

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

Mayo County Development Plan 2022-2028

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

“Planning Authority” means Mayo County Council

WHEREAS the powers and duties of the Minister for Housing, Local Government and Heritage under the Planning and Development Act 2000 (as amended) (“the Act”), other than the power to prosecute an offence, have been delegated to the Minister of State at the Department of Housing, Local Government and Heritage pursuant to the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. 559 of 2020).

WHEREAS the Minister of State at the Department of the Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Act, and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Act hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Mayo County Development Plan 2022-2028) Direction 2022.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:
 - a. Delete the following material amendments to Chapter 2: Core and Settlement Strategy and revert to the relevant text in the draft Plan:
 - (i) CH 2.12

- (ii) CH 2.13
- (iii) CH 2.14
- (iv) CH 2.15
- (v) CH 2.16
- (vi) CH 2.17
- (vii) CH 2.18
- (viii) CH 2.21

b. Delete in full the following policies from Chapter 2: Core and Settlement Strategy:

- (i) CSP 5
- (ii) CSP 8
- (iii) supporting text under section 2.7.9

c. Delete material amendment DMS.1 to Table 2 of Vol. 2: Development Management Standards and revert to the relevant text in the draft Plan.

d. Delete the following material amendments to Chapter 12: Settlement Plans and revert to the relevant text in the draft Plan:

- (i) CH 2.12 - Land Use Zoning Objectives for 1k: Strategic Residential Reserve Tier II
- (ii) CH 12.3 – text in Section 12.3.1.1 for Strategic Residential Reserve Tier II

e. Reinstate the following consolidated zoning and settlement boundaries to that of the draft Plan:

- (i) Tier III Kilti 2
- (ii) Tier IV BER 1
- (iii) Tier IV BEL 1

f. Reinstate the following zoning objectives to that of the draft Plan:

- (i) Tier II Clare 2 i.e. the subject land reverts to Rural Transition Zone from Strategic Residential Reserve Tier II
- (ii) Tier II Clare 3 i.e. the subject land reverts to Agriculture from Strategic Residential Reserve Tier II

(iii) Tier II Clare 5 i.e. the subject land reverts to unzoned (outside the plan boundary) and New Residential (inside the plan boundary) from Strategic Residential Reserve Tier II

(iv) Tier II Clare 6 i.e. the subject land reverts to unzoned from Strategic Residential Reserve Tier II

(v) Tier II BROBE 3 i.e. the subject land reverts to unzoned from Enterprise and Employment.

g. Delete the following material amendments to Chapter 3: Housing and revert to the relevant text in the draft Plan:

(i) CH 2.28

(ii) CH 3.1

(iii) CH 3.8

(iv) CH 3.10.

h. Insert new objectives in the settlement plans for Louisburgh, Newport and Swinford, respectively, to incorporate the flood mitigation measures of the SFRA for these settlements consistent with the recommendation of the Chief Executive's report dated 24th May 2022.

i. Amend policy MTP 23 consistent with the recommendation of the Chief Executive's report dated 24th May 2022 (Policy referenced as MTP 16 in CE Report).

STATEMENT OF REASONS

I. Pursuant to section 31(1)(b), section 31(1)(ba)(i) and section 31(1)(c)

The Development Plan as made includes material amendments to the Core Strategy of the draft Plan, which are not consistent with national and regional planning policy and the proper planning and sustainable development of the area, including:

- a. core strategy policies and objectives that are inconsistent with national and regional policy objectives for compact growth NPO 3, and RPO 3.2, and consequently with section 10(1A) of the Act;
- b. core strategy policies and objectives that are inconsistent with the implementation of the targets in the core strategy table 2.7.7 of the Development Plan and consequently with section 10(2A)(a) of the Act; and
- c. core strategy policies and objectives that are inconsistent with the strategic aims of the Plan which promote consolidation and compact development and transition to a low carbon energy efficient transport systems (section 2.3), the strategic county development objectives of the plan that support the transition to a low carbon and climate resilient county by promoting sustainable settlement patterns (SO 4), progression towards achievement of national strategic objectives of the NPF (SO 10), and integration of land use planning and sustainable transportation planning and consolidation of development (SO 12).

