



17th February 2025

Mr. Kevin Kelly
Chief Executive
Mayo County Council
Áras an Chontae
The Mall
Castlebar
Co. Mayo
F23 WF90

**Section 31 of the Planning and Development Act 2000 (as amended)
Decision to Issue a Direction to Mayo County Council regarding the
Ballina Local Area Plan 2024-2030**

Dear Kevin,

I am writing to inform you of the following in relation to the section 31 draft Direction that issued to Mayo County Council on 25th October 2024, and the subsequent consideration by the Office of the Planning Regulator ('the Office') of your report in connection with the *Ballina Local Area Plan 2024-2030*, as adopted by the elected members of Mayo County Council on 18th September 2024.

The Office notified the Minister pursuant to section 31AP(4) of the Planning and Development Act 2000 ('the Act') on 7th January 2025 and recommended that I, as Minister, issue the Direction.

The draft Direction, as issued in October, can be summarised as follows:

- Part 2(a) – Delete seven identified material alterations from the adopted Local Area Plan, such that the subject lands revert to as indicated in the draft Local Area Plan.

A copy of the notice letter and proposed final Direction was submitted to me, as Minister, by the Office along with a copy of your Chief Executive's Report on the draft Direction, prepared under section 31(8) of the Act.

Accordingly, having reviewed and considered the Office of the Planning Regulator's notice letter, your report of December 2024 on the draft Direction and submissions received, I am of the opinion that the Direction should be issued to effect Recommendations (2)(a)(i) to 2(a) (vi) of the Office. In the above regard, I refer you to the Statement of Reasons set out in the enclosed Direction.

I have decided not to agree with the recommendation of the Office to omit part (2)(a)(vii) MA36 and in that regard I refer to you my Statement of Reasons accompanying this correspondence. I wish to clarify that my decision not to accept the Office's recommendation in relation to MA36,



and therefore to include it in the Direction, is reflective of relevant legislative and planning policy considerations as they currently apply, including National Policy Objective 33 and National Policy Objective 57 of the National Planning Framework.

In particular, I am cognisant that in July 2024 the Office of Public Works made a submission to Mayo County Council on the proposed material alterations to the plan in which it stated:

Kilmoremooy

Material Alterations MA30 and 36 has rezoned an area of land in this area which contains overlaps with Flood Zones A and B as highly vulnerable New Residential. In section 8.3 Kilmoremooy of the updated SFRA, it is stated that "*since the area is not within or adjacent to the core town centre the Justification Test cannot pass*". Highly vulnerable development is not appropriate in Flood Zones A or B unless all criteria of the Plan Making Justification Test can be satisfied.

National Policy Objective (NPO) 57 of the National Planning Framework (with which the plan is required to be consistent, pursuant to section 20 of the Act) requires that flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with *The Planning System and Flood Risk Management Guidelines for Planning Authorities*. It is evident from the information available that the lands subject of MA 30 and MA 36 have not been subject to and passed a Justification Test undertaken as part of the plan-making process and on this basis, I am not satisfied that the principle of the residential use of the lands in question accords with NPO57. I am cognisant also of other reasons, as set out in the Direction, for the issuing of a Direction in relation to the lands in question.

I acknowledge that the elected members of Mayo County Council are seeking to ensure that there is sufficient capacity available for much-needed housing to be delivered in Ballina. In this regard I would note that in the context of the Revised National Planning Framework being finalised, there will be a need to plan for a significant increase in the capacity to deliver housing across the country to meet population projections and associated housing requirements, and as such there will be a need for each local authority in due course to review the capacity currently available within development plans and to consider the potential for additional capacity to be provided. However, any revision to those requirements and the associated zoning objectives must be undertaken as part of a wider assessment at County level, to ensure that a strategic plan-led approach to future housing development is based on the relevant up to date legislative and policy framework and accordingly is fair, proportionate and legally robust.

In reaching my decision to issue the Direction I have noted your recommendations as Chief Executive under section 31(9) of the Act. I further note the Office's consideration of, and response to, those matters in its subsequent recommendation to me, as Minister, under section 31AP(4) of the Act.



Accordingly, Mayo County Council should **TAKE NOTICE** that on 17th February 2025 I have issued a Direction pursuant to section 31 of the Planning and Development Act 2000 (as amended). Pursuant to section 31(17) of the Act this Direction is deemed to have immediate effect and its terms are considered to be incorporated into the plan. A copy of this Direction is enclosed.

In light of the foregoing, Mayo County Council is required, pursuant to section 31(2) of the Planning and Development Act 2000 to comply with this Direction so as to rectify the matter in a manner that, in my opinion, will ensure that the *Ballina Local Area Plan 2024-2030* sets out an overall strategy for proper planning and sustainable development and meets the requirements of the Act.

