



Comhairle Chontae na Gaillimhe
Galway County Council

Athenry Local Area Plan 2024-2030

March 2024

Section 31 Chief Executive's Report on
Submissions Received in Relation to the Draft
Ministerial Direction

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1.0 Introduction and Overview

1.1 Background – Draft Ministerial Direction

On the 19th of February 2024 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 31AO (7) of the Planning and Development Act 2000 (as amended) (hereafter referred to as the Act), issued a Draft Ministerial Direction to Galway County Council.

The Draft Ministerial Direction relates to the Athenry Local Area Plan 2024 – 2030 (Local Area Plan) and requires the following steps to be taken:

- (i) Reinstatement of the following zoning objectives and associated text consistent with the recommendation of the Chief Executive’s Report on the material alterations, and deletion of the following material alterations from the adopted Local Area Plan:
- Material alterations MA 46, MA 47 and MA 49 – i.e. the subject lands revert to Outside the Settlement Boundary from Residential Phase 1 as per the draft Local Area Plan;
 - Material alteration MA 51 – i.e. the subject lands revert to Outside the Settlement Boundary from Residential Phase 2 as per the draft Local Area Plan;
 - Material alteration MA 60 - the subject lands revert to Agriculture from Residential Phase 2 as per the draft Local Area Plan;
 - Material alterations MA 50 and MA 59 – the subject lands revert to Open Space/Recreation & Amenity from Residential Phase 2;
 - Material alteration MA 48 – the subject lands revert to Outside the Settlement Boundary from Existing Residential as per the draft Local Area Plan.

1.2 Legislative Context for the Direction

In his notice dated on the 19th of February 2024, the Minister stated that in his opinion, the adopted Local Area Plan has failed to implement the recommendations of the Office of the Planning Regulator under section 31AO of the Act and the Local Area Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area. The Minister stated that in his opinion, the Local Area Plan is not consistent with National, Regional or the Development Plan of the area policy objectives as set out in the National Planning Framework, the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly and the Galway County Council Development Plan 2022 – 2028.

The Minister also stated that in his opinion, the Local Area Plan fails to have regard to Ministerial Guidelines issued under section 28 of the Act and that the Local Area 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 AO.

The Draft Ministerial Direction relates to the Athenry Local Area Plan 2024 – 2030 (Local Area Plan) and requires the following steps to be taken:

- (ii) Reinstatement of the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report on the material alterations, and deletion of the following material alterations from the adopted Local Area Plan:
- Material alterations MA 46, MA 47 and MA 49 – i.e. the subject lands revert to Outside the Settlement Boundary from Residential Phase 1 as per the draft Local Area Plan;
 - Material alteration MA 51 – i.e. the subject lands revert to Outside the Settlement Boundary from Residential Phase 2 as per the draft Local Area Plan;
 - Material alteration MA 60 - the subject lands revert to Agriculture from Residential Phase 2 as per the draft Local Area Plan;
 - Material alterations MA 50 and MA 59 – the subject lands revert to Open Space/Recreation & Amenity from Residential Phase 2;
 - Material alteration MA 48 – the subject lands revert to Outside the Settlement Boundary from Existing Residential as per the draft Local Area Plan.

1.3 Public Consultation

Notice of Draft Ministerial Direction was published on the 29th of February 2024. A copy of the Draft Direction was made available for inspection and submission/observations were invited for a period of two weeks between the 29th of February 2024 and the 14th of March 2024, inclusive.

The documents were available on public display on the Council's consultation portal, consult.galway.ie, and hard copies of the documents were made available at the Planning offices of Galway County Council, Áras an Chontae, Prospect Hill, Galway. Submissions/observations were invited via the consultation portal, via email or in writing the Planning Department.

1.4 Purpose of the Chief Executive's Report

Section 31 of the Act sets out the requirement for the Chief Executive to prepare a report on any submissions or observations received.

In this regard, the report of the Chief Executive must:

- a) Summarise the views of any person who made a submission or observation
- b) Summarise the views and recommendations (if any) made by the Elected Members
- c) Summarise the views and recommendations (if any) made by the Regional Assembly
- d) Make recommendations in relation to the best manner in which to give effect to the Draft Direction.

The report of the Chief Executive must be furnished to the Elected Members of the Planning Authority, the Office of the Planning Regulator (OPR), the Minister and, where relevant the regional assembly

concerned, no later than four weeks after the expiry of the public consultation period.

1.5 Next Steps

In accordance with Section 31 AP (4) of the Act, the OPR shall consider the report of the Chief Executive on the submissions, together with any submission made under Section 31(10) of the Act, and shall recommend to the Minister that he or she issues the direction with or without minor amendments or where the Office is of the opinion that:

- a) A material amendment to the draft direction may be required;
- b) Further investigation is necessary in order to clarify any aspect of the report furnished or submissions made; or,
- c) it is necessary for any other reason, appoint a person to be an inspector no later than 3 weeks after the date of receipt of the Chief Executive's Report.

