-c of the NPF - tiered approach to zoning, and fail to have regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines for zoning to be informed by the settlement capacity audit.

Further, the peripheral location of these material amendments means they will not facilitate, support or encourage active travel and will therefore not contribute to mandatory objectives for sustainable settlement and transport strategies under 10(2)(n) of the Act; will conflict with the Climate Action Plan and with the Greenhouse Gas (GHG) reduction targets under the Climate Act.

No or no adequate reasons consistent with proper planning and sustainable development have been provided to explain why the Planning Authority has decided to retain PAZ 9, PAZ 11, PAZ 12, PAZ 13, PAZ 14 and PAZ 15 when they are inconsistent with the core strategy of the County Development Plan, and with NPO 3(c) of the NPF, and RPO 3.2(b) and RPO 3.7.39 of the RSES for compact growth, and/ or NPO 72a-c and associated NPF Appendix 3 tiered approach to zoning, and/ or fail to have regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines 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 inconsistent with section 10(2)(n) of the Act for sustainable settlement and transport strategies and the obligations under the Climate Action Plan and Climate Act.

Furthermore, the Planning Authority has not indicated that it has formed the opinion that it is not possible because of the nature and characteristics of the area, to implement the said policies and objectives of the Minister. In the Office's view this demonstrates a failure to have regard to the guidelines and/or a failure to properly understand the policies and objectives of the guidelines in circumstances where the planning authority has not considered it necessary to explain a failure to implement same as required by s.28(1A)(b).

1.6 Residential zoning - Support towns

The Material Alterations also included a number of residential zoning objectives located on the periphery of the support towns of Ballymote, Enniscrone and Tobercurry which raised concerns in respect of supporting compact and sustainable development and the co-ordination of land use zoning, infrastructure and services.

MA Recommendation 2 of the Office’s submission to the Material Alterations required the County Development Plan to be made without a number of material amendments as follows:

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.

The CE's Report (MA Stage) recommended that the County Development Plan be made without each of the subject amendments except for PAZ 18 and PAZ 20 in Ballymote.

The elected members made the County Development Plan with all of the subject material amendments except for PAZ 23, for reasons set out in the 31AM(6) notice letter.

The Office has assessed each of the zoning amendments and considered the reasons provided by the Planning Authority in each case.

1.6.1 Ballymote

In respect of Ballymote, the elected members accepted the Chief Executive's recommendation in respect of PAZ 18, PAZ 20 and made the County Development Plan with these material amendments. The Office accepts the reasons of the Chief Executive and/or the members for making the County Development Plan with these two material amendments.

In respect of PAZ 21, the Office also accepts the reasons of the elected members for making the County Development Plan with the material amendment and/ or is of the view that the material amendment is not of a strategic nature to warrant a recommendation to the Minister.

In respect of PAZ 23 Ballymote, the Office notes that the elected members accepted the Chief Executive's recommendation and made the County Development Plan without this material amendment.

1.6.1 Enniscrone

In relation to PAZ 31, PAZ 32, PAZ 33 and PAZ 35 in Enniscrone, the elected members rejected the Chief Executive's recommendation, and made the County Development Plan with each of the subject amendments for reasons set out in the 31AM(6) notice letter.

In relation to PAZ 35, the Office notes the close proximity to the Main Street and potential for pedestrian and cycle accessibility and permeability, and does not consider that a recommendation to the Minister is warranted in respect of these lands.

In relation to PAZ 31, PAZ 32, PAZ 33, the CE's Report (MA stage) recommended that the County Development Plan be made without each of the subject amendments on the basis that the subject lands are neither fully serviced (Tier 1), nor serviceable during the six-year period of the County Development Plan 2024 – 2030 (Tier 2); and the lands are located outside the CSO settlement boundary and/or in a peripheral location inconsistent with the sequential approach and would not support the achievement of compact growth and do not represent a sequential approach to zoning.

In relation to PAZ 31, PAZ 32, and PAZ 33, the SEA conclusion recorded in the Environmental Report states:

these proposed amendments would not provide the most evidence-based framework for development and has the potential to undermine sustainable development and proper planning - with potential for associated unnecessary adverse environmental effects on various environmental components.

The elected members rejected the Chief Executive's recommendation and made the County Development Plan with all of the material amendments for the following reasons:

- *PAZ 31: To allow a family who has no other property to construct two houses and that the site can be serviced in the lifetime of this Plan, the Irish Water submission is inaccurate, site can be serviced within lifetime of plan.*
- *PAZ 32: landowner is requesting that he is allowed to build one house on his land.*
- *PAZ 33: the land had planning permission. No other land was zoned for housing in the area. There is a huge need for housing in Enniscrone.*

In relation to the reason relating to housing need, the Office notes that based on the SCA prepared as part of the County Development Plan, the zoning objectives for Enniscrone provide sufficient capacity to accommodate the housing targets set out in the core strategy, ensuring that a sufficient supply of zoned land is provided and that choice for development potential is safeguarded. There is no evidence, therefore, to

support the argument that the subject lands are required to meet housing demand in the area.

PAZ 31 changed the zoning of 0.26ha from Open Space (OS) in the draft Plan to New Residential (nRES).

In relation to the reason that the UÉ submission is inaccurate, no evidence to support this assertion has been provided. UÉ's submission (MA stage) states that the nearest wastewater connection is 370m north of the site. The Infrastructure Assessment in the CE's Report (MA Stage) also determined the lands are not fully serviced.

The Office also does not consider that the reason that the land will only be developed for two houses is a sufficient basis to zone the land for residential use in a peripheral location some 1.1km from the town centre, and which leagfrogs undeveloped greenbelt land in a non-sequential manner.

PAZ 32 changed the zoning of 1.81 ha from Green Belt (GB) in the draft Plan to New Residential (nRES).

The lands are located outside of the Development Limit for the town and largely outside the CSO boundary, in a peripheral location some 1.2km from the town centre, and leagfrog undeveloped greenbelt land in a non-sequential manner.

These land were not included in the SCA, but the Infrastructure Assessment in the CE's Report (MA Stage) determined the lands are not fully serviced. UÉ's submission (MA Stage) states that the water supply network is 280 m west of the site, while the public sewer is 640 m to the west of the site.

The Office also notes that Policy SP-S-11 of the County Development Plan accommodates proposals for one-off houses in green belts subject to normal planning considerations and compliance with guidance set out in section 33.4 Housing in rural areas.

PAZ 33 changed the zoning of 0.79 ha from Green Belt (GB) to New Residential (nRES).

The lands are located outside of the Development Limit for the town and partially outside the CSO settlement boundary in a peripheral, unserviced, and non-sequential location which leagfrogs undeveloped greenbelt land.

The reason raised in relation to the need for housing and zoned land in Enniscrone is addressed above.

In relation to the planning history, the Office notes that the planning application granted on these lands in 2008 has expired and was determined under a different planning policy context.

The Infrastructure Assessment in the CE's Report (MA Stage) determined the lands are not fully serviced. UÉ's submission (MA Stage) states that the nearest wastewater connection would be 730 m north of the site.

1.6.2 Tobercurry

In relation to PAZ 37 and PAZ 39 in Tobercurry, the elected members rejected the Chief Executive's recommendation, and made the County Development Plan with each of the subject amendments for reasons set out in the 31AM(6) notice letter.

In respect of PAZ 37 and PAZ-39, the Office accepts the reasons of the elected members for making the County Development Plan with these material amendments and/ or is of the view that the material amendments are not of a strategic nature to warrant a recommendation to the Minister.

1.6.3 Summary

The subject material amendments are all therefore located in peripheral, non-sequential locations, which fail to have regard to the policy and objective under section 6.2.3 of the Development Plans Guidelines to prioritise the most centrally located development sites in a settlement first.

The material amendments are also unserviced, and are therefore inconsistent with NPO 72a-c of the NPF - tiered approach to zoning, and fail to have regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines for zoning to be informed by the settlement capacity audit.

Material amendments PAZ 32 and PAZ 33 also partially fall outside the CSO settlement boundary and are therefore inconsistent with NPO 3(c) of the NPF - compact growth.

Further, the peripheral location of the subject material amendments means they will not facilitate, support or encourage active travel and will therefore not contribute to mandatory objectives for sustainable settlement and transport strategies under 10(2)(n) of the Act; will conflict with the Climate Action Plan and with the GHG reduction targets under the Climate Act.

No or no adequate reasons consistent with proper planning and sustainable development have been provided to explain why the Planning Authority has decided to retain PAZ 31, PAZ 32, and PAZ 33 when they are inconsistent with the core strategy of the County Development Plan and/or with NPO 3(c) for compact growth, and/ or NPO 72a-c and associated NPF Appendix 3 tiered approach to zoning, and/ or fail to have regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines 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 inconsistent with section 10(2)(n) of the Act for sustainable settlement and transport strategies and the obligations under the Climate Action Plan and Climate Act.

