



Comhairle Chontae na Gaillimhe
Galway County Council

DRAFT DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)
ATHENRY LOCAL AREA PLAN 2024-2030

The Athenry Local Area Plan 2024-2030 was formally made by the Elected Members of the Athenry/Oranmore Municipal District on the 9th January 2024.

As required under Sections 31AO(5) of the Planning and Development Act, 2000 (As Amended) the Planning Authority issued notification of the Plan's adoption to the Office of the Planning Regulator (OPR). The Chief Executive also informed the OPR of the decision of the Authority not to comply with certain recommendations made in the relevant report of the OPR, together with reasons for the decision of the Authority.

On the 19th February 2024 the Minister of State for Local Government and Planning issued a 'Notice of Intention to Issue a Direction' to the Planning Authority under Section 31 of the Planning and Development Act, 2000 (As Amended) ('the Act'). The Draft Direction concerns the zoning of five parcels of land in the town. Interested parties are advised that these matters, in accordance with Section 31(6) of the Act, 'shall not have effect', notwithstanding their inclusion in the Plan as adopted by the Council and pending the issuing of the Minister's Final Direction.

The Draft Direction sets out the following:

- (i). Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report on the material alterations, and delete 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.

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 link 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 CS 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 31 AO 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) of 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 with 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.

Draft Direction-Formal Public Consultation:

In accordance with the requirements of Section 31(7) of the Act, the Planning Authority will commence a period of public consultation on the Minister's Notice of Intention to Issue a Direction for a period of 2 weeks between the 29th February 2024 and 14th March 2024 inclusive, during which time a copy of the Draft Ministerial Direction may be inspected at the following locations:

- Online via the Council's Public Consultation Portal: <http://consult.galway.ie> - refer to links on right-hand side of this page under materials.
- At the Council offices during normal office hours (9am-4pm, Monday to Friday):
 - Planning offices of Galway County Council, Áras an Chontae, Prospect Hill, Galway, H91H6KX

Written 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 29/02/2024 and 14/03/2024 as follows:

- Online via the Council's Public Consultations Portal: <http://consult.galway.ie/> or
- Via email to forwardplanning@galwaycoco.ie or
- In writing marking "Draft Direction to the Athenry Local Area Plan 2024-2030" Forward Planning Section, Planning Department, Galway County Council, Áras an Chontae, Prospect Hill, Galway, H91H6KX.

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.

Chief Executive's Report:

Following expiry of the 2-week public consultation period and not more than 4 weeks later, a Chief Executive's Report must be prepared on the submissions/observations received during this period. This Report must then be furnished to the Office of the Planning Regulator, the Elected Members and the Minister for Local Government and Planning.

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.

Tá míle fáilte roimh chomhfhreagras agus ghnó i nGaeilge: gaeilge@cocogaillimh.ie www.gaillimh.ie

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Comhairle Chontae na Gaillimhe
Galway County Council

DRÉACHT-TREOIR MAIDIR LE hALT 31
DEN ACHT UM PLEANÁIL AGUS FORBAIRT 2000 (ARNA LEASÚ)
PLEAN CHEANTAR ÁITIÚIL BHAILE ÁTHA AN RÍ 2024-2030

Ba iad Comhaltáí Tofa Cheantar Bardasach Bhaile Átha an Rí/Órán Mór a cheap Plean Cheantar Áitiúil Bhaile Átha an Rí 2024-2030 go foirmiúil ar an 9 Eanáir 2024.

Mar a éilítear faoi Ailt 31AO(5) den Acht um Pleanáil agus Forbairt, 2000 (arna leasú) d'eisigh an tUdarás Pleanála fógra chuig Oifig an Rialtóir Pleanála (ORP) maidir le glacadh an Plean. Chuir an Príomhfheidhmeannach an ORP ar an eolas freisin faoi chinneadh an Udarás gan cloí le moltaí áirithe a rinneadh i dtuarascáil ábhartha an OPR, mar aon leis na cúiseanna a bhí le cinneadh an Udarás.

