



16th January 2024

For the Attention of: 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 –
Notice of Intention to Issue a Direction to Mayo County Council
regarding the Castlebar Town and Environs Local Area Plan 2023-2029**

Dear Kevin,

Consequent to a recommendation made to me as Minister by the Office of the Planning Regulator (the Office) on 22nd December 2023 in connection with the *Castlebar Town and Environs Local Area Plan 2023-2029* (the Local Area Plan) as adopted by the elected members of Mayo County Council on 27th November 2023, and pursuant to section 31 of the Planning and Development Act 2000 (the Act), I write to give notice of my intention to issue a direction to Mayo County Council to take account of certain measures specified in this notice.

Opinion

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

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



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

Process to Date

The draft Castlebar Town and Environs Local Area Plan 2023-2029 (the draft Plan) was on public display from 28th February 2023 to 11th April 2023. The Office of the Planning Regulator made a submission to the draft Plan on 11th April 2023, containing five (5) recommendations which addressed a broad range of issues.

The elected members, having considered the draft Plan and the Chief Executive's report on submissions received, decided to amend the draft Plan. The proposed material alterations were on public display from 23rd August 2023 to 20th September 2023. The Office made a submission on 20th September 2023 containing two (2) recommendations. The Office's recommendations at the Material Alterations stage included, *MA Recommendation 1 – Sustainable residential development*.

The submission also noted the decision of the planning authority not to comply with certain Recommendations of the Office's submission to the draft Plan, and expressed significant concerns regarding the failure of the planning authority to meaningfully engage with the recommendations of the Office, or to provide a clear rationale for zoning land at risk of flooding and/ or in peripheral locations that does not support compact and sustainable development and town centre regeneration.

The elected members of Mayo County Council adopted the *Castlebar Town and Environs Local Area Plan 2023-2029* on 27th November 2023. Subsequently, the planning authority issued a notice letter under section 31AO(5) of the Act to the Office advising of the making of the Local Area Plan and specifying the recommendations of the Office that were not complied with.

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

- Core Strategy and New Residential Zoning – Recommendations 1(i) and (ii); and MA Recommendation 1 (*with the exception of the part thereof relating to Material Alteration 9*)
- Enterprise and Employment Zoning – Recommendation 3
- Flood Risk Management – Recommendation 5



Summary of Issues

OPR Recommendation 1(i) and (ii); and OPR MA Recommendation 1

Recommendation 1(i) of the Office's submission to the draft Plan identified the need for a clear core strategy table to set out the area and quantum of housing to be delivered on lands zoned 'town centre', 'existing residential' and 'new residential', as well as appropriate densities to demonstrate anticipated yield. Recommendation 1(ii) related to the need to ensure that the extent of lands zoned for residential use in Castlebar is in accordance with the core strategy of the Mayo County Development Plan 2022-2028. The Local Area Plan as adopted has failed to address these recommendations and is not consistent with the statutory requirements of the Act.

MA Recommendation 1 of the Office's submission on the Material Alterations to the draft Plan sought to ensure that the provision of new homes in Castlebar takes place at locations that can support compact and sustainable development. Having regard to specific cited objectives of the County Development Plan, the NPF and the RSES, as well as other relevant policy considerations, Mayo County Council was recommended to make the Local Area Plan without certain material alterations that proposed to zone a very significant quantum of additional lands for new residential development.

The Office has indicated that these material alterations are located in peripheral and non-sequential locations, and would encourage a pattern of development which is inconsistent with the objectives of the Mayo County Development Plan to implement a sequential approach to development and promote compact growth, and the regeneration of the town centre.

These land use zonings were also made contrary to your recommendations as Chief Executive and in circumstances whereby the Local Area Plan provides significantly more new residential zoned land than is required to meet Castlebar's housing target. In doing so the total quantum of zoned new residential land bears no reasonable relationship to the core strategy of the Mayo County Development Plan 2022-2028.

The Office has advised that no, or no adequate, reasons have been provided to justify the decision of the elected members with regard to the subject lands. The Office has therefore concluded that these zoning objectives are inconsistent with the planning authority's statutory obligations, as detailed in its recommendation to me, as Minister, under section 31AO(7) of the Act, and reflected in the reasons set out in the draft Direction.

