

# Headford Local Area Plan 2015-2021

## APPENDIX I -

### Draft Ministerial Direction



Forward Planning  
Galway County Council  
Áras an Chontae  
Prospect Hill  
Galway



**Comhairle Chontae na Gaillimhe**  
Galway County Council

Dated 20th October 2015





20 October 2015

For the Attention of: Kevin Kelly, Chief Executive, Galway County Council.

Galway County Council,  
County Hall,  
Prospect Hill,  
Galway

**Section 31 of the Planning and Development Act 2000, as amended  
by the Planning and Development (Amendment) Act 2010  
Notice of Intent to Issue a Direction relating the  
Headford Local Area Plan 2015-2021**

Dear Chief Executive,

I am writing to you in connection with the Headford Local Area Plan 2015-2021 as adopted by the Council on 28 September 2015 and request that you bring this notice to the attention of the elected members of the County Council on or before Friday 23 October 2015.

TAKE NOTICE that I am considering issuing a direction pursuant to Section 31 of the Planning and Development Act 2000, as amended. A draft of the proposed direction is attached to this letter. As appears therefrom, I have formed the provisional opinion (i) that the Planning Authority has ignored or not taken account of a submissions made on my behalf in August 2015 in respect of the proposed material alterations to the Headford Local Area Plan 2015-2021; (ii) that the plan as adopted is not in compliance with the requirements of s.19, s.20 and s.28 of the Planning and Development Act 2000, as amended. The reasons for the proposed direction are set out in the attached draft direction.

**BACKGROUND**

My Department wrote to your Council, under my direction as statutory consultee under the Planning Acts, in relation to the proposed material alterations to the draft Headford Local Area



Plan 2015-2021 on 21 August 2015. The submission identified three significant issues of concern as regards compliance of the local area plan with the Galway County Development Plan 2015 - 2021, the Planning Act and certain guidelines published by the Minister under Section 28 of the Act. The Planning Authority was asked to reconsider these and uphold the alignment of the Headford Local Area Plan with the planning authority's own Galway County Development Plan.

The Planning Authority was advised that failure to address the issues satisfactorily in line with its statutory and policy responsibilities could result in the Minister using the powers available to him under the Planning and Development Act to ensure that the relevant statutory and policy requirements are upheld.

Despite this, on 28 September 2015, the Elected Members voted by resolution to adopt 11 of the proposed Material Alterations, as previously placed on public display.

Accordingly I am issuing a draft Ministerial Direction under Section 31 of the Planning Act to direct Galway County Council, with regard to the Material Alterations not adhering to statutory and policy requirements, full details of which are set out in the Planning Advisors report (attached) and summarised below.

### **Summary of issues**

Nine material amendments MA1, MA5, MA7, MA8, MA10, MA12, MA13, MA15 and MA16, which provide additional zoning of land for residential phase 2 development (approx. 12ha) and two additional, non-sequential land parcels for business and enterprise (7ha), MA2 and MA11 as adopted, result in a number of significant breaches of both statutory and policy requirements relating to the Headford Local Area Plan at both national and local levels, which would have significant adverse implications for this town and its current and future inhabitants.

The additional residential phase 2 zoning constitutes excessive zoning of land for housing and the additional allocation of Business & Enterprise zoned land is not in compliance with Section 6.3(b) of the Planning Guidelines on Sustainable Urban Development as it constitutes 'leapfrogging' and would not support the orderly development of Headford.

Significantly, the infrastructure requirements of such additional development as regards public services do not appear to have been factored in to the decision to materially amend the draft local area plan.

## **MEASURES PROPOSED UNDER THE DRAFT DIRECTION**

In light of the foregoing, the plan, as adopted, which sets out the objectives for Headford is to be amended as set out in the attached draft direction.

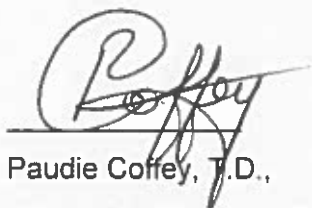
Please note that the provisions of the draft direction will not now come into effect until the Section 31 procedure has been completed.

