



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

16th September 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 31AP(4) of the Planning and Development Act
2000 (as amended) – Westport Local Area Plan 2024-2030**

A chara,

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

- a) the Notice of Intent to issue a Direction issued to Mayo County Council (the Planning Authority) by your office on 5th July 2024, and
- b) the report of the Chief Executive of the Council issued to the Office on 27th August 2024 on the submissions and observations received by the Planning Authority (the CE's Report).

The Office has carefully considered the CE's Report and the submissions made therein.

The Office did not receive any submissions made directly by elected members of the Planning Authority to this Office.

Draft Direction

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

The Planning Authority is hereby directed to take the following steps with regard to the Local Area Plan:

a) Delete the following material alterations from the adopted Local Area Plan:

(i) Material Alteration MA 2 - i.e. Policy DSP 10;

(ii) Material Alteration MA 31 - i.e. the amendment to Footnote 2 of the Land Use Zoning Matrix Table;

(iii) Material Alteration MA 39 – i.e. the subject lands revert to Agriculture, as per the Draft Local Area Plan, from Strategic Residential Reserve,

and apply all necessary consequential updates to the text of the plan consistent with the foregoing.

Public Consultation on the Draft Direction

The public consultation on the draft Direction took place from 16th July 2024 to 30th July 2024 inclusive. The CE's Report summarises the views of the elected members, members of the public, and prescribed authorities that made submissions to the Planning Authority.

The CE's Report states that seven (7) submissions were received in relation to the draft Direction during the statutory public consultation period: two (2) from members of the public, one (1) from Councillor Peter Flynn, and a submission each from the Northern and Western Regional Assembly (NWRA), Uisce Éireann, the National Transport Authority (NTA) and Transport Infrastructure Ireland (TII).

You might please note the following:

- The Office received no direct submissions from elected members of the Planning Authority during the statutory public consultation period.
- Of the two (2) submissions received by the Planning Authority from the public, one does not refer to any element of the draft Direction, and the second opposes the draft Direction in respect of MA 39.
- The submission from Councillor Peter Flynn opposes the draft Direction in respect of MA 2, MA 31 and MA 39.

- The submission from NWRA supports the draft Direction in respect of all parts, i.e. MA 2, MA 31 and MA 39.
- The submission from Uisce Éireann welcomes, and supports the draft Direction in respect of all parts, i.e. the deletion of MA 2, MA 31 and MA 39.
- The submission from NTA supports the draft Direction in respect of all parts, i.e. MA 2, MA 31 and MA 39.
- The submission from TII supports the draft Direction in respect of MA 2.

Chief Executive’s Recommendation

The Chief Executive’s recommendation is to make the Local Area Plan without MA 2, MA 31 and MA 39 in accordance with the draft direction.

The Chief Executive’s rationale for each of the above three recommendations is set out below under each of the individual material alterations to the draft Local Area Plan (the material alterations).

Consideration of Reasons

In respect of MA 2 and MA 31

A submission was received by the Planning Authority opposing the draft Direction in respect of both MA 2 (i.e. Policy DSP 10), and MA 31 (i.e. the amendment to Footnote 2 of the Land Use Zoning Matrix Table) from Councillor Peter Flynn.

The submissions received by the Planning Authority from the NWRA, NTA and Uisce Éireann support the draft Direction in respect of MA 2 and MA 31. The submission from TII supports the draft Direction in respect of MA 2.

The Office notes the following from the NTA submission (30th July 2024):

As highlighted in our submission on the proposed Material Alterations to the Draft Local Area Plan, the NTA does not support the proposed policy under Material Alteration 2 and this includes the associated footnote that was proposed under Material Alteration 31. It is considered that the inclusion of this policy would be misaligned with the land use zoning matrix of the Local Area

Plan and could lead to residential development being located in areas that are not appropriately served by key infrastructure and services, including transport infrastructure and services.