Furthermore, the Planning Authority has not indicated that it has formed the opinion that it is not possible, because of the nature and characteristics of the area, to implement the said policies and objectives of the Minister. In the Office's view this demonstrates a failure to have regard to the guidelines and/or a failure to properly understand the policies and objectives of the guidelines in circumstances where the planning authority has not considered it necessary to explain a failure to implement same as required by section 28(1A)(b).

1.7 Residential zoning - Satellite Villages & Villages with Special Tourism Functions

The Material Alterations included a number of residential zoning objectives located on the periphery of the Satellite Villages and Villages with Special Tourism Functions of Ballysadare, Strandhill and Easky which raised concerns in respect of supporting

compact and sustainable development and the co-ordination of land use zoning, infrastructure and services.

MA Recommendation 3 of the Office’s submission to the Material Alterations required the County Development Plan to be made without a number of material amendments as follows:

MA Recommendation 3 - Zoning for residential use around Satellite Villages 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.

The CE's Report (MA Stage) recommended that the County Development Plan be made without each of the subject amendments.

The elected members rejected the Chief Executive's recommendation, and made the County Development Plan with each of the subject amendments, for reasons set out in the 31AM(6) notice letter.

The Office has assessed each of the zoning amendments and considered the reasons provided by the Planning Authority in each case.

1.7.1 Ballysadare

In respect of PAZ 43, and that part of PAZ 46 to change the zoning of 3.26 ha from New Residential (nRES) in the draft Plan to Strategic Land Reserve (SLR), the Office accepts the reasons of the elected members for making the County Development Plan with the material amendments and/ or is of the view that the material amendments are not of a strategic nature to warrant a recommendation to the Minister.

In relation to PAZ 42 and PAZ 45, the SEA conclusion recorded in the Environmental Report states:

these proposed amendments would not provide the most evidence-based framework for development and has the potential to undermine sustainable

development and proper planning - with potential for associated unnecessary adverse environmental effects on various environmental components.

The elected members made the County Development Plan with all of the material amendments for the following reasons:

- *PAZ 42: A Traffic and Transportation Assessment confirmed adequacy of junction; previously submitted planning report confirms it will be possible to serve the lands with gravity fed foul line; site can therefore be serviced within lifetime of CDP.*
- *PAZ 45: There is an existing sewer line adjoining the site. The site is directly adjoining the CSO boundary with a small development currently under construction beside it.*

PAZ 42 changed the zoning of 3.36 ha from Green Belt (GB) in the draft Plan to New Residential (nRES). The lands are located outside of the Development Limit for the village and where there are sequentially preferable undeveloped lands located closer to the village centre.

The Office notes that based on the SCA prepared as part of the County Development Plan, the zoning objectives for Ballysadare provide sufficient capacity to accommodate the housing targets set out in the core strategy, ensuring that a sufficient supply of zoned land is provided and that choice for development potential is safeguarded. There is no evidence, therefore, to support the argument that the subject lands are required to meet housing demand in the area.

The Infrastructure Assessment in the CE's Report (MA Stage) determined that the PAZ 42 lands are not fully serviced (served by a substandard road with no public footpath).

The CE's Report (MA Stage) acknowledges the Traffic and Transportation Assessment carried out which demonstrates that the existing junction serving the Knockmuldowney Park estate can cater for the additional traffic that may be generated by the development of these lands. However, the Chief Executive also states that

the assessment does not address whether it is possible to access the subject lands through the existing estate, having regard to them significant difference in levels between the two sites. The only alternative vehicular access is therefore off the L-36041, which is not suitable to serve a multi-unit residential development, having regard to its substandard width and alignment.

PAZ 45 changed the zoning of 1.11 ha from Green Belt (GB) in the draft Plan to New Residential (nRES). The lands are located outside of the Development Limit for the village and extends the village along the N59 to the west and leapfrogs undeveloped and green belt lands in a non-sequential manner.

These lands were not included in the SCA included but the Infrastructure Assessment in the CE's Report (MA Stage) determined the lands are not fully serviced. UÉ's submission (MA stage) states that servicing the site would require network extensions longer than 150m and may also require network upgrades and/or third party agreements.

1.7.2 Strandhill

In respect of PAZ 56 and PAZ 58, the Office accepts the reasons of the elected members for making the County Development Plan with these material amendments and/ or is of the view that the material amendments are not of a strategic nature to warrant a recommendation to the Minister.

PAZ 57 removed 4.02 ha of New Residential (nRES) zoned land in the draft Plan from the Strategic Land Reserve (SLR). This has the effect of changing the zoning from SLR to nRES.

The subject lands are located outside of the CSO settlement boundary, and leapfrog extensive undeveloped residential zoned land, including Strategic Land Reserve, closer to the village centre.

The CE's Report (MA stage) recommended that the County Development Plan be made without the material amendment on the basis that:

The release of an additional 4 hectares of lands from the SLR lacks consistency with the Core Strategy of the Draft Plan. No appropriate rationale has been provided for the addition of these lands to the 7 hectares already

zoned nRES and MIX in the Draft Strandhill Village Plan. The Settlement Capacity Audit (SCA) confirmed there were sufficient sites ranked higher than the subject lands that, when aggregated, would have sufficient capacity to deliver the revised Core Strategy housing allocation for village in a sequential and coordinated manner.

In relation to PAZ 57, the SEA conclusion recorded in the Environmental Report states:

these proposed amendments would not provide the most evidence-based framework for development and has the potential to undermine sustainable development and proper planning - with potential for associated unnecessary adverse environmental effects on various environmental components.

The elected members rejected the Chief Executive's recommendation and made the County Development Plan with the material amendment for the following reasons:

- *PAZ 57: these lands are adjacent to lands where the local authority intend to build and any infrastructure shortfalls will be resolved by services needed on this site; Housing is urgently required in this area and the land previously zoned has not been developed to meet this need.*

In relation to housing need, the Office agrees with the Chief Executive that, based on the SCA prepared as part of the County Development Plan, the zoning objectives for Strandhill provide sufficient capacity to accommodate the housing targets set out in the core strategy, ensuring that a sufficient supply of zoned land is provided and that choice for development potential is safeguarded. The material amendment increases the amount of zoned land available for residential use in a disproportionate and unreasonable manner at this peripheral location. There is no evidence, therefore, to support the argument that the subject lands are required to meet housing demand in the area.

No specific details have been provided by the elected members regarding the requirement to develop the subject lands to address infrastructure shortfalls on lands where the local authority intend to build, and this is not supported by the CE's Report.

Furthermore, these lands ranked poorly relative to other zoned lands in terms of sequential development in the SCA notwithstanding that the Infrastructure Assessment to the draft Plan determined the lands as Tier 1. UÉ's (MA stage) states that localized network upgrades would be required and the site would need upsizing of the 150-mm sewer over a length of more than 200m.

1.7.3 Easky

In respect of PAZ 61 and PAZ 59, the Office is of the view that the material amendments are not of a strategic nature to warrant a recommendation to the Minister.

PAZ 60 changes the zoning of 3.98 ha from Green Belt (GB) to New Residential (nRES). The lands are located outside of the Development Limit for the town and largely outside the CSO settlement boundary.

The CE's Report (MA stage) recommended that the County Development Plan be made without the material amendment on the basis that:

The lands are therefore now considered to be fully serviced (Tier 1).

Notwithstanding the above, the CE concurs with the concerns of the OPR. The scale of the additional nRES zoning is disproportionate and excessive in view of the Core Strategy housing allocation for this small village (i.e. the potential housing yield from PAZ-60 alone would be over three times the Core Strategy's allocation for Easky).

The lands are outside the CSO (2016) Settlement Boundary, in a peripheral location. The proposed rezoning does not conform with the sequential approach.

In relation to PAZ 60, the SEA conclusion recorded in the Environmental Report states:

these proposed amendments would not provide the most evidence-based framework for development and has the potential to undermine sustainable development and proper planning - with potential for associated unnecessary adverse environmental effects on various environmental components.

The elected members rejected the Chief Executive's recommendation and made the County Development Plan with all of the material amendments for the following reasons:

- *PAZ 60: this is the only land available for housing in Easky; there is a substantial need for housing in this area.*

In relation to this reason, the Office notes that 1.18ha of lands are zoned for residential development in the adopted County Development Plan for Easky which provides sufficient capacity to accommodate the housing targets set out in the core strategy, ensuring that a sufficient supply of zoned land is provided and that choice for development potential is safeguarded. The material amendment increases the amount of zoned land available for residential use in a disproportionate and unreasonable manner at this peripheral location. There is no evidence, therefore, to support the argument that the subject lands are required to meet housing demand in the area.

1.7.4 Summary

The material amendments are all therefore located in peripheral or highly peripheral, non-sequential locations, which fail to have regard to the policy and objective under section 6.2.3 of the Development Plans Guidelines to prioritise the most centrally located development sites in a settlement first.