## **PROCEDURAL REQUIREMENTS**

I would draw your attention to the public consultation obligations under Section 31 of the Planning and Development Act 2000, as amended by the Planning and Development Amendment) Act 2010, and the initial requirement for you, as manager, under section 31(7) to publish notice of the draft direction no later than 2 weeks after receipt of this notice. I look forward to receipt of the report which has to be prepared by you on foot of this public consultation under Section 31(8), including on any views of the elected members, to be furnished to me no later than 4 weeks after the public consultation process is completed, for my further consideration.

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

Yours sincerely,



Paudie Coffey, T.D.,

Minister for Housing, Planning and Co-ordination of Construction 2020

Copied to:

Cathaoirleach, Galway County Council, County Hall, Prospect Hill, Galway

Director, Northern and Western Regional Assembly

**DRAFT DIRECTION**

**DIRECTION IN THE MATTER OF SECTION 31  
OF THE PLANNING AND DEVELOPMENT ACT 2000  
(AS AMENDED BY S.21 OF THE PLANNING AND DEVELOPMENT  
(AMENDMENT) ACT 2010)**

**HEADFORD LOCAL AREA PLAN 2015-2021 DIRECTION 2015**

“Local Area Plan” means the Headford Local Area Plan 2015-2021

“The Planning Authority” means Galway County Council

**WHEREAS** the functions of the Minister for the Environment, Community and Local Government under the Planning and Development Acts 2000 to 2014, other than Chapter I of Part VI of the Planning and Development Act 2000, have been delegated to the Minister of State at the Department of the Environment, Community and Local Government pursuant to the Environment, Community and Local Government (Delegation of Ministerial Functions) Order 2014 (S.I. 524 of 2014).

**WHEREAS** the Minister of State at the Department of the Environment, Community and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that

- (i) Galway County Council in making the Headford Local Area Plan 2015-2021 has ignored or has not taken sufficient account of the submissions made by the Minister for the Environment, Community and Local Government in August 2015,

and

- (ii) the Headford Local Area Plan 2015-2021 is not in compliance with the requirements of s.19, s.20 and s.28 of the Planning and Development Act 2000 (as amended).

**NOW, THEREFORE** in exercise of the powers conferred on him by s.31 of the Planning and Development Act 2000 (as amended), the Minister of State at the Department of the Environment, Community and Local Government hereby directs as follows:

(1) This Direction may be cited as the Planning and Development (Headford Local Area Plan 2015-2021) Direction 2015.

(2) The County Council Galway County is hereby directed to take the following steps with regard to the Headford Local Area Plan 2015-2021 (“the Local Area Plan”).

i. The map entitled Headford LAP 2015 – 2021 Map 1A Land Use Zoning of October 2015 which sets out the zoning objectives for the town of Headford in the Headford Local Area Plan 2015-2021 is to be amended by:

a. Removing the zoning objective for lands zoned Residential (Phase 2) as part of the adopted material alterations, namely part of MA1, MA5, MA8 and the entirety of MA7, MA10, MA12 – MA13 and MA15 – MA16. For ease of reference the Department has superimposed the specific lands on to adopted Map 1A Land Use Zoning Map. Refer to Map in Appendix 1, the blue outline and hatching identifies Residential (Phase 2) to be removed and the green outline and hatching identifies the Business & Enterprise zoning to be removed.

and

Reverting to the zoning objectives on these specific land parcels as per Headford LAP 2015 – 2021 Draft Map 1A entitled “Land Use Zoning” of the Draft Headford Local Area Plan 2015-2021 (published January 2015) as set out in the table below. The effect of this amendment will be that the zoning objective for the lands outlined in blue and green hatching will revert to the zoning objective as *per* the map included in the draft Headford Local Area Plan 2015-2021 of January 2015. The Draft Headford LAP Map 1A Land Use Zoning is attached at Appendix 2 for ease of reference.

In addition Map1B of the Headford Local Area Plan 2015-2021 is to be amended to reflect the above amendments.

The Local Area Plan boundary as shown in Map 1A, 1B, 2A and 3A is to be amended to reflect the above amendments.