Ar an 19 lá d'Fheabhra 2024 d'eisigh an tAire Stáit do Rialtas Áitiúil agus Pleanála Fógra go bhfuil sé ar intinn Treoir a Eisiúint' chuig an Udarás Pleanála faoi Alt 31 den Acht um Pleanáil agus Forbairt, 2000 (arna leasú) ('an tAcht'). Baineann an Dréacht-Treoir le criosú cúig fhearann talún ar an mbaile. Moltar do pháirtithe leasmhara nach mbeidh éifeacht ag na hábhair seo, de réir Alt 31(6) den Acht, d'ainneoin iad a bheith san áireamh sa Plean ama ghlacadh ag an gComhairle agus atá ag feitheamh ar eisiúint Treoir Dheiridh an Aire.

Leagtar amach na níthe seo a leanas sa Dréacht-Treoir:

- (i). Na cuspóirí críosaithe seo a leanas agus an téacs gaolmhar a chur ar ais i gcomhréir le moladh Thuarascáil an Phríomhfheidhmeannaigh ar na hathruithe ábhartha, agus na hathruithe ábhartha seo a leanas a scríos ón bPlean Limistéir Áitiúil ar glacadh leis:
 - Athruithe ábhartha MA 46, MA 47 agus MA 49 – .i. na tailte ábhartha a chur ar ais sa chaoi go mbeidh siad Lasmuigh de Theorainn na Lonnaíochta ó Chéim Chónaithe 1 faoi mar atá i nDréachtphlean an Limistéir Áitiúil;
 - Athrú ábhartha MA 51 – .i. na tailte ábhartha a chur ar ais sa chaoi go mbeidh siad Lasmuigh de Theorainn na Lonnaíochta ó Chéim Chónaithe 2 de réir an Dréachtphlean Limistéir Áitiúil;
 - Athrú ábhartha MA 60 – na tailte ábhartha a chur ar ais go Talmhaíocht ó Chéim Chónaithe 2 de réir an Dréachtphlean Limistéir Áitiúil;
 - Athruithe ábhartha MA 50 agus MA 59 – na tailte ábhartha a chur ar ais go Spás Oscailte/Caitheamh Aimsire & Taitneamhacht ó Chéim Chónaithe 2;
 - Athrú ábhartha MA 48 – na tailte ábhartha a aistriú go Lasmuigh de Theorainn na Lonnaíochta ó Áit Chónaithe Reatha de réir an Dréachtphlean Limistéir Áitiúil.

RÁITEAS AR CHÚISEANNA

- I. Áirítear sa Plean Limistéir Áitiúil faoi mar a ghlacadh leis, athruithe ábhartha ón Dréachtphlean Limistéir Áitiúil, a chríosallonn talamh cónaithe breise os cionn a bhfuil ag teastáil don bhaile ag féachaint do spriocanna fáis Bhaile Átha an Rí faoi chroístraitéis Plean Forbartha Chontae na Gaillimhe 2022-2028 (an 'Plean Forbartha Contae'). Tá na hathruithe ábhartha seo ag teacht le Cuspóir CS 1 de Plean Forbartha an Chontae chun na spriocanna maidir le fás daonra agus soláthair tithíochta atá leagtha amach sa chroístraitéis agus san ordlathas lonnaíochta a chinntiú, agus Cuspóir CS 3 chun tacú le agus chun bainistiú a dhéanamh ar fhorbairt inbhuanaithe féinchothaithe na lonnaíochtaí go léir ar bhealach pleanáilte, mar aon le fás daonra agus forbairt bonneagair eacnamaíoch, fhísiciúil agus shóisialta.