If the Minister agrees with the Recommendation, then he shall issue the direction with or without minor amendments. Pursuant to Section 31(17) of the Act, the direction issued by the Minister is deemed to have immediate effect and its terms are considered to be incorporated into the Plan, or, if appropriate, to constitute the Plan.

2.0 Summary of Submissions Received in Relation to the Draft Ministerial Direction

A total of 6 no. submissions were received in relation to the Draft Ministerial Direction, during the statutory public consultation period from 29th of February 2024 to 14th of March 2024, inclusive. A list of all persons/bodies that made submissions/observations during this period is provided in Appendix B.

Submission No.	Submission Name	Summary of Issues Raised in Submission
GLW-C91-4	Northern and Western Regional Assembly (NWRA)	<p>The NWRA has made a submission on the Draft Ministerial Direction. The Assembly expresses its support for each element of the Draft Ministerial Direction.</p> <p>The submission outlines the rationale for the Draft Ministerial Direction and inconsistencies of the adopted Athenry Local Area Plan (LAP) 2024 – 2030 with National and Regional policy objectives. The Assembly notes their submission made during the consultation stage. It is stated that the quantum of zoned land for residential development appears excessive; five times superior to the requirement notwithstanding residential units that could be delivered on other types of zoned land.</p> <p>MA46, MA47, MA49 Material Alteration (MA)46, MA47, and MA49 are respectively located to the southwest, south and southwest of the town, outside the settlement boundary where moderate or significant intervention is required.</p> <p>MA51 MA51 is located southwest of the town, outside the settlement boundary where there are service constraints.</p> <p>MA60 MA60 is located southwest of the town where there are service constraints.</p> <p>MA50 and MA59 MA50 and MA59 are located southwest of the town where there are service constraints with some requiring significant intervention.</p> <p>MA48 MA48 is located south of the town with no indication of service provision. The submission notes that there is a residential unit on the land however it is outside the settlement boundary and a residential zoning may permit a higher-density development.</p>

GLW-C91-5	Uisce Éireann	<p>Uisce Éireann welcomes the opportunity to make a submission on the Draft Ministerial Direction of the adopted Athenry LAP 2024-2030.</p> <p>The submission outlines the submissions made at each stage of the Draft Plan process. Particularly at the Material Alteration stage, it was noted that a more focused approach, with fewer zoned sites, would assist forward planning for future infrastructure needs and support the principle of compact growth. Comments were made on each zoning change subject to the Draft Ministerial Direction.</p> <p>The submission notes that sequential, phased development is recommended to optimise existing infrastructure and minimise the investment required. The submission welcomes on the aforementioned basis the Draft Ministerial Direction. Uisce Éireann also notes the Athenry sewer network upgrade project is nearing completion.</p>
GLW-C91-2	Transport Infrastructure Ireland (TII)	<p>The TII notes they have no specific observations to make. The submission requests their submissions made at the Draft Plan and Material Alteration Stage are considered.</p>
GLW-C91-6	National Transport Authority (NTA)	<p>The NTA has made a submission on the Draft Ministerial Direction. The submission outlines their submission made at the Material Alteration stage and observations made to MA46, MA47 and MA49:</p> <ul style="list-style-type: none"> • The zoning of lands in peripheral locations or outside the settlement boundary, particularly MA47 is contrary to the principles of compact growth, sequential approach and proper planning and sustainable development; • In relation to MA46 and MA49, the NTA reiterate their previous comments made at the Material Alteration stage. It was noted whilst MA69 includes changes to the Local Transport Plan and associated measures that could serve this land, it was considered that the measures could not be brought forward in the short and medium term to support the scale of the residential zoning as per the material alteration. <p>It is also noted that the Material Alterations subject to the Draft Ministerial Direction could further embed a reliance on private car trips and reduce the potential for walking, cycling, and use of public transport therefore contrary to the objectives of the LTP and LAP. The submission welcomes on the aforementioned matters the Draft Ministerial Direction.</p>
GLW-C91-1	Environplan	<p>A comprehensive submission has been received in relation to MA47 and MA48 and the retention of Residential</p>