<b>MA's</b>	<b>Adopted Plan</b>	<b>Draft Plan (Published January 2015)</b>
	Current Zoning	Revert to
MA1	Residential (Phase 2)	No Zoning. Outside draft plan boundary.
MA2	Business and Enterprise	No Zoning. Outside draft plan boundary.
MA5	Residential (Phase 2)	Open Space / Recreation & Amenity
MA7	Residential (Phase 2)	Open Space / Recreation & Amenity
MA8	Residential (Phase 2)	No Zoning. Outside draft plan boundary.
MA10	Residential (Phase 2)	No Zoning. Outside draft plan boundary.
MA11	Business and Enterprise	No Zoning. Outside draft plan boundary.
MA12	Residential (Phase 2)	No Zoning. Outside draft plan boundary.
MA13	Residential (Phase 2)	Community Facilities
MA15	Residential (Phase 2)	No Zoning. Outside draft plan boundary.
MA16	Residential (Phase 2)	No Zoning. Outside draft plan boundary.

### **STATEMENT OF REASONS**

- 1) A written submission on the on the proposed material alterations to the draft Headford local area plan was made to Galway County Council on behalf of the Minister for the Environment, Community and Local Government in August 2015.

The submission identified three significant issues of concern as regards compliance of the local area plan with the Galway County Development Plan 2015 - 2021, the Planning Act and certain guidelines published by the Minister under Section 28 of the Act. The Planning



Authority was asked to reconsider these and uphold the alignment of the Headford Local Area Plan with the planning authority's own Galway County Development Plan.

The Planning Authority was advised that failure to address the issues satisfactorily in line with its statutory and policy responsibilities could result in the Minister using the powers available to him under the Planning and Development Act to ensure that the relevant statutory and policy requirements are upheld.

Despite this, on 28 September 2015, the Elected Members voted by resolution to adopt 11 of the proposed Material Alterations, as previously placed on public display.

***Additional allocation of phase 2 residential zoned land***

Nine of the material amendments adopted, namely, MA1, MA5, MA7, MA8, MA10, MA12, MA13, MA15 and MA16 provide for additional zoning of land for residential phase 2 development (approx. 12ha). This additional residential phase 2 zoning constitutes excessive zoning of land for housing and is inconsistent with the core strategy of the County Development Plan and contrary to Section 19(2) of the Planning Act as regards a local area plan being consistent with the objectives of the development plan, its core strategy and regional planning guidelines.

***Additional allocation of Business & Enterprise (B&E) zoned land***

Two land parcels totaling 7.02ha were zoned for B&E in the material alterations of the Draft Headford Plan. These lands are disconnected and disjointed from the main zonings of the rest of the town.

Material amendments MA2 and MA11 were deemed not to be in compliance with Section 6.3(b) of the Planning Guidelines on Sustainable Urban Development because they constitute 'leapfrogging' and would not support the orderly development of Headford. Accordingly, the Department recommended that these Material Alterations were not adopted and that the Plan should revert back to the Draft Plan as published in January 2015.

In conclusion, the additional land zoned for Residential (phase 2) by way of material alterations, namely part of MA1, MA5, MA8 and the entirety of MA7, MA10, MA12 – MA13 and MA15 – MA16 is not consistent with the Galway County Development Plan 2015 – 2021 Core Strategy statutory and policy requirements relating to the Headford Local Area Plan at both national and local levels which would have significant adverse implications for this town and its current and future inhabitants. Significantly, the infrastructure requirements of such additional development as regards public services, does not appear to have been factored in to the decision to materially amend the local area plan.

Also the additional allocation of Business & Enterprise (B&E) zoned land by way of material alterations, namely part of MA2 and the entirety of MA11 is not in compliance with Section 6.3(b) of the Planning Guidelines on Sustainable Urban Development.

In light of the above the Minister is of the opinion that the Planning Authority has ignored, or has not taken sufficient account of the said written submission, in that the Planning Authority proceeded to adopt a policy objective which would be inconsistent with national Government policy (Galway County Development Plan Core Strategy, the Regional Planning Guidelines, National Spatial Strategy and National policy statutory guidelines).

- 2) The decision by the members to alter the policy in regard to the zoning objectives as outlined in this direction do not provide for proper planning and sustainable development and therefore the Headford Local Area Plan 2015-2021 is not in compliance with the requirements of s.19, s.20 and s.28 of the Planning and Development Act 2000 (as amended).

GIVEN under my hand,

Minister for Housing, Planning and  
Co-ordination of Construction 2020

this        day of October 2015.

APPENDIX 1