Material amendments PAZ 57 and PAZ 60 fall outside or partially outside the CSO settlement boundary and are therefore inconsistent with NPO 3(c) of the NPF for compact growth.

Material amendments PAZ 42 and PAZ 45 are also unserved, and are therefore inconsistent with NPO 72a-c of the NPF - tiered approach to zoning, and fail to have regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines for zoning to be informed by the settlement capacity audit.

Further, the excessive zoning of land in settlements with less opportunities for sustainable travel will not facilitate, support or encourage active travel and will therefore not contribute to mandatory objectives for sustainable settlement and transport strategies under 10(2)(n) of the Act; will conflict with the Climate Action Plan and with the GHG reduction targets under the Climate Act.

No or no adequate reasons consistent with proper planning and sustainable development have been provided to explain why the Planning Authority has decided to retain PAZ 42, PAZ 45, PAZ 57, and PAZ 60 when they are inconsistent with the core strategy of the County Development Plan, and/or with NPO 3(c) for compact growth, and/ or NPO 72a-c and associated NPF Appendix 3 tiered approach to zoning, and/ or fail to have regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines 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 inconsistent with section 10(2)(n) of the Act for sustainable settlement and transport strategies and the obligations under the Climate Action Plan and Climate Act.

Furthermore, the Planning Authority has not indicated that it has formed the opinion that it is not possible, because of the nature and characteristics of the area, to implement the said policies and objectives of the Minister. In the Office's view this demonstrates a failure to have regard to the guidelines and/or a failure to properly understand the policies and objectives of the guidelines in circumstances where the planning authority has not considered it necessary to explain a failure to implement same as required by s.28(1A)(b).

1.8 Rural Villages

At Material Alterations stage, the draft Plan was amended to include changes to zone land from Green Belt (GB) to Rural Village (RV), and amendments to the Development Limits to include such lands, which raised concerns in respect of supporting compact and sustainable development and the co-ordination of land use zoning, infrastructure and services.

MA Recommendation 4 of the Office's submission to the Material Alterations required the County Development Plan to be made without a number of material amendments as follows:

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.

The Chief Executive recommended the County Development Plan be made without all six (6) material amendments consistent with the Office’s recommendation.

The elected members accepted the Chief Executive’s recommendation and made the County Development Plan without PAZ 68.

However, the elected members rejected the Chief Executive’s recommendation and made the County Development Plan with PAZ 64, PAZ 73, PAZ 76, PAZ 79 and PAZ 80 for reasons set out in the 31AM(6) notice letter.

The Office has assessed each of the zoning amendments and considered the reasons provided by the Planning Authority in each case.

The settlement strategy of the County Development Plan states that the function of the rural villages is to support the retention of local services and the limited provision of residential development to satisfy local needs.

1.8.1 Ballintogher

In respect of PAZ 64, the Office accepts the reasons of the elected members for making the County Development Plan with the material amendment and/ or is of the view that the material amendment is not of a strategic nature to warrant a recommendation to the Minister.

1.8.2 Cliffony

In respect of PAZ 73, the Office accepts the reasons of the elected members for making the County Development Plan with these material amendments and/ or is of the view that the material amendments are not of a strategic nature to warrant a recommendation to the Minister.

1.8.3 Curry

PAZ 76 changed the zoning of 2.89 ha from Green Belt (GB) in the draft Plan to Rural Village (RV) and extends the Development Limit of Curry to include these lands.

The lands are significant in scale relative to the size of the settlement and are located in a peripheral, non-sequential and serviced location outside the Development Limit for Curry.

The CE's Report (MA Stage) states:

the subject lands are neither fully serviced nor serviceable during the six year period of the CDP...the lands are outside the development limit defined in the draft plan, in a peripheral location, not contiguous to the built up area. Its redesignation would not follow the sequential approach to zoning.

In relation to PAZ 76 the SEA conclusion recorded in the Environmental Report states:

these proposed amendments would not provide the most evidence-based framework for development and has the potential to undermine sustainable development and proper planning - with potential for associated unnecessary adverse environmental effects on various environmental components.

The elected members rejected the Chief Executive's recommendation for the following reasons:

- *sewer connection 65m from front of site beside funeral home. Site is higher than village.*
- *2 other houses built on so called flood plain, 60 m from back of site.*

The Infrastructure Assessment determined that these lands are not fully serviced (not served by a public watermain, public sewer or public footpath), and there was no Settlement Capacity Audit carried out due to the rural nature of the village and limited availability of social infrastructure.

UÉ's submission (MA stage) stated that that servicing PAZ 76 would require network extensions longer than 150m. In addition, the connection would require a river

crossing into the pumping station and an upgrade of the pumping station would likely to be required.

Further, flood risk issues arise in respect of this site and are addressed under Flood Risk Management (MA Recommendation 8) below.

1.8.4 Gorteen

PAZ 79 changes the zoning of 0.26 ha from Green Belt (GB) to Rural Village (RV).

PAZ 80 changes the zoning of 0.91ha from Green Belt (GB) in the draft Plan to Rural Village (RV). Both material amendments extend the Development Limit to include these lands.

These material amendments relate to adjoining lands, and joint reasons are given by the elected members.

The lands are located at the very edge of the village and would extend the village along the regional road into Green Belt lands in a non-sequential manner.

The CE's Report (MA Stage) states:

the lands are neither fully serviced (Tier 1), nor serviceable during the six-year period of the CDP 2024–2030 (Tier 2), would be inconsistent with the sequential approach to zoning and would fail the Justification Test under the Flood Risk Management Guidelines for Planning Authorities.

The elected members rejected the Chief Executive's recommendation for the following reasons:

- *services are in close proximity to the site.*
- *Good location for development.*
- *Gorteen needs development, demand for housing in the village particularly high at the present time.*

In relation to the reason given that the zoned land is required to ensure that adequate housing is available to meet demand, the Office notes that the draft Plan provided sufficient land (5ha) to meet development requirements set out in the core strategy of the County Development Plan in a sequential and coordinated manner.

There is, therefore, no evidence-based rationale to support the requirement for the subject zoning objective to ensure that adequate housing is available.

The Infrastructure Assessment determined that the PAZ 79 lands are not fully serviced (PAZ 79 - not served by the public sewer, public water supply, public footpath or public road; PAZ 80 - not served by the public sewer). Further, UÉ's submission (MA Stage) states that in order to service the PAZ 80 lands it would require third-party agreements for servicing new development via private property or private water services infrastructure.

Further, flood risk issues arise in respect of both PAZ 79 and PAZ 80 and are addressed under Flood Risk Management (MA Recommendation 8) below.

1.8.5 Summary

The material amendments are all therefore located in peripheral, non-sequential locations, which fail to have regard to the policy and objective under section 6.2.3 of the Development Plans Guidelines to prioritise the most centrally located development sites in a settlement first.

The material amendments are also unserviced, and are therefore inconsistent with NPO 72a-c of the NPF - tiered approach to zoning, and fail to have regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines for zoning to be informed by the settlement capacity audit.

No or no adequate reasons consistent with proper planning and sustainable development have been provided to explain why the Planning Authority has decided to retain PAZ 76, PAZ 79 and PAZ 80 when they are inconsistent with the core strategy of the County Development Plan, and NPO 72a-c and associated NPF Appendix 3 tiered approach to zoning, and/ or fail to have regard to the policy and objective under section 6.2.1 of the Development Plans Guidelines 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.

Furthermore, the Planning Authority has not indicated that it has formed the opinion that it is not possible, because of the nature and characteristics of the area, to implement the said policies and objectives of the Minister. In the Office's view this demonstrates a failure to have regard to the guidelines and/or a failure to properly

understand the policies and objectives of the guidelines in circumstances where the planning authority has not considered it necessary to explain a failure to implement same as required by s.28(1A)(b).

1.9 Non Residential zoning objectives

The draft Plan included a number of non-residential zoning objectives which were considered to: be inconsistent with compact growth; encourage and reinforce a pattern of car-based trips; and where there is an absence of adequate infrastructure for these lands.

MA Recommendation 5 of the Office’s submission to the draft Plan required the Planning Authority to make the Plan without four Business / Industry / Enterprise zoning objectives (PAZ 10 Sligo town; PAZ 41 and PAZ 44 Ballysadare; and PAZ 59 Easky); two Tourism zoning objectives (PAZ 34 Enniscrone and PAZ 62 Easky); and one community zoning objective (PAZ 81 Monastreraden) as follows:

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.

The CE's Report (MA stage) recommended that the County Development Plan be made without all eight amendments consistent with the Office's recommendation.

The elected members rejected the Chief Executive's recommendation and made the County Development Plan with each of the subject amendments for the reasons set out in the 31AM(6) notice letter.