The Council should ensure that the Direction is available for inspection at its offices and on its website.

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

Yours sincerely,

James Browne TD
Minister for Housing, Local Government and Heritage

Copied to:

- Cathaoirleach, Mayo County Council, Áras an Chontae, The Mall, Castlebar, Co. Mayo, F23 WF90.
- Director, Northern and Western Regional Assembly, Dillon House, Ballaghaderreen, Co. Roscommon, F45 WY26.
- Office of the Planning Regulator, Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWW4.



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

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

“Planning Authority” means Mayo County Council.

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

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

The Minister for Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (No.30 of 2000) (“the Act”), and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AP(4) of the Act, hereby directs as follows:

(1) This Direction may be cited as the Planning and Development (Ballina Local Area Plan 2024-2030) Direction 2025.

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

(a) Delete the following Material Alterations from the adopted Local Area Plan such that the subject lands revert to as indicated in the draft Local Area Plan:

(i) Material Alteration MA 29 – i.e. the subject lands revert to Enterprise & Employment from New Residential;

(ii) Material Alteration MA 30 – i.e. the subject lands revert to Agriculture, and Existing Residential from New Residential;

(iii) Material Alteration MA 31 – i.e. the subject lands revert to Enterprise & Employment from New Residential;



(iv) Material Alteration MA 33 – i.e. the subject lands revert to Recreation & Amenity from New Residential;

(v) Material Alteration MA 34 – i.e. the subject lands revert to Agriculture from New Residential;

(vi) Material Alteration MA 35 – i.e. the subject lands revert to Agriculture, and Recreation & Amenity from New Residential;

(vii) Material Alteration MA 36 – i.e. the subject lands revert to Agriculture from New Residential;

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

STATEMENT OF REASONS

- I. The Local Area Plan includes material alterations (MA 29, MA 30, MA 31, MA 33, MA 34, MA 35 and MA 36) to the draft Local Area Plan which zones additional residential land such that the Local Area Plan, as made, provides for significantly in excess of the growth targets specified for Ballina in the core strategy of the County Development Plan. The Local Area Plan, as made, is not consistent with the core strategy of the County Development Plan, contrary to the requirements of the Act.
- II. The Local Area Plan includes material alterations (MA 29, MA 30, MA 31, MA 33, MA 34, MA 35 and MA 36) to the draft Local Area Plan that are located in peripheral and non-sequential locations, and/or outside the CSO settlement boundary, and/or without adequate infrastructure, and do not support sustainable travel patterns. As a result, these material alterations to the Local Area Plan would encourage and facilitate a pattern of development which, contrary to the requirements of the Act, is inconsistent with the objectives of the County Development Plan to promote compact and sequential development by consolidating the built-up footprint and developing outwards from the centre in a sequential manner, to avoid the



inappropriate extension of services and utilities, and to encourage sustainable travel patterns, under Objectives CSO 4, CSO 5, SSO 3, SSO 6, GSO 1 and SO 12 of the County Development Plan and RPO 3.1 and RPO 3.2(c) for compact growth and RPO 7.20 of the RSES to increase the population living within settlements.

- III. The Local Area Plan includes material alterations (MA 30, MA 35 and MA 36) to zone land as New Residential located in Flood Zone A and B where *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*, issued under section 28 of the Act, indicate that such highly vulnerable uses are not appropriate unless a Justification Test is passed. The material alterations are therefore inconsistent with RPO 3.10 of the RSES to avoid inappropriate development in areas at risk of flooding and to implement the recommendations of the Guidelines.
- IV. The Local Area Plan includes material alterations (MA 30, MA 35 and MA 36) that are inconsistent with Objective INP 14 of the County Development Plan to have regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* in the preparation of plans, and the Planning Authority has failed to give any or any adequate reasons as to why the recommended approach of the Guidelines has not been implemented, and how the planning authority's adopted approach is consistent with ensuring that the Local Area Plan sets out an overall strategy for the proper planning and sustainable development of the area.
- V. The Local Area Plan has not been made in a manner consistent with, and has failed to implement, recommendations of the Office of the Planning Regulator made under section 31AO of the Act.
- VI. The Minister is of the opinion that the Local Area Plan as made is inconsistent with the core strategy and objectives of the Development Plan of the area, which is a requirement of section 19(2) of the Act.
- VII. The Minister is of the opinion that the Local Area Plan as made is not consistent with the objectives of the RSES, contrary to section 19(2) and section 27(1) of the Act.



- VIII. The Minister is of the opinion that the Local Area Plan as made is not consistent with National Policy Objective 33 and National Policy Objective 57 of the National Planning Framework.
- IX. 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.
- X. The Local Area Plan is not in compliance with the requirements of the Act.

GIVEN under my Official Seal



James Browne TD
Minister for Housing, Local Government and Heritage

17th February 2025