



Comhairle Chontae na Gaillimhe
Galway County Council

NOTICE OF DRAFT MINISTERIAL DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) GALWAY COUNTY DEVELOPMENT PLAN 2022-2028

Notice is hereby given pursuant to Section 31 of the Planning and Development Act 2000 (as amended), that on 16th June 2022 the Minister of State for Local Government and Planning, consequent to a recommendation made to him by the Office of the Planning Regulator under Section 31 AM(8) of the Planning and Development Act 2000 (as amended), has delivered notice of the Minister's intent to issue a Direction to Galway County Council (being the Planning Authority for County Galway). The Draft Ministerial Direction relates to the Galway County Development Plan 2022- 2028.

The Reasons stated for the Draft Direction are that:

I. Pursuant to section 31(1)(b), section 31(10)(ba)(i) and section 31(1)(c)

The Galway County Development Plan 2022 - 2028 as made includes material amendments to the draft Plan, that are inconsistent with the evaluation of the Strategic Environmental Assessment and which 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 that is not consistent with the Development Plan's own Core Strategy for Clifden, Headford, An Cheathrú Rua and Woodlawn, in the adopted Plan. In making the Development Plan with residential zoning in excess of that determined to be required under the Core Strategy, the Planning Authority fails to have regard to the requirements of section 4.5 of the Development Plan Guidelines for Planning Authorities (2007) and section 4.4 of the Development Plans, Guidelines for Planning Authorities - Draft for Consultation (2021) to ensure enough land is zoned and to avoid zoning too much land and the Planning Authority provides no or no adequate reasons relating to the proper planning and sustainable development of the area to explain why the guidelines have not been followed;
- b. Land zoned for residential development located in peripheral locations outside the CSO settlement boundary in the case of Clifden, and Headford, and in the case of Woodlawn where no CSO boundary exists, inconsistent with the requirements for compact growth in NPO 3c and RPO 3.2;
- c. Land zoned for development located in non-sequential and peripheral locations at a distance from the centre and beyond undeveloped greenfield lands in Clifden and Headford, An Cheathrú Rua, and Oughterard, or in the case of Woodlawn detached from any existing settlement, which fails to have regard to the requirement to implement or adopt the sequential approach to zoning under the Development Plans, Guidelines for Planning Authorities (2007) issued under Section 28 of the Act, except in exceptional circumstances (which 'must be clearly justified ... in the written statement'), and under section 6.2.3 of the Development Plans, Guidelines for Planning authorities - Draft for Consultation (2021) and the Planning Authority provides no or no adequate reasons relating to the proper planning and sustainable development of the area to explain why the guidelines have not been followed;
- d. Land zoned for development in Oranmore vulnerable to flood risk in areas known to be at risk of flooding contrary to NPO 57 and which fails to have regard to the statutory guidelines of the Minister The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), as revised and where the Strategic Flood Risk Assessment recommends that the zoning amendment not be adopted;
- e. Land zoned for development in Maigh Cuilinn adjacent to the route of the N59 Maigh Cuilinn by-pass, which has the potential to negatively impact the delivery of the planned national road network in the area, undermine Government investment in the N59 Moycullen Bypass Scheme and fails to have regard to the statutory guidelines of the Minister The Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

Further, the residential zoning amendments are also inconsistent with the requirements of section 10(2A)(d) (ii) of the Act which requires the development plan to provide details of how the zoning proposals in respect of lands zoned for residential and for a mixture of residential and other uses accords with national policy that development of land shall take place on a phased basis.

Further, the statement under Section 28(1A)(b) attached to the Development Plan as made fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives outlined at (i), above, as contained in the Guidelines, because of the nature and characteristics of the area and to give reasons for the forming of that opinion contrary to Section 28(1B)(b).

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

The Development Plan as made includes policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua which may unreasonably and significantly prejudice the delivery of this key infrastructure and prejudice the planned sustainable growth of An Cheathrú Rua over the plan period inconsistent with the statutory requirement in section 10(1D) of the Act that the development objectives in the development plan are consistent with the conservation and protection of the environment.

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

The Development Plan as made includes material amendments to identify Ballinasloe and Tuam as being unsuitable locations for a regional waste management facility and/or sludge hub centre inconsistent with NPO 56 and RPO 8.17 to promote circular economy principles to maximise waste as a resource, and the provisions of NPO 63 and RPO 8.12 to ensure that sustainable water services infrastructure is in place to meet demands of continuing population growth and the developing economy.

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

The Development Plan as made includes policies and material amendments to the draft Plan that are inconsistent with the evaluation of the Strategic Environmental Assessment.

V. 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.

Public Display:

A copy of the Draft Directions may be inspected from 23rd June 2022 to 08th July 2022 (inclusive) at <http://consult.galway.ie> and during normal hours at the Planning offices of Galway County Council, Áras an Chontae, Prospect Hill, Galway.

Submissions or Observations in Respect of the Draft Direction:

Written submission or observations, in respect of the Draft Direction, may be made (one medium only) to the Council between the 23rd of June 2022 to 4pm on 08th July 2022 as follows:

- Online via the Council's Public Consultations Portal: <http://consult.galway.ie/>; or
- Via emails to forwardplanning@galwaycoco.ie or
- In writing marking "Draft Direction to the Galway County Development Plan 2022-2028" Planning Department, Galway County Council, Áras an Chontae, Prospect Hill, Galway.

Observations or submissions must include the full name and address of the person(s) making the submission and where relevant, the body or organization represented. Late observations/submissions will not be accepted. All submission or observations made in respect of the Draft Direction, during this period, shall be taken into consideration by the Office of the Planning Regulator before it makes a recommendation to the Minister on the matter.

Please note that observations or submission will be made public on the Council's website and at the offices of Galway County Council and will also form part of the statutory Chief Executive's Report subsequently published on Galway County Council website. The details including the names of those making submission may be shared with relevant Council and Government Departments or their agents involved in the process and may form part of reports linked to the making of any Direction.

Galway County Council is subject to the provisions of the Data Protection Act (as amended) and General Data Protection Regulation (GDPR). In order to assist us in complying with Data Protection and GDPR please include your name and contact details (and where relevant, details of any organisation, community group or company etc., which you represent), on a separate sheet to the content of your submission/ observation. This processing of your personal data is lawful under Article 6 (1)(e) of the GDPR regulations. The Council's Data Protection Policy is available on the Council website.

Please note that in accordance with Section 19 of the Planning and Development (Amendment) Act, 2018 all valid submissions received by the Council shall be published on the Galway County Council website within 10 working days of its receipt by the Council. The planning process is an open and public process and therefore your submission (in part or in total) will be available.

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