The Office has assessed each of the zoning amendments and considered the reasons provided by the Planning Authority in each case.

1.9.1 PAZ 10 Sligo Town

In respect of PAZ 10, the Office notes that planning permission was recently granted on these lands and is of the view that a recommendation to the Minister is not warranted in this instance.

1.9.2 PAZ 34 Enniscrone

PAZ 34 changed the zoning of land to the south of Enniscrone from Green Belt (GB) in the draft Plan to 3.62 ha Tourism (TOU) and 1.34 ha Open Space (OS).

This land is an undeveloped site located outside the Development Limit for Enniscrone and outside the CSO settlement boundary.

In the interest of clarity, the Office notes that PAZ 34 zoned the northern section of lands which are located in Flood Zone A & B as open space (OS) which is a water-compatible development and is in accordance with the sequential approach outlined in the Flood Guidelines.

The CE's Report (MA Stage) states that

UÉ ... details that the subject lands are neither fully serviced (Tier 1), nor serviceable during the six-year period of the CDP 2014 – 2030 (Tier 2). The lands are located outside the CSO Settlement boundary, would not support the achievement of compact growth and do not represent a sequential approach to zoning.

The elected members rejected the Chief Executive's recommendation for the following reasons:

Enniscrone is a tourism town and a tourism project is being prepared. These lands are adjacent to Diamond Coast Hotel and are fully serviced.

The Office acknowledges and supports the role of Enniscrone as a tourism town. Extensive lands are zoned for tourism and mixed use development in the town which are sequentially preferable to the subject lands and would positively contribute to the vitality and viability of the town.

By comparison, the subject lands are located on the periphery of the town, and the Infrastructure Assessment in the CE's Report (MA Stage) determined the lands are

not fully serviced. In addition, UÉ's submission (MA stage) indicated that the nearest wastewater connection would be 730 m north of the site. These lands are located outside the CSO settlement boundary and are not serviced by footpaths or lighting.

1.9.3 PAZ 41, PAZ 44 and PAZ 46 Ballysadare

PAZ 41 changes the zoning of 2.77ha from Green Belt (GB) in the draft Plan to Business/Industry/Enterprise (BIE).

PAZ 44 changes the zoning of 2.29ha from Green Belt (GB) in the draft Plan to Business/Industry/Enterprise (BIE).

PAZ 46 changes 4.11ha from Business/Industry/Enterprise (BIE) to BIE Strategic Land Reserve.

The cumulative effect of these material amendments is to zone land for employment purposes further from the settlement (PAZ 41 and PAZ 44) than the land zoned in the draft Plan (PAZ 46), contrary to the policy and objective of the Development Plans Guidelines that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.

In relation to PAZ 46, the Office considers that the decision of elected members to change the zoning to BIE Strategic Land Reserve does not provide a sufficient statutory and / or policy basis for a recommendation to the Minister. However, neither does it follow that this decision provides a justification consistent with proper planning and sustainable development for the decision to zone peripheral, unserviced and non-sequential land for employment purposes under PAZ 41 and PAZ 44.

In relation to PAZ 41 and PAZ 44 the CE's Report (MA Stage) states:

The lands are located off the N59 where, by reason of the applicable speed limit, the creation of a new entrance or intensification of an existing entrance would be in direct conflict with the provisions of national policy.

The subject lands are neither fully serviced (Tier 1), nor serviceable during the six-year period of the CDP 2024-2030 (Tier 2). In accordance with the National Policy Objective 72c (NPF), land that cannot be serviced within the life of the plan should not be zoned for development.

Specifically, in relation to PAZ 41, it is further stated that the zoning of the lands subject to PAZ 41 would undermine the potential of the Satellite Village to grow in a compact manner and to provide suitably-located employment land within the village as specified in the core strategy of the draft Plan.

Specifically, in relation to PAZ 44, it is further stated that the existing use of a portion of the lands for light industrial / warehousing purposes is acknowledged. However, it is noted that the development on site is served by an on-site wastewater treatment system and is not served by the public sewer.

In relation to PAZ 41, PAZ 44 and PAZ 46 the SEA conclusion recorded in the Environmental Report states:

these proposed amendments would not provide the most evidence-based framework for development and has the potential to undermine sustainable development and proper planning - with potential for associated unnecessary adverse environmental effects on various environmental components.

The elected members rejected the Chief Executive's recommendation in respect of PAZ 41 for the following reasons:

- *Infrastructure Assessment showed the lands are not fully serviced is inaccurate as there is a footpath on the N59 road that runs in front of the lands from Ballysadare village.*
- *This commercial site will generate small foul sewer loading which can be treated on site with a modest treatment system.*
- *Lands and adjoining lands are the only lands zoned for business and enterprise and wish for this to remain as there is a need to create development on these lands and employment in this area.*

- *Planning application recently refused for one reason relating to intensification of access on the road where 80kmph speed limit applies, however it is believed that the speed limit will be reduced to 60kmph which will enable planning to be got.*

The elected members rejected the Chief Executive's recommendation in respect of PAZ 44 for the following reasons:

- *The area being in 80kmph speed zone can be dealt with in the upcoming speed review in line with the Active Travel Plans.*
- *Can be serviced with an on-site wastewater treatment system.*
- *Site has an existing entrance.*

Notwithstanding that there is an existing footpath adjacent to the lands, the Infrastructure Assessment included with the draft Plan determined the subject lands are not fully serviced. In addition, UE's submission on the material amendments to the draft Plan states that PAZ 41 and PAZ 44 are both located more than 700 m from the likely sewer connection point and could also require longer extensions to avoid third-party lands, upsizing of water and wastewater pipes and / or third-party permissions.

The BIE zoning objective facilitates a wide range of employment intensive uses which can generate significant requirements for water and wastewater services, and NPO 72(c) states that when considering zoning land for development purposes that cannot be serviced within the life of the relevant plan, such lands should not be zoned for development.

The Transport Infrastructure Ireland (TII) submission (MA Stage) TII notes that PAZ 41 and PAZ 44 are located alongside the N59 national road, where TII's records indicate an 80kph speed limit applies. The submission recommends review of the zoning proposals and confirmation that access to lands which adjoin or extend along the national road network outside locations subject to a reduced 50 – 60kph urban speed limit will be omitted from the Plan.

In relation to the 80kmph speed limit on the N59, the Office does not consider that a future reduction in the speed limit provides a justification to zone lands for

employment uses contrary to NPO 74 to align the NPF and the NDP through the delivery of NSOs including NSO 2 Enhanced Regional Accessibility, NPO 65 of the NPF, and having regard to section 2.5 of the National Roads Guidelines, to protect the strategic transport function of national roads.

The Office acknowledges that there are existing uses on the lands, however, this does not provide sufficient basis to zone land for the wide range of uses facilitated by under the zoning matrix of the County Development Plan given the unserved and highly peripheral location of the lands outside the CSO settlement boundary and within the 80kmph speed limit.

The material amendments would not therefore follow the sequential approach to zoning or the tiered approach to zoning and would not support the achievement of compact growth.

1.9.4 PAZ 59 Easky

In relation to PAZ 59, the Office considers that the decision of elected members to change the zoning to Green Belt from BIE does not provide a sufficient statutory and / or policy basis for a recommendation to the Minister.

1.9.5 PAZ 62 Easky

PAZ 62 changed the zoning of 1.2ha of land from Greenbelt (GB) in the draft Plan to Tourism (TOU). This land is a remote and undeveloped site disconnected from the Development Limit for Easky and outside of the CSO settlement boundary.

The CE's Report (MA Stage) states:

lands are located outside the CSO (2016) settlement boundary, in a peripheral location. The redesignation of these lands from GB to TOU does not represent a sequential approach to zoning, in particular as it 'leapfrogs lands' designated green belt. The lands are located along a designated scenic route. The proposed zoning of this site would have an adverse impact on the visual amenities of the scenic route at this sensitive coastal location.

In relation to PAZ 62, the SEA conclusion recorded in the Environmental Report states:

these proposed amendments would not provide the most evidence-based framework for development and has the potential to undermine sustainable development and proper planning - with potential for associated unnecessary adverse environmental effects on various environmental components.

The elected members rejected the Chief Executive's recommendation for reasons that Easky is a rural village on the WWW with a farming community where tourism is the only possibility of growth and there is not enough land zoned for tourism.

It is acknowledged that tourism has an important role in the economy of rural communities and Policy P-TOU-1 of the County Development Plan provides for the development of tourism in a sustainable manner within the County. Further, Easky Village Plan includes a specific objective to Support the development of a small-scale tourist facility on lands in the vicinity of Roslea Castle, including the enhancement of the existing car parking area.

In relation to the reason that there is wastewater treatment in the village, the Infrastructure Assessment determined that these lands are not fully serviced and UE submission to the material amendments states that the nearest wastewater connection is 500m to the north of the site.