The Office also notes the following from the Uisce Éireann submission (30th July 2024):

Our most recent submission at Material Alterations stage 16th April 2024 included commentary on the material alterations subject to this Draft Direction. The submission noted that the need for the level of zoned lands proposed was unclear and a more focussed approach would assist in forward planning for future infrastructure needs and would also support the principle of compact growth. Sequential, phased development in serviced areas with sufficient capacity is recommended to optimise existing infrastructure and minimise investment required.

The NWRA submission (26th July 2024) also states that its previous submission on the material alterations opposed MA 2 and MA 31, and therefore supports the draft Direction.

Similarly, the TII submission (26th July 2024) reiterates its previous objection to MA 2, and confirms support for the draft Direction.

The submission received by the Planning Authority from Councillor Peter Flynn opposes the draft Direction for the following reasons:

- residential property prices have increased beyond the reach of local residents resulting in significant numbers moving out of the area or building in other parts of the county. This encourages unsustainable travel and social disconnect;
- the OPR recommendation on the draft Direction ignores that Policy DSP 10 of the Local Area Plan specifically states that the sites must be fully serviced, ensuring that sites are serviced by water, waste water, footpaths and lights. This limits the number of locations suitable for these sites and also ensures that every site is a sustainable site;

- there are already a significant number of one-off housing in the Local Area Plan. Allowing additional single one-off sites would just encourage the utilisation of other potential fully serviced sites rather than encouraging people to build in rural areas around the county;
- notwithstanding that Westport is now designated a Rent Pressure Zone, there are significant short term holiday rentals in Westport. The Planning Authority has not issued any planning guidance in relation to short term holiday rentals and they continue to operate in the area; and
- the OPR's recommendation takes no account of the complete lack of rental properties or second hand homes for purchase in Westport.

The Chief Executive recommends making the Local Area Plan without MA 2 and MA 31, and notes the following:

It is considered that relaxation of the rural housing social or economic links to a 'Rural Areas under Urban Influence' will exacerbate urban sprawl and is not aligned with local, regional and national policy in relation to compact growth, sequential development. The proposed rezoning of the lands which are located at a peripheral location, would not promote compact growth and sustainable travel options in Westport, by reason of its non-sequential edge of town location. Furthermore, the proposed policy would allow one off houses on fully serviced Agriculture, Open Space, Recreation & Amenity, Westport House Demesne, Maritime Related Tourism, Existing Residential, Town Centre, Town Centre Outer, Community Service Facilities, Education, Utilities, Enterprise & Employment zoned lands, this would be contrary to the Core Strategy as set out in the Mayo County Development Plan 2022-2028.

In relation to the point on housing availability and property prices, the Office notes that the Local Area Plan zones 23.91 ha of New Residential Lands which significantly exceeds the zoned land required to meet the housing target of 285 under the core strategy of the Mayo County Development Plan 2022-2028 (the County Development Plan). Further, the County Development Plan also makes provision for the use of Strategic Residential Reserve lands if required. In this regard sufficient zoned residential land is available to accommodate the targeted population

growth during the period of the Local Area Plan consistent with the County Development Plan.

The Office notes the concerns raised regarding short term holiday rentals in Westport, however the Act makes provision for the control of this type of development within rent pressure zones through the relevant development management and enforcement processes.

In relation to the reason that Policy DSP 10 of the Local Area Plan relates to fully serviced sites, this provision was set out in the section 31AO(7) Notice Letter (31AO(7) Notice Letter) to your office issued on 21st June 2024. Notwithstanding, there are other planning factors that must be considered in the location of houses including the compact growth of towns and villages to ensure that development proceeds sustainably and at an appropriate scale, density and sequence and in line with the core strategy table, and the objectives of the County Development Plan to promote new housing within the existing built up footprint under objectives CSO 5 and CSO 6, and RPO 3.2(c) and RPO 3.3 of the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly (NWRA) which target new housing within the existing built up footprint and to brownfield sites, and RPO 3.1 and RPO 7.20 of the RSES to deliver urban places of regional scale and to support regeneration and renewal and increase population living in settlements.