II. Pursuant to section 31(1)(b), section 31(1)(ba)(i) and section 31(1)(c)

The Development Plan as made includes material amendments to the draft Plan, that individually and cumulatively are not consistent with the Core Strategy, national and regional planning policy, and the proper planning and sustainable development of the area, including:

- a) Land zoned for residential development located in peripheral locations remote from the existing settlement, inconsistent with the requirements for compact growth in NPO 3 and RPO 3.2, and fails to have regard to the policy and objective for a sequential approach to development in 6.2.3 of *Development Plans Guidelines for Planning Authorities* (2022), and

b) Extensions to the consolidated zoning and settlement boundaries in peripheral locations remote from the existing settlement, inconsistent with the requirements for compact growth in NPO 3 and RPO 3.2, and fails to have regard to the sequential approach to development in 6.2.3 of *Development Plans Guidelines for Planning Authorities* (2022).

III. Pursuant to section 31(1)(ba)(i) and section 31(1)(c)

The Development Plan as made includes residential density standards set out in Table 2 of Vol 2: Development Management Standards inconsistent with national and regional planning policy, specifically the requirement to implement compact growth under NPO 3 and RPO 3.2; and that fail to have regard to the Section 28 *Residential Development in Urban Areas Guidelines* (2009).

IV. Pursuant to section 31(1)(ba)(i) and section 31(1)(c)

The Development Plan as made includes policies and objectives which make provision for the consideration of residential development on lands zoned 'Strategic Residential Reserve Tier II' during the plan period, albeit subject to certain considerations regarding the availability of New Residential and Strategic Residential Reserve Tier I lands, which are inconsistent with national and regional planning policy, specifically compact growth under NPO 3 and RPO 3.2 and the proportionate growth of rural towns under NPO 18a, and the promotion of sustainable settlement and transportation strategies under section 10(2)(n), and which fail to have regard to the policies and objectives for a sequential approach to development in 6.2.3 of *Development Plans Guidelines for Planning Authorities* (2022).

In so doing, the planning authority has made the Plan inconsistent with the requirements of section 10(2A)(d)(ii) of the Act which requires that the development plan provides details on how the zoning proposals in respect of lands zoned for residential use accords with national policy that development of land shall take place on a phased basis.

V. Pursuant to section 31(1)(c)

The Development Plan as made includes land zoned for enterprise and employment development at a peripheral location outside the plan boundary for Ballinrobe where the evidence rationale underpinning the zoning is not clear or strategic in nature and fails to have regard to 6.2.5 of *Development Plans Guidelines for Planning Authorities* (2022).

VI. Pursuant to section 31(1)(ba)(i)

The Development Plan as made includes material amendments to the rural housing policy of the draft Plan, that individually and cumulatively are not consistent with NPO 19 to ensure that a distinction is made between areas under urban influence and elsewhere, and NPO 15 and NPO16 to reverse rural decline in small towns and villages and support their regeneration and renewal; with the strategic aims and other policies and objectives of the Development Plan.

VII. Pursuant to section 31(1)(ba)(i) and section 31(1)(c)

The Development Plan by failing to incorporate the mitigation measures, which formed the basis upon which land use zonings have been justified in the SFRA, into the Plan as policy objectives includes lands zoned in a manner that is inconsistent with National Policy Objective 57, which seeks to avoid inappropriate development in areas at risk of flooding having regard to Ministerial Guidelines issued under Section 28 of the Act, *The Planning System and Flood Risk Management Guidelines* (2009).

VIII. Pursuant to section 31(1)(c)

The Development Plan as made includes policy MTP 23 which provides that consideration is given to increased traffic from existing accesses to national roads to which speed limits greater than 60 kph apply, and that fails to have regard to the *Spatial Planning and National Roads Guidelines* (2012).

IX. Pursuant to section 31(1)(a)(i)(II)

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 31 AM.

GIVEN under my hand,

Minister of State for Local Government and Planning
day of Month, year.