Further, flood risk issues arise in respect of this site and are addressed under Flood Risk Management (MA Recommendation 8) below.

The reasons do not therefore address the substance of the Office's reasons for recommendation which related to the tiered approach to zoning, inconsistency with compact growth and sustainable settlement and transport strategies.

1.9.6 Summary

No or no adequate reasons consistent with proper planning and sustainable development have been provided to explain why the Planning Authority has decided to retain PAZ 34, PAZ 41, PAZ 44 and PAZ 62 inconsistent with NPO 74 to align the NPF and the NDP through the delivery of NSOs including NSO 1 compact growth and NSO 2 enhanced regional accessibility, and/ or NPO 72a-c and associated NPF Appendix 3 tiered approach to zoning, and / or RPO 6.5 of the RSES to protect the strategic transport function of national roads, and / or section 10(2)(n) of the Act for

sustainable settlement and transport strategies and the obligations under the Climate Action Plan and Climate Act, and / or fails to have regard to the policy and objective under section 6.2.3 of the Development Plans Guidelines to implement a sequential approach to zoning, and the National Road Guidelines. Nor how this approach is consistent with an overall strategy for the proper and sustainable development of the area.

Furthermore, the Planning Authority has not indicated that it has formed the opinion that it is not possible, because of the nature and characteristics of the area, to implement the said policies and objectives of the Minister. In the Office's view this demonstrates a failure to have regard to the guidelines and/or a failure to properly understand the policies and objectives of the guidelines in circumstances where the planning authority has not considered it necessary to explain a failure to implement same as required by section 28(1A)(b).

1.10 Flood Risk Management

MA Recommendation 8 required the Planning Authority to make the County Development Plan without several proposed material amendments to land use zoning objectives which would accommodate vulnerable or highly vulnerable uses within Flood Risk zones A or B, respectively.

MA Recommendation 8 of the Office's submission to the draft Plan required the County Development Plan to be made without a number of material amendments as follows:

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.

In the interests of clarity, the Office notes that material amendment in Enniscrone (PAZ 23) was included in error, and no further consideration is required.

The Chief Executive recommended the County Development Plan be made without the subject amendment with the exception of PAZ 18. In respect of PAZ 18, the Chief Executive's reasons were specified under MA Recommendation 2.

The elected members accepted the Chief Executive's recommendation in respect of PAZ 18 Ballymote to make the County Development Plan with this amendment, and in respect of PAZ 19 and PAZ 23 also in Ballymote to make the County Development Plan without these amendments.

The elected members rejected the Chief Executive's recommendation in respect of PAZ-15, PAZ-62, PAZ-63, PAZ-76, PAZ-79 and PAZ-80, and made the County Development Plan with these material amendments for the reasons set out in the 31AM(6) notice letter.

The Office has assessed each of the zoning amendments and considered the reasons provided by the Planning Authority in each case.

In respect of the reasons provided for PAZ 18 the Office accepts the reasons of the Planning Authority for making the County Development Plan with this material amendment.

In respect of PAZ-15, PAZ-62, PAZ-63, PAZ-76, PAZ-79 and PAZ-80, the Strategic Flood Risk Assessment (SFRA) prepared by the planning authority states:

In addition, parts of the undeveloped lands subject to these Proposed Amendments overlap with Flood Zones A/B and would fail the Justification Test under the Flood Risk Management Ministerial Guidelines.

However, the “Limitations related to Flood Risk Zones” in Section 10.5.4 (Landuse Zoning Matrix) of the Draft Plan would ensure that development is limited in these areas.

The limitations related to Flood Risk Zones in section 10.5.4 states:

The limitation described in this note applies to a relatively small number of instances where Flood Risk Zones A and B overlap with certain land-use zoning objectives, including Open Space (OS) and Green Belt (GB). Uses under all zoning objectives (apart from where the Justification Test outlined in the Flood Risk Management Plan has been passed or where the uses comprise minor development in existing developed areas, as outlined in Section 5.28 of the Guidelines as amended by Circular PL 2/2014) shall be limited to water-compatible uses in Flood Zone A, and less vulnerable or water-compatible uses in Flood Zone B. Detailed, site-specific Flood Risk Assessment will be required in these areas. This limitation shall take primacy over any other provision relating to the specific land-use zoning objectives.

The Office of Public Works (OPW) submission (MA Stage) notes that the approach taken may be appropriate where the zoning in question refers to existing use of already developed lands, however in a number of cases this has been applied to undeveloped lands including PAZ-15, PAZ-62, PAZ-63, PAZ-76, PAZ-79 and PAZ-80. In respect of these material amendments, the submission states:

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 Office notes, however, that the Plan Making Justification Test (Justification Test)

has not been carried out, and the SFRA states that the subject material amendments '*would fail the Justification Test under the Flood Risk Management Ministerial Guidelines*'.

In respect of PAZ 62 (Easky), and PAZ 79 and PAZ 80 (Gorteen), the reasons of the elected members for the decision to make the County Development Plan with these material amendments did not make any reference to flood risk management issues.

In respect of PAZ 15 (Sligo), which changed the zoning of 23.19ha from Green Belt GB to nRES (SLR) the reason of the elected members in respect of flood risk management is:

- *area of flood risk is less than a hectare out of a total 23hectares which has no flood risk.*

In respect of PAZ 63 (Ballinafad), which changed the zoning of 0.49ha from Green Belt (GB) to Rural Village (RV), the reasons of the elected members in respect of flood risk management are:

- *the submission made by the OPR is incorrect. The area of ground to be zoned RV is not in Flood Risk Zone. Both submissions from Uisce Éireann and OPW are also incorrect.*

In respect of PAZ 76 (Curry), which changed the zoning of 2.89 ha from Green Belt (GB) in the draft Plan to Rural Village (RV) the reason of the elected members in respect of flood risk management is:

- *2 other houses built on so called flood plain.*

In response to the reason given by elected members, the SFRA for the draft Plan indicates an indicative fluvial flood risk on part of the subject lands. The Flood Guidelines provide that where a planning authority is considering the future development of areas at a high or moderate risk of flooding, it must be satisfied that it can clearly demonstrate on a solid evidence-base that the zoning or designation for development will satisfy the Justification Test. As noted above, no justification test has been carried out in respect of these material amendments. The land use zoning objective would facilitate uses that are vulnerable to flood risk and uses that are highly vulnerable to flood risk.

In relation to the reason that there are existing houses in the land identified as at risk of flooding, the Office does not consider that this provides a reasonable basis for the decision to zone further land in Flood Zone A or B for vulnerable or highly vulnerable uses respectively.

The Flood Guidelines provide a sound basis for planning authorities to identify, assess and take appropriate steps to manage flood risk in a sustainable manner within their area. The key message of the Flood Guidelines is to avoid development in areas at risk of flooding and to adopt a sequential approach to flood risk management.

NPO 57 of the NPF seeks to enhance water resource management by ensuring flood risk management informs place-making by avoiding inappropriate development in all areas at risk of flooding in accordance with the Flood Guidelines.

RPO 3.10 of the RSES sets out to ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding and that development plans should assess flood risk by implementing the recommendations of the Flood Guidelines.

The making of the Plan with the subject material amendments and is inconsistent with NPO 57 to by avoid inappropriate development in all areas at risk of flooding in accordance with the Flood Guidelines, and RPO 3.10 of the RSES to implement the recommendations of the Flood Guidelines.

No or no adequate reasons consistent with proper planning and sustainable development have been provided to explain why the Planning Authority has decided to retain PAZ 15, PAZ 62, PAZ 63, PAZ 76, PAZ 79 and PAZ 80 inconsistent with NPO 57 of the NPF and RPO 3.10 of the RSES, which seek to avoid inappropriate development in areas at risk of flooding in accordance with the Ministerial Guidelines issued under section 28 of the Act, the Flood Guidelines, and fails to have regard to those Guidelines. Nor how this approach is consistent with an overall strategy for the proper and sustainable development of the area.

1.11 Access to National Roads

Material amendment PA 180 inserted additional text into the County Development Plan at section 33.9.1 Access onto National Roads which provides for direct vehicular access onto national primary roads in certain circumstances.

MA Recommendation 8 of the Office’s submission to the draft Plan required the County Development Plan to be made without the subject material amendment as follows:

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.

The Chief Executive recommended to modify the text of PA 180 and to make the County Development Plan with the modified text on the basis that section 2.5 of the Spatial Planning and National Road Guidelines refers to

additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/h apply. The proposed amendment does not relate to additional access points from new development. There are situations where a new direct access onto a national road is unavoidable. For example, an established development with an existing access onto a national road will require a new

access if the national road is realigned and there is no side road available for alternative access. Such new access is not an additional access and is clearly unavoidable. PA 180 indicates that in such cases the requirements of TII's updated standards will apply. The text proposed to be inserted in section 33.9.1 – which was included following advice received from TII's Sligo Regional Design Office – is extracted from TII's publications DN-GEO-03060.