	<p>Ltd. on behalf of Laurem Construction Ltd.</p>	<p>Phase 1 zoning. The following points have been outlined to justify the retention of Residential Phase 1 zoning as follows:</p> <ul style="list-style-type: none"> • Housing crisis, the need for more houses according to the Economic and Social Research Institute (ESRI), Strategic locational advantages of Athenry to cater growth and reference to NWRA submission at the Draft stage with the re-examination of the quantum of land zoned for residential development; • In response to the additional zoning of residential land and inconsistency of the LAP with Objective CS 1 of the County Development Plan, it is noted that the Census 2016 from which the Core Strategy figures are based is outdated and the following review of the National Planning Framework will likely recommend an increase in housing yield. Flexibility to zone more serviced land for residential purposes under section 4.4.3 of the Development Plan Guidelines for Local Authorities and MA47 can be considered in this case; • Planning history and a live planning application on appeal which includes connections to physical infrastructure including public mains, public sewer network, and public footpath, within the urban speed limit and within walking distance to the town centre, IDA lands, Athenry Shopping Centre and new schools to the south-west of the town and consistency of MA47 and MA48 with objectives CS 3, CGR1, CC8 of the County Development Plan. Reference is also made to the LTP with the same footpaths as the planning application on appeal, the Infrastructure Assessment noting that “Moderate intervention is required” and Uisce Éireann submission at Material Alteration stage and serviceability of MA5 and MA47; • MA47 and MA48 are located outside the urban CSO boundary similar to the LAP extent as illustrated in Figures 5 and 6 of the submission. The subject lands are sequentially preferable to other sites zoned Residential Phase 1, were zoned Residential Existing and Residential Phase 1 in the Athenry LAP 2012 – 2022, are equidistant to the town centre as MA5 which is not considered in the Draft Ministerial Direction and are within close proximity to new secondary schools and IDA employment lands (including the Dexcom site). Therefore, not retaining MA47 and MA48 on the basis that the lands are outside the CSO boundary and inconsistent with section 28 of the Act would be unjust and inconsistent with the adopted Athenry LAP land use zonings and recent urban zonings across the county; • RPO 3.1 refers to the delivery of compact growth for Regional Growth Centres and Key Towns and Athenry is not designated under both designations in the RSES. A footnote under RPO 3.2 notes that the build-up footprint of settlements is that defined by the CSO. It is stated that large portions of Residential Phase 1 are located
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		<p>outside the CSO boundaries and would be contrary to RPO 3.2 too. It is also noted that MA47 and M48 have infill and brownfield characteristics, is bound by existing development to the east and west, and MA48 contains shed in ruins, therefore the subject lands would be consistent with policy objectives RPO 3.1, RPO 3.2, RPO 7.2 of the RSES and objective CS 2 of the Development Plan, and;</p> <ul style="list-style-type: none"> • The submission notes the inconsistency of the Athenry LAP for procedural reasons in the Draft Ministerial Direction with proper planning and sustainable development, non-compliance with the requirements of the Act, particularly section 31AO, 19 (2) and section 27(1) of the Act and policy objective NPO 33 of the NPF. It is stated that the Draft Ministerial Direction and the OPR have failed to consider the planning history, zoning history of the subject lands and it is considered that given the justification mentioned in this submission the subject lands would be consistent with the adopted Athenry LAP land use zoning such as MA5.
GLW-C91-3	Noel and Sharon Lally	<p>The submission relates to MA46 and the retention of Residential Phase 1 zoning lands. The following points have been outlined to justify the retention of Residential Phase 1 zoning as follows:</p> <ul style="list-style-type: none"> • The submission states dezoning the lands for infrastructure constraints would be incorrect and unjust. The sewer is now connected to the site (referring to the attached documents) and Uisce Éireann confirmed in their submission at the Draft stage that the lands are entirely serviceable. Measures WC19 and WC20 of the LTP propose footpaths, cycle tracks and lighting along the L3112 with the implementation of the Safe Route To School (SRTS) program and boundary setbacks have been agreed upon; • The site is closer to the town centre than other sites zoned Residential Phase 1 as illustrated in the submission. It is within a 3-5 minute walk of the Dexcom site, Boys National School, creche, playground, shops and the town centre; • As stated by the NTA, the Part 8 Relief Road will not be constructed within the lifetime of the LAP and the Residential Phase 1 zoning will not interfere with the same; • It is noted in RPO 3.2 that 30% of new houses should be built within the CSO boundary allowing the Athenry LAP to build 70% of new houses outside the CSO boundary. The CSO boundary is based on the 2016 Census figures and the 2028 projected population figures have already been met. Therefore, it is stated that the Residential Phase 1 lands would not be inconsistent with RPO 3.2; • It is stated that the OPR notice references that there can be no presumption that zoned land should remain same as per Section 19.6 of the Act. It is outlined that the reasons for the refusal of previous planning

		<p>applications are addressed with the Part 8 route being finalized and the sewer having been updated. The submission also notes section 4.4.3 of the Development Planning Guidelines, section 4.4.1 of the National Framework Guidelines setting out that any lands zoned residential during the lifetime of the LAP should not be dezoned. It is outlined that the subject lands were zoned Residential Phase 2 for the last 20 years. Reference to the NWRA submission at the Draft Plan stage has been made which outlined the possible demand for additional lands for residential development (Residential Phase 2) based on recent job announcement in the town. It is also outlined that there was support of the locals for the Residential Phase 1 zoning for the subject lands.</p>
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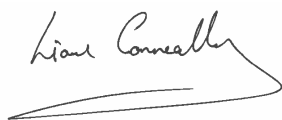
3.0 Recommendation on the Best Manner to Give Effect to the Draft Direction