The Office acknowledges the argument that one-off housing under the proposed Policy DSP 10 of the Local Area Plan would be on fully serviced sites. However, and as set out in the 31AO(7) Notice Letter to your office, the County Development Plan includes a clear policy framework for housing in rural areas under urban influence having regard to national and regional policy and the Sustainable Rural Housing Guidelines for Planning Authorities (2005), and the introduction of Policy DSP 10 of the Local Area Plan would not be consistent with the County Development Plan policy framework.

No or no adequate reasons have been provided to explain how MA 2 and MA 31 are consistent with the objectives of the County Development Plan and RSES, and the Office remains of the view that they are not so consistent. Following consideration of the CE's Report, there is no planning or policy basis to amend the recommendation of this Office in respect of the draft Direction in relation to MA 2 and MA 31.

In respect of MA 39

A submission was received by the Planning Authority from a member of the public opposing the draft Direction in respect of MA 39 (i.e. the subject lands revert to Agriculture as per the draft Local Area Plan, from Strategic Residential Reserve). Councillor Flynn also opposes the draft Direction in respect of MA 39.

The submission received by the Planning Authority from the NTA, Uisce Éireann and NWRA support the draft Direction.

The Office notes the following from the from NTA submission (30th July 2024) to the Chief Executive in respect of MA 39:

As highlighted in our earlier submissions during the Local Area Plan process, the NTA would not support the zoning of this site at this time as it would not represent a sequential and compact approach to development. It is considered that the development of these lands during the lifetime of the Local Area Plan would be misaligned with key objectives of the LAP and could hinder the achievement of modal share ambitions set out as part of the associated Local Transport Plan.

The NWRA submission (26th July 2024) supports the draft Direction, noting its previous submission on the material alterations, which opposed MA 39.

Specifically in relation to MA 39, NWRA, in its submission to the material alterations (5th April 2024), states:

The material alterations documentation does not provide an up to date Core Strategy table to determine the impact the proposed alterations will have in relation to the amount of zoned lands for residential use. However, adequate land was zoned for residential development in the draft LAP (285 units required and c. 22ha land zoned “new residential” with further potential output from Residential Infill and Town Centre/Opportunity Sites). Furthermore, an amended Residential Settlement Capacity Assessment does not appear to have been provided to ascertain if the proposed alterations to re-zone land for residential are adequately serviced.

The Office also notes the following from the Uisce Éireann submission (30th July 2024):

Our most recent submission at Material Alterations stage 16th April 2024 included commentary on the material alterations subject to this Draft Direction. The submission noted that the need for the level of zoned lands proposed was unclear and a more focussed approach would assist in forward planning for future infrastructure needs and would also support the principle of compact growth. Sequential, phased development in serviced areas with sufficient capacity is recommended to optimise existing infrastructure and minimise investment required.

The submission received by the Planning Authority from a member of the public on behalf of the landowner raises the following:

- the subject site has excellent active travel connections to Westport Town and all services and amenities, including to the Great Western Greenway, and is a 15 minute walk to the town centre;
- the development of the subject site would consolidate existing residential development. The site is located within the urban boundary;
- planning policy (Mayo County Development Plan 2014-2020) to include minimum 20% detached residential properties is sustainable at the subject property, but not at town centre sites;
- there is substantial demand for larger family homes;
- there is a strong planning history for residential development on the subject site by virtue of recent planning history;
- the site is fully serviced;
- residential development at the subject site would address an acute housing shortage in Westport and regionally;
- there is a shortage of affordable housing in Westport; and
- substantial areas of land zoned Residential Phase 1 have not being developed within the life of the Local Area Plan.

The submission received by the Planning Authority from Councillor Peter Flynn opposes the draft Direction for the following reasons:

- the OPR fails to reference that the lands are serviced by Westport Town Greenway;
- the OPR states that the site is located approximately 1.5 km from the edge of the town centre. This ignores the fact that the northern portion of the site is 400 m from Quay National School and less than 1 km from the town centre via the Westport Town Greenway;
- the OPR's arguments in relation to sequential development fails to consider that the adjoining lands across the road from the subject site is located on a flood plain. Further the site is located only a few hundred metres from completed housing estates which are further west of the subject site and west of the town centre;
- it is contended that the residential lands at Cloonmonad (12.2 ha) has potential issues in relation to access, which will impact on the deliverability of these lands. This will raise doubts on the Local Area Plan delivering on its residential strategy and the need for residential development on the lands subject of MA 39;
- no site visit of Westport was conducted by the OPR and, furthermore, it is considered that any engagement between the OPR and the local councillors would have avoided many of the issues.