The elected members agreed with the Chief Executive's recommendation and made the County Development Plan with the modified text.

The final text as modified and adopted in section 33.9.1 of the County Development Plan states:

Where direct vehicular access onto national primary roads cannot be avoided (such as situations arising from national road realignment schemes), a Departure from TII Publications Standards DN-GEO-03060 with justification shall be required, as provided for in Section 5.5. Direct Accesses of DN-GEO-03060. In all cases, the number of accesses on to the national road should be minimised, either by consolidating them into a single access point, or connecting them to existing side roads. The sight distances required for access onto national primary and secondary roads are set out in Table 33.8. The sight distances are measured from the access point to the near-side edge of the carriageway in accordance with the TII Publications Standards DN-GEO-03031 and DN-GEO-03060.

The submission from TII (MA stage) considers that the text included by PA 180 conflicts directly with the provisions of the section 28 Spatial Planning and National Road Guidelines, and strongly recommends that Proposed Amendment Ref. no. PA-180 as proposed is not adopted in the interests of adherence to the provisions of Government policy concerning access to national roads and in the interests of road user safety on the high speed highly trafficked national road network.

Section 2.5 of the Spatial Planning and National Roads Guidelines provides that all development plans must implement the policy measure

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 kmph apply ... for all categories of development.

A key message of the Spatial Planning and 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.

This is supported by NSO 2 to maintain the strategic capacity and safety of the national roads network, with particular regard to inter-urban roads as part of enhanced regional accessibility, and with RPO 6.5 which gives effect to same.

Section 2.6 of the Spatial Planning and National Roads Guidelines provides for exceptional circumstances to the section 2.5 requirements, where 'planning authorities may identify stretches of national roads where a less restrictive approach may be applied' as part of the plan review process 'having consulted and taken on board the advice of [TII]' and subject to specific criteria. Exceptional circumstances may be applied:

(1) in the case of development of national and regional strategic importance which by their nature are most appropriately located outside of urban areas and where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed; and

(2) to certain lightly-trafficked sections of national secondary routes serving structurally weak and remote communities where a balance has to be struck between the important transport functions of such road and supporting the social and economic development the areas.

The section 28 statement attached as Appendix I of the draft Plan, which states that the Planning Authorities policies in relation to national road network are set out in Chapter 29. This statement does not, however, provide any or any adequate reasons as to why the Planning Authority has formed the view that it is not possible, because of the nature and characteristics of the area, to implement the policies and objectives of the Minister contained in Guidelines.

The reasons given by the Planning Authority refer to situations where a new direct access onto a national road is unavoidable. However, a mechanism to develop cases for access to national roads, in exceptional circumstances, in accordance with Section 2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) (National Roads Guidelines) is available to the Planning Authority but such proposals are required to be evidence-based and plan-led.

Proposed Amendment Ref. no. PA-180 does not promote a plan-led approach but appears to defer consideration of access to national roads to a case by case basis which is inappropriate and not in accordance with the National Roads Guidelines.

The introduction of this text, therefore, provides opportunity for misapplication and has the potential to alleviate or reduce the restriction on development which would result in intensification of existing access points can be in some way relaxed contrary to the provisions of national and regional policy.

The national and regional policy framework, including NPO 74 and NSO 2 of the NPF, RPO 6.5 of the RSES, and the National Roads Guidelines is clear and consistent in terms of protecting the capacity and safety of the national roads network. The inclusion of the text under PA 180 does not support the achievement of the NSOs of the NPF, specifically NSO 2 to maintain 'the strategic capacity and safety of the national roads network', and is inconsistent with NPO 74 for the delivery of the NSOs, and RPO 6.5 including to give effect the NSO 2, and fails to have regard to the National Roads Guidelines.

No or no adequate reasons consistent with proper planning and sustainable development have been provided to explain why the Planning Authority has decided to retain PA 180 as modified, inconsistent with NPO 74 and NSO 2 to maintain 'the strategic capacity and safety of the national roads network', RPO 6.5 including to give effect the NSO 2, and fails to have regard to sections 2.5 and 2.6 of National Roads Guidelines to maintain the capacity, efficiency and safety of national roads, avoiding 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 km/h apply. Nor how this approach is consistent with an overall strategy for the proper and sustainable development of the area.

Furthermore, the Planning Authority has not indicated that it has formed the opinion that it is not possible, because of the nature and characteristics of the area, to implement the said policies and objectives of the Minister. In the Office's view this demonstrates a failure to have regard to the guidelines and/or a failure to properly understand the policies and objectives of the guidelines in circumstances where the planning authority has not considered it necessary to explain a failure to implement same as required by section 28(1A)(b).

2. Opinion of the Office and Reasons

Having considered the adopted County Development Plan, the Office also notes, under section 31AM(7) of the Act, that the said County Development Plan has not been made in a manner consistent with the recommendations of the Office.

Further, the Office does not accept that the reasons given for not implementing the Office's recommendations in the 31AM(6) notice letter issued to the Office on 7th October 2024 adequately justify the failure to implement those recommendations or explain how, notwithstanding that failure, the County Development Plan as adopted sets out an overall strategy for the proper planning and sustainable development of the area.

As you will be aware, under section 31AM(1)(a-e) of the Act, the Office has a statutory duty to evaluate and assess local authority development plans.

The following provisions of the Act are relevant in terms of the evaluation and assessment of local authority development plans such as this County Development Plan:

- The provisions of section 31AM(2) as set out above.
- Under section 31 AM(3)(a), the Office shall make such recommendations in relation to the Office's evaluation and assessments to those authorities as it considers necessary in order to ensure effective co-ordination of national, regional and local planning requirements by the relevant planning authority in the discharge of its development planning functions.
- In performing its functions, the Office must, under section 31P(3) of the Act, take account of the objective for contributing to proper planning and

sustainable development and the optimal functioning of planning under the Act.

- Under section 31S, the Office must, in performing its functions, have regard to:
 - a) the policies and objectives for the time being of the Government, a State authority (including Ministerial guidelines, policy directives and directions issued under *Chapter IV of Part II*), planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns, villages or other areas, whether urban or rural,
 - b) the public interest and any effect the performance of the Office's functions may have on issues of strategic, economic or social importance to the State,
 - c) the National Planning Framework (or, where appropriate, the National Spatial Strategy) and any regional spatial and economic strategy for the time being in force, and
 - d) the requirements of relevant acts of the European Union, in particular, those relating to—
 - (i) the Environmental Impact Assessment Directive,
 - (ii) Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment,
 - (iii) the Habitats Directive, and
 - (iv) the Birds Directives,

in so far as those requirements relate to planning authorities by virtue of being designated competent authorities for the purposes of those acts.

Accordingly, having considered the County Development Plan in light of section 31AM(1)(a-e), section 31AM(2), section 31AM(3)(a), section 31P(3) and section 31S, the section 12(5)(aa) notice letter and section 31AM(6) notice letter, the Office is of

the opinion that the County Development Plan has not been made in a manner consistent with the recommendations of the Office under Section 31AM (7).

In particular,

- I. The County Development Plan as made includes material alterations to the draft County Development Plan for zoning objectives in peripheral and/or non-sequential, and/or unserviced locations, and/or outside the relevant CSO settlement boundaries, and/or do not conserve and enhance the natural and cultural heritage of County Sligo, providing additional residential land in excess of what is required under the growth targets of the core strategy for Sligo Town, Grange, Enniscrone, Ballysadare, Strandhill, Easky, Ballintogher, Cliffony, Curry and Gorteen.

The zoning objectives and material alterations would individually and cumulatively encourage a pattern of development in particular locations which is inconsistent with the core strategy of the County Development Plan, NPO 3c, NPO 60, NPO 72a-c, RPO 3.2(b), RPO 3.7.39, RPO 5.14, and section 10(2)(n) of the Act concerning the promotion of sustainable settlement and transport strategies and the obligations under the Climate Action Plan and the Low Carbon Development Act, and fails to have regard to the policy and objective for settlement capacity audits and the policy and objective for sequential zoning under the Development Plans Guidelines.

- II. The County Development Plan as made also includes material alterations to the draft Plan, which zone additional land for Tourism in the area of Enniscrone and Easky and for Business/Industry/Enterprise in the area of Ballysadare which can accommodate a range of high intensity employment uses. These zoning objectives are located in peripheral and unserviced locations, outside the relevant CSO settlement boundaries and would encourage a pattern of development that is inconsistent with NPO 74 to align the NPF and the NDP through the delivery of National Strategic Outcomes including NSO 1 compact growth and NSO 2 Enhanced Regional Accessibility, NPO 72a-c tiered approach to zoning, RPO 6.5 of the RSES to protect the strategic transport function of national roads, and section 10(2)(n) of the Act concerning the promotion of sustainable settlement and transport

strategies and the obligations under the Climate Action Plan and the Low Carbon Development Act, and fails to have regard to the policy and objective for sequential zoning under the Development Plans Guidelines and section 2.5 of the National Roads Guidelines.