Galway County Council welcome the opportunity to prepare this report in the Ministerial Direction. The conclusion of this are as per the table below;

The Chief Executive has considered each of the 6 submissions made through the statutory public consultation and has come to the following consideration. The Recommendation for each particular remains the same as that contained in the Chief Executive's Report at Material Alteration stage – each of the particulars contained in the Draft Ministerial Direction are revert to the Draft Plan as follows:

Reinstate the following zoning objectives to that of the Draft Plan:

- i) Material alterations MA 46, MA 47 and MA 49 – i.e. the subject lands revert to Outside the Settlement Boundary from Residential Phase 1 as per the draft Local Area Plan;
- ii) Material alteration MA 51 – i.e. the subject lands revert to Outside the Settlement Boundary from Residential Phase 2 as per the draft Local Area Plan;
- iii) Material alteration MA 60 - the subject lands revert to Agriculture from Residential Phase 2 as per the draft Local Area Plan;
- iv) Material alterations MA 50 and MA 59 – the subject lands revert to Open Space/Recreation & Amenity from Residential Phase 2,
- v) Material alteration MA 48 – the subject lands revert to Outside the Settlement Boundary from Existing Residential as per the draft Local Area Plan.



Liam Conneally
Chief Executive
Galway County Council
28th March 2024

Appendices

Appendix A Draft Direction

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

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

“Planning Authority” means Galway County Council.

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

The Minister of State at the Department of 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) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2023 (S.I. No. 116 of 2023), and consequent to a recommendation made to him by the Office of the Planning Regulator, hereby directs as follows:

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

(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 alterations MA46, MA47 and MA49 – i.e. the subject lands revert to Outside the Settlement Boundary and not zoned, from Residential Phase 1;

(ii) Material alteration MA51 – i.e. the subject lands revert to Outside the Settlement Boundary and not zoned, from Residential Phase 2;

(iii) Material alteration MA60 – i.e. the subject lands revert to Agriculture from Residential Phase 2;

(iv) Material alterations MA50 and MA59 – i.e. the subject lands revert to Open Space/Recreation & Amenity from Residential Phase 2;

(v) Material alteration MA48 – i.e. the subject lands revert to Outside the Settlement Boundary and not zoned from Residential Existing

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

STATEMENT OF REASONS

I. The Local Area Plan as adopted includes material alterations to the draft Local Area Plan, which zone additional residential land in excess of what is required for the town having regard to the growth targets for Athenry under the core strategy of the Galway County Development Plan 2022-2028. These material alterations are inconsistent with Objective CS 1 of the County Development Plan to secure the implementation of the population growth and housing supply targets set out in the core strategy and the settlement hierarchy, and Objective CS 3 to support and manage self-sufficient sustainable development of all settlements in a planned manner, with population growth and the development of economic, physical and social infrastructure.

These material alterations are located in peripheral and/or non-sequential and/or unserved locations either fully or partly outside the CSO boundary. The material alterations would individually and cumulatively encourage a pattern of development in particular locations which is inconsistent with RPO 3.1 and RPO 3.2 of the RSES, and the objectives of the County Development Plan to achieve compact growth through the delivery of new homes in urban areas within the existing built up footprint of settlements (Objective CS 2), discourage the development of lands with no links to the town or village centre (Objective CGR 1), encourage sustainable compact growth and settlement patterns to secure climate resilience and reduce carbon dioxide and greenhouse emissions

(Objective CC 8), and fail to have regard to the policy and objective for a sequential approach to development in the Development Plans Guidelines for Planning Authorities (2022) issued under section 28 of the Act.

- II. The Local Area 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 31AO of the Act.
- III. In light of the matters set out at I above, the Minister is of the opinion that the Local Area Plan as made is inconsistent with the objectives of the Development Plan of the area, which is a requirement of section 19(2) the Act.
- IV. 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.
- V. The Minister is of the opinion that the Local Area Plan as made is not consistent National Policy Objective 33 of the National Planning Framework.
- VI. 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.
- VII. The Local Area Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister of State for Local Government and Planning

Day of Month, Year.

Appendix B List of Submissions Received

List of Submissions Received	
GLW-C91-4	Northern and Western Regional Assembly (NWRA)
GLW-C91-5	Uisce Éireann
GLW-C91-2	Transport Infrastructure Ireland (TII)
GLW-C91-6	National Transport Authority (NTA)
GLW-C91-1	Environplan Ltd. on behalf of Laurem Construction Ltd.
GLW-C91-3	Noel and Sharon Lally