



05 July 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 Westport Local Area Plan 2024-2030**

Dear Kevin,

Consequent to a recommendation made to me as Minister by the Office of the Planning Regulator (the Office) on 21st June 2024 in connection with the *Westport Local Area Plan 2024-2030* (the Local Area Plan) as adopted by the elected members of Mayo County Council on 27th May 2024, 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 Westport Local Area Plan 2023-2029 (the draft Plan) was on public display from 26th September 2023 to 7th November 2023. The Office of the Planning Regulator made a submission to the draft Plan on 7th November 2023, containing four (4) 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 19th March 2024 to 16th April 2024. The Office made a submission on 16th April 2024 containing three (3) recommendations.

The elected members of Mayo County Council adopted the *Westport Local Area Plan 2024-2030* on 27th May 2024. 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:

- Recommendation 1(i) – New Residential zoning objective;
- MA Recommendation 1 – Policy DSP 10 and Footnote 2 of the Land Use Zoning Matrix;
- MA Recommendation 2 – Strategic Residential Reserve zoning objectives;
- MA Recommendation 3 – Extension to plan boundary and zoning of land for Agriculture.

Summary of Issues

OPR Recommendation 1(i)

Recommendation 1(i) of the Office's submission to the draft Plan required the planning authority to omit the New Residential zoning objective pertaining to Site 6 at Monamore.



While the Planning Authority amended the zoning of a significant portion of Site 6, residential zoning has been retained on part of the site (the MA 37 lands).

The Office has indicated in its section 31AO(7) notice letter that this site is located in a peripheral location outside of the relevant CSO Settlement Boundary, and is contrary to the principles of compact and sustainable growth. It further highlights that the site has inadequate footpath connectivity to the town and would effectively be car dependent for access to basic services and amenities in the town.

This Strategic Residential Reserve zoning objective is considered by the Office to be inconsistent with the core strategy of the Mayo County Development Plan and related objectives for sustainable, compact and sequential growth.

OPR MA Recommendation 1

This recommendation required the planning authority to make the Local Area Plan without material alterations MA 2 and MA 31. These material alterations facilitate single houses within serviced, non-residential land use zoning objectives, and widen the qualifying criteria for such development.

The Office has indicated that this would promote haphazard residential development and urban sprawl on non-residential zoned lands and in the rural hinterland, inconsistent with cited objectives of the Mayo County Development Plan and the RSES.

OPR MA Recommendation 2

MA Recommendation 2 sought to ensure that the provision of new homes in Westport takes place at locations that can support compact and sustainable development. Having regard to specific cited objectives of the County Development Plan and the RSES, as well as other relevant policy considerations, Mayo County Council was recommended by the Office to make the Local Area Plan without certain material alterations, including MA 38 and MA 39, which proposed to zone a significant quantum of additional lands as Strategic Residential Reserve.

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. The Office also advises that the extensive quantum of land zoned at these locations also lacks a clear evidence basis and is inconsistent with the core strategy of the County Development Plan.

The Office has advised that no adequate reasons have been provided to justify the decision of the elected members to retain these zoning objectives when they are inconsistent with both the core strategy and specific stated objectives of the Mayo County Development Plan. 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 issued by the Office.

OPR MA Recommendation 3

This recommendation related to material alteration MA 41 and the proposal to significantly extend the plan boundary from Ardmore to Belclare Junction and zone all lands within the boundary extension as Agriculture. However, as the Office has not included MA 41 in the draft of the Direction submitted to me for consideration, it does not form part of the enclosed draft Direction.

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 in relation to:

- Recommendation 2) a) (i)
- Recommendation 2) a) (ii)
- Recommendation 2) a) (iv)

of the Office, and in that regard, I refer you to the reasons set out in the enclosed draft Direction and the considerations below.

I have decided not to issue a draft Direction in relation to Recommendation 2) a) (iii) (*which relates to Material Alteration MA 38*) and Recommendation 2) b) (*which relates to Material Alteration MA 37*) which if accepted, would alter the 'Strategic Residential Reserve' zoning objective that applies to two areas of land located off the Lodge Road in the townland of Monamore, contrary to the decision of the elected members of Mayo County Council.

My reasons for not issuing a draft Direction in respect of the Office's recommendations relating to Material Alterations MA 37 and MA 38 are set out below:

1. The subject lands are contiguous to the urban environment of Westport, being located in close proximity to existing residential development and employment zoned lands, and would serve to consolidate the existing pattern of development in this area of Westport.

Accordingly, the zoning of these lands for Strategic Residential Reserve is reasonable in the circumstances.

In light of my decision you will note that there are consequent changes to the numbering of section (2) of the draft Direction as issued, which now reads (2)(a)(i), (2)(a)(ii), and (2)(a)(iii).



Noting the aforementioned, 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.
- 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, RPO 3.1, RPO 3.2(c), RPO 3.3, and RPO 7.20.

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 *Westport Local Area Plan 2024-2030*.

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) 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.

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,

Alan Dillon 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 EWV4.