- III. The County Development Plan as made includes material alterations to zone land for vulnerable and highly vulnerable uses in Sligo Town, Easky, Ballinafad, Curry and Gorteen which lands are partially located within flood zone A and/or B, inconsistent with NPO 57 to avoid inappropriate development in all areas at risk of flooding in accordance with the Flood Risk Management Guidelines for Planning Authorities (2009), and RPO 3.10 to implement the recommendations of the Flood Guidelines.
- IV. The County Development Plan as made includes a material amendment to introduce text into section 33.9.1 of the Plan which provides for direct vehicular access onto national primary roads in certain circumstances inconsistent with NPO 74 to align the National Planning Framework and the National Development Plan through the delivery of National Strategic Outcomes including NSO 2 Enhanced Regional Accessibility, and RPO 6.5 to give effect to NSO 2 and to maintain the strategic capacity and safety of the national road network, and fails to have regard to sections 2.5 and 2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) to maintain the capacity, efficiency and safety of national roads, avoiding 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 km/h apply.

No or no adequate reasons or explanations relating to the proper planning and sustainable development of the area have been provided to explain why the Planning Authority has decided not to implement the aforementioned Guidelines, nor how this approach is consistent with an overall strategy for the proper and sustainable development of the area.

In this regard, the statement under section 28(1A)(b) attached to the County Development Plan as made fails to include information that demonstrates that the Planning Authority has formed the opinion that it is not possible to implement the

policies and objectives as contained in the Development Plans Guidelines, Flood Guidelines⁵, and National Roads Guidelines, because of the nature and characteristics of the area or part of the area and to give reasons for the forming of that opinion and to explain why it is not possible to implement the policies and objectives, contrary to section 28(1B)(b).

In the absence of such a statement, the Office is of the opinion that the Planning Authority has failed to have regard to the guidelines and/or a failure to properly understand the policies and objectives of the guidelines in circumstances where the planning authority has not considered it necessary to explain a failure to implement same as required by s.28(1A)(b).

There is a positive obligation on the Planning Authority, pursuant to section 28(1A)(b) to give reasons for the forming of this opinion.

The factors that the Office has taken into account in forming this opinion are as follows:

- (i) The requirements of sections 10(1), 12(11), 12(18) and sections 28(1), 28(1A), 28(1B) and 28(1C) of the Act.
- (ii) The National Planning Framework including National Planning Objectives NPO 3c, NPO 57, NPO 60, NPO 72a-c, and NPO 74, and National Strategic Outcomes 1 and 2, which state the following:

NPO 3c

Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.

NPO 57

Enhance water quality and resource management by:

- Ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The

⁵ Which in any event are also subject to NPO 57 and RPO 3.10

Planning System and Flood Risk Management Guidelines for Planning Authorities.

- Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process.
- Integrating sustainable water management solutions, such as Sustainable Urban Drainage (SUDS), non-porous surfacing and green roofs, to create safe places.

NPO 60

Conserve and enhance the rich qualities of natural and cultural heritage of Ireland in a manner appropriate to their significance.

NPO 72a

Planning authorities will be required to apply a standardised, tiered approach to differentiate between i) zoned land that is serviced and ii) zoned land that is serviceable within the life of the plan.

NPO 72b

When considering zoning lands for development purposes that require investment in service infrastructure, planning authorities will make a reasonable estimate of the full cost of delivery of the specified services and prepare a report, detailing the estimated cost at draft and final plan stages.

NPO 72c

When considering zoning land for development purposes that cannot be serviced within the life of the relevant plan, such lands should not be zoned for development.

NPO 74

Secure the alignment of the National Planning Framework and the National County Development Plan through delivery of the National Strategic Outcomes.

NSO 1 Compact Growth

Achieving effective density and consolidation rather than more sprawl of urban development

NSO 2 Enhanced regional accessibility (inter-urban roads)

Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

- (iii) The Regional Spatial and Economic Strategy including Regional Policy Objectives RPO 3.2, RPO 3.7.39, RPO 3.10, RPO 5.14, RPO 6.5, which state the following:

RPO 3.2

(a) Deliver at least 50% of all new city homes targeted in the Galway MASP, within the existing built-up footprint of Galway City and suburbs.

(b) Deliver at least 40% of all new housing targeted in the Regional Growth Centres, within the existing built-up footprint.

(c) Deliver at least 30% of all new homes that are targeted in settlements with a population of at least 1,500 (other than the Galway MASP and the Regional Growth Centres), within the existing built-up footprints.

RPO 3.7.39

Ensure that at least 40% of new residential and employment-related development in the Regional Growth Centre occurs within Sligo's existing built-up urban area, through regeneration and consolidation on infill and brownfield sites.

RPO 3.10

Ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding and integrate sustainable water management solutions (such as SUDS, non-porous surfacing and green roofs) to create safe places. Development plans should assess flood risk by implementing the recommendations of the Planning System and Flood Risk Assessment Guidelines for Planning Authorities (2009) and Circular PL02/2014 (August 2014).

RPO 5.14

Support the conservation of the region's National Monuments and built heritage, being structures that are of special architectural, historic, archaeological, artistic, cultural, scientific, social or technical interest that are of Regional Significance or above.

RPO 6.5

The capacity and safety of the region's land transport networks will be managed and enhanced to ensure their optimal use, thus giving effect to National Strategic Outcome No.2 and maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

- (iv) The policies and objectives of the Development Plan Guidelines

Section 6.2.1 Zoning in the County Development Plan

It is a policy and objective of these Guidelines that land-use zoning should principally be undertaken as part of the development plan process in tandem with the preparation of the directly-related core and settlement strategies, informed by a Settlement Capacity Audit.

Section 6.2.3 Sequential Approach to Zoning for Residential Development

It is a policy and objective of these Guidelines that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.

- (v) The Flood Guidelines which *'require the planning system at national, regional and local levels to:*

Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere;

Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk;

- (vi) The *Spatial Planning and National Roads Guidelines*, issued by the Minister under section 28 of the Act including:

- The requirement to *‘implement the policy ... 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 ... for all categories of development’* under section 2.5; and
- the provisions for exceptional circumstances to the aforementioned under section 2.6.

(vii) *92/43/EEC The Habitats Directive;*

(viii) *Directive 2001/42/EC* of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment;

(ix) The Chief Executive’s reports on submissions on the draft Plan and material alterations to the draft County Development Plan.

In light of the above, the Office is therefore of the opinion that the County Development Plan has not been made in a manner consistent with its recommendations and that the County Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

3. Recommendation to the Minister

Having regard to section 31AM(8) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act taking such steps as to rectify the matter as set out in the draft direction to the Planning Authority accompanying this notice, i.e.:

a. Delete the following zoning objectives from the adopted County Development Plan:

- (i) the lands on the L3203 on the western approach to Grange, i.e. the subject land reverts to not zoned from Strategic Land Reserve;

b. Delete the following material alterations from the adopted County Development Plan:

- (i) PAZ 9, i.e. the subject land revert to Strategic Land Reserve (SLR) from New Residential (nRES);
- (ii) PAZ 11, i.e. the subject land revert to Green Belt from New Residential (nRES) and Open Space (OS) and the Development Limit reverts to the draft Plan;
- (iii) PAZ 12, i.e. the subject land reverts to Green Belt (GB) from New Residential (nRES);
- (iv) PAZ 13, i.e. the subject land revert to Strategic Land Reserve (SLR) from New Residential (nRES);
- (v) PAZ 14, i.e. the subject land reverts to Green Belt (GB) from New Residential (nRES);
- (vi) PAZ 15, i.e. the subject land reverts to Green Belt (GB) from New Residential (nRES) and Strategic Land Reserve (SLR);
- (vii) PAZ 31, i.e. the subject lands revert to Open Space (OS) from New Residential (nRES);
- (viii) PAZ 32, i.e. the subject lands revert to Green Belt (GB) from New Residential (nRES);
- (ix) PAZ 33, i.e. the subject lands revert to Green Belt from New Residential (nRES);
- (x) PAZ 42, i.e. the subject lands revert to Green Belt (GB) from New Residential (nRES);
- (xi) PAZ 45, i.e. the subject lands revert to Green Belt (GB) from New Residential (nRES);
- (xii) PAZ 57, i.e. the subject lands revert to Strategic Land Reserve (SLR) from New Residential (nRES);
- (xiii) PAZ 60, i.e. the subject lands revert to Green Belt from New Residential (nRES);
- (xiv) PAZ 62, i.e. the subject lands revert to Green Belt from Tourism (TOU);

- (xv) PAZ 63, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV);
- (xvi) PAZ 76, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV);
- (xvii) PAZ 79, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV), and the Development Limit reverts to the draft Plan;
- (xviii) PAZ 80, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV), and the Development Limit reverts to the draft Plan;
- (xix) PAZ 34, i.e. the subject lands revert to Green Belt (GB) from Tourism (TOU) and Open Space (OS);
- (xx) PAZ 41, i.e. the subject lands revert to Green Belt (GB) from Business/Industry/ Enterprise (BIE); and
- (xxi) PAZ 44, i.e. the subject lands revert to Green Belt (GB) from Business/Industry/ Enterprise (BIE);

c. Delete the following text at section 33.9.1:

Where direct vehicular access onto national primary roads cannot be avoided (such as situations arising from national road realignment schemes), a Departure from TII Publications Standards DN-GEO-03060 with justification shall be required, as provided for in Section 5.5. Direct Accesses of DN-GEO-03060. In all cases, the number of accesses on to the national road should be minimised, either by consolidating them into a single access point, or connecting them to existing side roads. The sight distances required for access onto national primary and secondary roads are set out in Table 33.8. The sight distances are measured from the access point to the near-side edge of the carriageway in accordance with the TII Publications Standards DN-GEO-03031 and DN-GEO-03060.'