OPR Recommendation 3

The Office's submission to the draft Plan also expressed concerns regarding the lack of a clear evidence basis to underpin the extensive quantum of land zoned for Enterprise and Employment. Having regard to specified local, regional and national policies the Office recommended that the



planning authority omit the Employment and Enterprise zoning objective from lands located to the south of Saleen Lough and to the immediate east of the rail line.

These lands (c. 48 ha) are peripherally located, poorly serviced, as well as being at known risk of flooding. I further note that the National Transport Authority, the Office of Public Works and Transport Infrastructure Ireland each made submissions to your authority which expressed concerns in relation to this proposal. The zoning of these lands is considered to be inconsistent with the planning authority's statutory obligations as set out in the Act. Further details can be found in the statement of reasons included in the draft Direction.

OPR Recommendation 5

Recommendation 5 related to flood risk management and highlighted concerns regarding the Strategic Flood Risk Assessment (SFRA) undertaken by the planning authority. The Local Area Plan has zoned lands for development that are at known risk of flooding, inconsistent with the planning authority's own development plan and national and regional policy objectives. Please see the reasons contained within the draft Direction for further details.

Decision

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

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

- is not in compliance with the provisions of the Act including:
 - Section 19(2), which requires that the Local Area Plan shall be consistent with the objectives of the County Development Plan, its core strategy, and any regional spatial and economic strategy that applies to the area of the plan.
 - Section 27(1), which states a planning authority shall ensure, when making a local area plan, that the plan is consistent with any regional spatial and economic strategy in force for its area.
 - Section 28(1), which requires planning authorities to have regard to ministerial guidelines in the performance of their functions.
- is not consistent with the objectives of the National Planning Framework and Regional Spatial and Economic Strategy for the Northern and Western Region, including NPO 33, NPO 57, RPO 3.1, RPO 3.2, RPO 3.10, RPO 3.11, RPO 6.5, RPO 6.30 and RPO 6.31.
- fails to have regard to Ministerial Guidelines issued under section 28 of the Act, specifically:



- Development Plans, Guidelines for Planning Authorities (2022)
- Spatial Planning and National Roads, Guidelines for Planning Authorities (2012)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)

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

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

Measures to be taken – Draft Direction

Accordingly, having considered the recommendation of the Office, I am issuing a draft Direction pursuant to section 31 of the Planning and Development Act 2000 (as amended), to direct Mayo County Council with regard to the *Castlebar Town and Environs Local Area Plan 2023-2029*.

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

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

(a) Provide a clear core strategy table which sets out the area and quantum of housing to be delivered on lands zoned Town Centre, Existing Residential and New Residential. Appropriate densities shall be applied to demonstrate anticipated yield.

(b) Reinstate the following zoning objectives and associated text to that of the draft Local Area Plan:

(i) Material Alterations 10, 12, 14 and 21 – i.e. the subject lands revert to Agriculture from New Residential

(ii) Material Alterations 13 and 17 – i.e. the subject lands revert to Enterprise and Employment, and Agriculture from New Residential

(iii) Material Alterations 15 and 18 – i.e. the subject lands revert to Enterprise and Employment from New Residential



(c) Delete the following zoning objective from the adopted Local Area Plan, i.e. the subject lands are unzoned:

- (i) Land zoned Enterprise and Employment at Cloonagh (Site EE 1) located to the southwest of Saleen Lough and to the immediate east of the rail line

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

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

Next Steps – Procedural requirements

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

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

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

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

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



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

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

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

Yours sincerely,

Kieran O'Donnell TD

Minister of State for Local Government and Planning

Copied to:

- Cathaoirleach, Mayo County Council, Áras an Chontae, The Mall, Castlebar, Co. Mayo, F23 WF90.
- Director, Northern and Western Regional Assembly, The Square, Ballaghaderreen, Co. Roscommon, F45 W674.
- Office of the Planning Regulator, Fourth Floor, Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWW4.