Tá na hathruithe ábhartha seo suite i láithreacha forimeallacha agus/nó neamhsheicheamhacha agus/nó atá gan seirbhís agus atá lasmuigh go hiomlán nó go páirteach de theorainn na Príomh-Oifige Stáidrimh. Spreagfadh na hathruithe ábhartha ina n-aonar agus go camach, patrún forbartha i láithreacha ar leith a théann de léim thar limistéir fhairsing de thailte eile atá suite níos lámaí agus nach bhfuil forbartha, agus a bhfuil bonneagar neamhleor acu lena n-áirítear easpa nasc cosáin leis an mbaile agus, i gcás MA 46, 47, 49, 50 agus 51, nach bhfuil naisc acu le séarachas poiblí. Spreagfadh na hathruithe ábhartha mar sin ina n-aonar agus go camach patrún forbartha i láithreacha ar leith nach mbeidh ag teacht le RPO 3.1 agus RPO 3.2 den Stratéis Spásúil agus Eacnamaíoch Réigiúnach d'fhás dlúth ná le cuspóirí Plean Forbartha an Chontae chun fás dlúth a bhaint amach trí thithe nua a chur ar fáil i gceantair uirbeacha laistigh na lonnaíochtaí reatha (Cuspóir CS2), agus forbairt tailte nach bhfuil aon naisc acu le lár an bhaile nó an tsráidbhaile a dhispreagadh (Cuspóir CGR 1), dlúthfhás inbhuanaithe agus patrún lonnaíochta a spreagadh chun athléimneacht aeráide a chinntiú agus cruthú dé-ocsaíde charbóin agus astaíochtaí ceaptha teasa a laghdú (Cuspóir CS 8), agus ní thugann siad aird ar chuspóir ná ar aithmeanna maidir le cur chuige seicheamhach i leith forbartha sna Treoirínte d'Udarás Áitiúla maidir le Pleananna Forbartha (2022) a eisiúint faoi alt 28 den Acht.
- ii. Níl an Plean Limistéir Áitiúil ceaptha ar bhealach atá comhsheasmhach le moltaí Oifig an Rialtóir Pleanála faoi alt 31 AO den Acht, agus níor cuireadh i bhfeidhm iad.

- III. I bhfianaise na n-ábhar atá leagtha amach ag I thuas, creideann an tAire go bhfuil an Plean Ceantair Áitiúil mar atá ceaptha ar neamhréir le cuspóirí Plean Forbartha an cheantair, rud a cheanglaíonn an tAcht.
- IV. Níl an Plean Ceantair Áitiúil mar atá ceaptha ag teacht le cuspóirí an RSES contrártha d'alt 19(2) agus alt 27(1) den Acht.
- V. Creideann an tAire go bhfuil an Plean Ceantair Áitiúil mar atá ceaptha ar neamhréir le Cuspóir 33 den Beartas Náisiúnta den Chreat Pleanála Náisiúnta.
- VI. Creideann an tAire nach gcuireann an Plean Ceantair Áitiúil straitéis foriomlán ar fáil maidir le pleanáil cheart agus forbairt inbhuanaithe an limistéir.
- VII. Ní chomhlíonann an Plean Ceantair Áitiúil ceanglais an Achta.

Dréacht-Treoir - Comhairlíúcháin Poiblí Foirmiúil:

De réir ceanglais Alt 31(7) an Achta, cuirfidh an tUdarás Pleanála tús le tréimhse chomhairlíúcháin phoiblí ar Fhógra an Aire a bhfuil sé ar intinn aige Treoir a Eisiúint' ar feadh tréimhse 2 sheachtain idir an 29 Feabhra agus Feabhra/14 Márta 2024 agus na dátaí sin san áireamh, féadfar cóip de Dhréacht-Treoir ón Aire a iniúchadh sna láithreacha seo a leanas:

- Ar an sulomh seo - féach ar na naisc faoi ábhair ar thaobh na láimhe deise den leathanach seo.
- Ag oifigí na Comhairle seo a leanas le linn gnáthuaireanta oifige (9am-4pm, Luan go hAoine):
 - Oifigí Pleanála Chomhairle Chontae na Gaillimhe, Áras an Chontae, Cnoc na Radharc, Gaillimh, H91H6KX

Aighneachtaí nó Tuairimí i scríbhinn maidir leis an Dréacht-Treoir:

Féadfar aighneacht nó tuairimí i scríbhinn, maidir leis an Dréacht-Treoir, a dhéanamh (trí mheán amháin) chuig an gComhairle idir an 29/02/2024 agus an 14/03/2024 mar seo a leanas:

- Ar líne ar Thairseach Chomhairlíúcháin Poiblí na Comhairle: <http://consult.galway.ie>; nó
- Trí ríomhphost chuig forwardplanning@galwaycoco.ie nó
- I scríbhinn agus é a mharcáil "Dréacht-Treoir do Plean Limistéir Áitiúil Bhaile Átha an Rí 2024-2030", An Rannóg Pleanála Chun Cinn, An Roinn Pleanála, Comhairle Chontae na Gaillimhe, Áras an Chontae, Cnoc na Radharc, Gaillimh, H91H6KX.

Ní mór ainm iomlán agus seoladh an duine/na ndaoine atá ag déanamh na haighneachta a bheith san áireamh i dtuairimí nó aighneachtaí agus, nuair is cuí, an comhlacht nó an eagraíocht a bhfuil ionadaíocht á déanamh aige/aici/acu uirthi. Ní ghlacfar le tuairimí/aighneachtaí déanacha.

Tuarascáil an Phríomhfheidhmeannaigh:

Tar éis don tréimhse chomhairlíúcháin phoiblí 2 sheachtain dul in éag agus tráth nach déanfaid ná 4 seachtaine ina dhiaidh sin, ní mór Tuarascáil an Phríomhfheidhmeannaigh a ullmhú faoi na haighneachtaí/tuairimí a gheofar le linn na tréimhse sin. Ní mór an Tuarascáil sin a chur ar fáil ansin d'Oifig an Rialtóir Pleanála, do na Comhaltáí Tofa agus don Aire Rialtais Áitiúil agus Pleanála.

Tabhair faoi deara go ndéanfar tuairimí nó aighneachtaí a fhoilsiú ar shuíomh Gréasáin na Comhairle agus in oifigí Chomhairle Chontae na Gaillimhe agus go mbeidh siad mar chuid de Thuarascáil reachtúil an Phríomhfheidhmeannaigh a fhoilseofar ina dhiaidh sin ar shuíomh Gréasáin Chomhairle Chontae na Gaillimhe. Féadfar na sonraí lena n-áirítear ainmneacha na ndaoine atá ag déanamh aighneachta a roinnt le Ranna ábhartha na Comhairle agus an Rialtais nó lena ngníomhairí a bhfuil baint acu leis an bpróiseas agus féadfaidh siad a bheith mar chuid de thuarascálacha a bhaineann le haon Treoir a eisiúint.

Tá Comhairle Chontae na Gaillimhe faoi réir fhorálacha an Achta um Chosaint Sonraí (arna leasú) agus an Rialachán Ghinearálta um Chosaint Sonraí (RGCS). Chun cabhrú linn na ceanglais um Chosaint Sonraí agus RGCS a chomhlíonadh, cuir d'ainm agus do shonraí teagmhála (agus nuair is cuí, sonraí aon eagraíochta, grúpa pobail nó culdeachta srl, a ndéanann tú ionadaíocht ar a son), ar bhileog ar leith le d'ábhar d'aighneachta/do thuairime. Tá an phróiseáil seo a dhéantar ar do shonraí pearsanta dleathach faoi Airteagal 6(1)(e) de rialachán RGCS. Tá Beartas um Chosaint Sonraí na Comhairle ar fáil ar shuíomh Gréasáin na Comhairle.

Tabhair faoi deara de réir Alt 19 den Acht um Pleanáil agus Forbairt (Leasú), 2018, go bhfoilseofar gach aighneacht bhaill a fhaigheann an Chomhairle ar shuíomh Gréasáin Chomhairle Chontae na Gaillimhe laistigh de 10 lá oibre tar éis don Chomhairle iad a fháil. Is próiseas oscailte poiblí é an próiseas pleanála agus mar sin beidh d'aighneacht (go páirteach nó go hiomlán) ar fáil.

Tá míle fáilte roimh chomhfhreagras agus ghnó i nGaeilge: gaeilge@cocogailimh.ie www.gailimh.ie

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