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 with a light grey background behind it.

Niall Cussen

Planning Regulator

DRAFT DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)
Sligo County Development Plan 2024 - 2030

“Development Plan” means the Sligo County Development Plan 2024 - 2030

“Planning Authority” means Sligo County Council.

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

“NPF” means the National Planning Framework

The Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (No.30 of 2000) (as amended) ("the Act") and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2024 (S.I. No. 234 of 2024), and consequent to a recommendation made to him by the Office of the Planning Regulator, hereby directs as follows:

(1) This Direction may be cited as the Planning and Development (Sligo County Development Plan 2024 – 2030) Direction 2024.

(2) The Planning Authority is hereby directed to take the following steps with regard to the County Development Plan:

Having regard to section 31AM(8) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act taking such steps as to rectify the matter as set out in the draft direction to the Planning Authority accompanying this notice, i.e.:

a. Delete the following zoning objectives from the adopted County Development Plan:

(i) the lands on the L3203 on the western approach to Grange, i.e. the subject land reverts to not zoned from Strategic Land Reserve;

b. Delete the following material alterations from the adopted County Development Plan:

- (i) PAZ 9, i.e. the subject land revert to Strategic Land Reserve (SLR) from New Residential (nRES);
- (ii) PAZ 11, i.e. the subject land revert to Green Belt from New Residential (nRES) and Open Space (OS) and the Development Limit reverts to the draft Plan;
- (iii) PAZ 12, i.e. the subject land reverts to Green Belt (GB) from New Residential (nRES);
- (iv) PAZ 13, i.e. the subject land revert to Strategic Land Reserve (SLR) from New Residential (nRES);
- (v) PAZ 14, i.e. the subject land reverts to Green Belt (GB) from New Residential (nRES);
- (vi) PAZ 15, i.e. the subject land reverts to Green Belt (GB) from New Residential (nRES) and Strategic Land Reserve (SLR);
- (vii) PAZ 31, i.e. the subject lands revert to Open Space (OS) from New Residential (nRES)
- (viii) PAZ 32, i.e. the subject lands revert to Green Belt (GB) from New Residential (nRES)
- (ix) PAZ 33, i.e. the subject lands revert to Green Belt from New Residential (nRES)
- (x) PAZ 42, i.e. the subject lands revert to Green Belt (GB) from New Residential (nRES)
- (xi) PAZ 45, i.e. the subject lands revert to Green Belt (GB) from New Residential (nRES)
- (xii) PAZ 57, i.e. the subject lands revert to Strategic Land Reserve (SLR) from New Residential (nRES)
- (xiii) PAZ 60, i.e. the subject lands revert to Green Belt from New Residential (nRES)

- (xiv) PAZ 62, i.e. the subject lands revert to Green Belt from Tourism (TOU)
- (xv) PAZ 63, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV)
- (xvi) PAZ 76, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV)
- (xvii) PAZ 79, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV), and the Development Limit reverts to the draft Plan
- (xviii) PAZ 80, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV), and the Development Limit reverts to the draft Plan
- (xix) PAZ 34, i.e. the subject lands revert to Green Belt (GB) from Tourism (TOU) and Open Space (OS)
- (xx) PAZ 41, i.e. the subject lands revert to Green Belt (GB) from Business/Industry/ Enterprise (BIE)
- (xxi) PAZ 44, i.e. the subject lands revert to Green Belt (GB) from Business/Industry/ Enterprise (BIE)

c. Delete the following text at section 33.9.1:

Where direct vehicular access onto national primary roads cannot be avoided (such as situations arising from national road realignment schemes), a Departure from TII Publications Standards DN-GEO-03060 with justification shall be required, as provided for in Section 5.5. Direct Accesses of DN-GEO-03060. In all cases, the number of accesses on to the national road should be minimised, either by consolidating them into a single access point, or connecting them to existing side roads. The sight distances required for access onto national primary and secondary roads are set out in Table 33.8. The sight distances are measured from the access point to the near-side edge of the carriageway in accordance with the TII Publications Standards DN-GEO-03031 and DN-GEO-03060.

STATEMENT OF REASONS

- I. The County Development Plan as made includes material alterations to the draft County Development Plan for zoning objectives in peripheral and/or non-sequential, and/or unserviced locations, and/or outside the relevant CSO settlement boundaries, and/or do not conserve and enhance the natural and cultural heritage of County Sligo, providing additional residential land in excess of what is required under the growth targets of the core strategy for Sligo Town, Grange, Enniscrone, Ballysadare, Strandhill, Easky, Ballintogher, Cliffony, Curry and Gorteen.

The zoning objectives and material alterations would individually and cumulatively encourage a pattern of development in particular locations which is inconsistent with the core strategy of the County Development Plan, NPO 3c, NPO 60, NPO 72a-c, RPO 3.2(b), RPO 3.7.39, RPO 5.14, and section 10(2)(n) of the Act concerning the promotion of sustainable settlement and transport strategies and the obligations under the Climate Action and the Low Carbon Development Act 2015, as amended (the Climate Act), and fails to have regard to the policy and objective for settlement capacity audits and the policy and objective for sequential zoning under the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines).

- II. The County Development Plan as made also includes material alterations to the draft Plan, which zone additional land for Tourism in the area of Enniscrone and Easky, and for Business/Industry/Enterprise in the area of Ballysdare which can accommodate a range of high intensity employment uses. These zoning objectives are located in peripheral and unserviced locations, outside the relevant CSO settlement boundaries and would encourage a pattern of development that is inconsistent with NPO 74 to align the NPF and the NDP through the delivery of National Strategic Outcomes including NSO 1 compact growth and NSO 2 Enhanced Regional Accessibility, NPO 72a-c tiered approach to zoning, RPO 6.5 of the RSES to protect the strategic transport function of national roads, and section 10(2)(n) of the Act concerning the

promotion of sustainable settlement and transport strategies and the obligations under the Climate Act, and fails to have regard to the policy and objective for sequential zoning under the Development Plans Guidelines and section 2.5 of National Roads Guidelines for Planning Authorities (2012) (National Roads Guidelines).

- III. The County Development Plan as made includes material alterations to zone land for vulnerable and highly vulnerable uses in Sligo Town, Easky, Ballinacfad, Curry and Gorteen which lands are partially located within flood zone A and/or B, inconsistent with NPO 57 to avoid inappropriate development in all areas at risk of flooding in accordance with the Flood Risk Management Guidelines for Planning Authorities (2009), and RPO 3.10 to implement the recommendations of the Flood Guidelines.
- IV. The County Development Plan as made includes a material amendment to introduce text into section 33.9.1 of the Plan which provides for direct vehicular access onto national primary roads in certain circumstances inconsistent with NPO 74 to align the National Planning Framework and the National Development Plan through the delivery of National Strategic Outcomes including NSO 2 Enhanced Regional Accessibility, and RPO 6.5 to give effect to NSO 2 and to maintain the strategic capacity and safety of the national road network, and fails to have regard to sections 2.5 and 2.6 of the Spatial Planning and National Roads Guidelines to maintain the capacity, efficiency and safety of national roads, avoiding 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 km/h apply.
- V. Further, the statement under Section 28(1A)(b) attached to the Development Plan as made fails to include information that demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives contained in the Development Plans Guidelines for Planning Authorities (2022), and/or in the National Roads Guidelines and/or in The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) because of the nature and characteristics of the area or part of the area and to give reasons for the forming of that opinion and to explain

why it is not possible to implement the policies and objectives of the Minister, contrary to Section 28(1B)(b);

- VI. The Development 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 31AM of the Act.
- VII. The Minister is of the opinion that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VIII. The Development 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.