The Chief Executive recommends making the Local Area Plan without MA 39, and notes the following;

It is considered that residential development at this peripheral location would not promote compact growth or sustainable travel options, by reason of its non-sequential out of town location. Furthermore, the rezoning of these lands for residential development would be contrary to the Core Strategy as set out in the Mayo County Development Plan, 2022-2024.

In relation to the submission from a member of the public and Councillor Peter Flynn, the Office responds as follows.

In relation to the proximity to the Westport to Murrisk Greenway, this matter was acknowledged in the 31AO(7) Notice Letter. Notwithstanding the connectivity provided by the greenway, the Office agrees with the Chief Executive regarding the peripheral and non-sequential location of the subject lands.

In relation to the location of the site relative to the town centre, the Office notes that the relative distances referenced in the 31AO(7) Notice Letter refers to the distance from the potential site access, which adjoins the R335. The redevelopment of these lands would be dependent on access onto the R335.

Notwithstanding the existing housing estates which are further west of the subject site and west of the town centre, the proposed development of the lands relating to MA 39 would be non-sequential in nature having regard to the availability of sites further eastwards of the subject site and having regard to the predominate land use zoning context which is Agriculture. Furthermore, the zoning of the MA 39 lands would not promote compact development within and close to the built up footprint of the town.

The Office acknowledges that there was a previous planning permission on the subject site. However the previous planning history on the subject site relates back to a planning application in 2006, which expired in 2016, and which predates the current planning policy context including the NWRA RSES (2020-2032) and the County Development Plan (2022-2028).

In relation to the contention that the site is fully serviced, the Office notes the submission by Uisce Éireann at the material alterations stage, which points out that in general more significant network reinforcements are likely to be required to service the Strategic Residential Reserve lands. Specifically, in relation to MA 39, the submission states that strategic upgrades to pipes and the pumping station may be required if the whole site was to be developed.

In relation to housing shortages, housing affordability, and concerns regarding the development of residential zoned lands within the life of the Local Area Plan, the Office reiterates that the Local Area Plan zones 23.91 ha of New Residential Lands which significantly exceeds the zoned land required to meet the housing target of 285 under the core strategy of the County Development Plan. In addition, the County

Development Plan includes provision for Strategic Residential Reserve lands if required.

In this regard the Office agrees with the NWRA submission that sufficient zoned residential land is available to accommodate the targeted population growth during the period of the Local Area Plan, consistent with the County Development Plan and its core strategy.

The Office acknowledges that there is a significant demand for larger houses, and detached houses and previous County Development Plan policy (Mayo County Development Plan 2014-2020) objectives stipulated a minimum quantum of detached houses in any development, however this is not a reason alone to rezone land from Agriculture to Strategic Residential Reserve inconsistent with the policy objectives of the County Development Plan to promote compact development within and close to the built up footprint, a sequential approach to development, and to avoid the inappropriate extension of services and utilities under Objectives CSO 4, GSO 1, SSO 2, SSO 3 and SSO 6 of the County Development Plan.

In relation to a site visit and engagement with the elected members, the Office has carefully considered the reasons given by the elected members in deciding to make the Local Area Plan with the material alteration in the 31AO(7) Notice Letter, and the submissions made to the Planning Authority in respect of the draft Direction in this notice letter. Furthermore, the Office is satisfied that the assessment and evaluation of the Local Area Plan has been carried out in accordance with section 31AO of the Act.

Following consideration of the CE's Report, there is no planning or policy basis to amend the recommendation of this Office in respect of the draft Direction in relation to MA 39.

Recommendation

In light of the above and for the reasons given in our 31AO(7) Notice Letter, the Office remains of the view, as set out in this notice letter, that the Local Area Plan has been made in a manner that is inconsistent with the recommendations of the Office, inconsistent with the Mayo County Development Plan 2022-2028, and as a

consequence the use by the Minister of his or her functions to issue a direction under section 31 would be merited to ensure that the Local Area Plan sets out an overall strategy for proper planning and sustainable development.

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

Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or at plans@opr.ie.

Yours sincerely,

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

Niall Cussen

Planning Regulator

DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)
Westport Local Area Plan 2024-2030

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

“Planning Authority” means Mayo County Council.

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

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

- 1) This Direction may be cited as the Planning and Development (Westport Local Area Plan 2024-2030) Direction 2024.
- 2) The Planning Authority is hereby directed to take the following steps with regard to the Local Area Plan:
 - a) Delete the following material alterations from the adopted Local Area Plan:
 - (i) Material Alteration MA 2 - i.e. Policy DSP 10;
 - (ii) Material Alteration MA 31 - i.e. the amendment to Footnote 2 of the Land Use Zoning Matrix Table;
 - (iii) Material Alteration MA 39 – i.e. the subject lands revert to Agriculture as per the Draft Local Area Plan, from Strategic Residential Reserve.

and apply all necessary consequential updates to the text of the plan consistent with the foregoing.

STATEMENT OF REASONS

- I. The Local Area Plan as adopted includes material alterations to the draft Local Area Plan which introduce provisions to facilitate single houses in a haphazard and piecemeal manner, exacerbating urban sprawl and inconsistent with the compact and sustainable development of the town. The said material alterations are Policy DSP 10 to facilitate single houses on serviced non New Residential and Strategic Residential Reserve lands within the LAP Settlement Boundary, and an amendment to Footnote 2 of the Land Use Zoning Matrix Table such that single houses on Agriculture zoned lands are Open for Consideration subject to the aforementioned Policy DSP 10 which widens the qualifying criteria on Agriculture zoned lands beyond the housing need criteria in the rural housing policy of the Mayo County Development Plan 2022-2028.

These material alterations are inconsistent with the core strategy of the County Development Plan and Core Strategy Policy 4 to support the compact growth of towns and villages to ensure that development proceeds sustainably and at an appropriate scale, density and sequence and in line with the Core Strategy Table; and the objectives of the County Development Plan to promote new housing within the existing built up footprint under objectives CSO 5 and CSO 6, and Regional Policy Objectives RPO 3.2(c) and RPO 3.3 of the RSES which target new housing within the existing built up footprint and to brownfield sites; and RPO 3.1, and RPO 7.20 to deliver urban places of regional scale and to support regeneration and renewal and increase population living within settlements.

- II. The Local Area Plan as adopted includes a Material Alteration at Ardmore/Carrownalurgan, which zones additional residential land in excess of what is required for the town having regard to the growth targets for Westport under the core strategy of the Mayo County Development Plan 2022-2028. This material alteration is located in a peripheral and non-sequential location, and does not apply the sequential approach to development to support the compact and sequential growth of the town and its environs.

This material alteration would therefore encourage a pattern of development which is inconsistent with the objectives of the County Development Plan to promote compact development within and close to the built up footprint, a sequential approach to development, and to avoid the inappropriate extension of services and utilities under Objectives CSO 4, GSO 1, SSO 2, SSO 3 and SSO 6 of the County Development Plan.

- III. The Local Area Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under section 31AO of the Act.
- IV. The Minister is of the opinion that the Local Area Plan as made is inconsistent with the objectives of the Development Plan of the area, contrary to section 19(2) of the Act.
- V. The Minister is of the opinion that the Local Area Plan as made is inconsistent with the objectives of the RSES, contrary to section 19(2) and 27(1) of the Act.
- VI. The Minister is of the opinion that the Local Area Plan as made is not consistent with National Policy Objective 33 of the National Planning Framework.
- VII. The Minister is of the opinion that the Local Area Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VIII. The Local Area Plan is not in compliance with the requirements of the Act.

GIVEN under my hand

Minister of State for Local Government and Planning

Day of Month, Year.