

Athenry Local Area Plan 2012-2018

Chief Executive's Report on the Proposed Deferral of Notices under Section 20(3)(a)(i) and 20(3)(a)(ii) of the Planning & Development Act 2000(as amended).

Submitted to Elected Members in accordance with Section 19 of the Planning and Development Act 2000(as amended).

Meeting of Galway County Council on 22nd May 2017

**Forward Planning, Galway County Council, Áras an Chontae,
Prospect Hill,
Galway**



Comhairle Chontae na Gaillimhe
Galway County Council

May 2017

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1. Introduction

1.1 Legislative Provisions

Section 12 of the Planning and Development (Amendment) Act 2010(which amends Section 19 of the Principle Act), provides for the extension of the valid lifespan of a Local Area Plan, from a maximum of 6 years to an effective maximum of 10 years in total. Section 12 (a) (iii) of the Amendment Act 2010 states that:

- (d) Subject to paragraph (e), not more than 5 years after the making of the previous local area plan, a planning authority may, as they consider appropriate, by resolution defer the sending of a notice under section 20(3)(a)(i) and publishing a notice under section 20(3)(a)(ii) for a further period not exceeding 5 years.
- (e) No resolution shall be passed by the planning authority until such time as the members of the authority have:
 - (i) notified the Chief Executive of the decision of the authority to defer the sending and publishing of the notices, giving reasons therefore, and
 - (ii) sought and obtained from the Chief Executive—
 - (I) an opinion that the local area plan remains consistent with the objectives and core strategy of the relevant development plan,
 - (II) an opinion that the objectives of the local area plan have not been substantially secured, and
 - (III) confirmation that the sending and publishing of the notices may be deferred and the period for which they may be deferred.
- (f) Notification of a resolution under paragraph (d) shall be published by the planning authority in a newspaper circulating in the area of the local area plan not later than 2 weeks after the resolution is passed and notice of the resolution shall be made available for inspection by members of the public during office hours of the planning authority and made available in electronic form including by placing the notice on the authority's website.

1.2 Background to Athenry LAP 2012-2018

The Athenry Local Area Plan (LAP) is the main public statement of planning policies and objectives for the town of Athenry. It is used in the assessment of all development proposals for the area. The Plan was adopted by Galway County Council on the 25th June 2012 and is valid for a period of 6 years, until 25th June 2018.

1.3 Purpose of Chief Executive's Report

This report contains the Chief Executive's advice to the Elected Members on the proposal to invoke their powers, under Section 12 of the Planning and Development (Amendment) Act 2010 (which amends Section 19 of the Principal Act), and provides for the extension of the valid life of a Local Area Plan, in this case the extension of the valid life of Athenry Local Area Plan for a further period, being not greater than 5 years.

In accordance with Section 12 (a) (iii) (e) (ii) of the Planning and Development (Amendment) Act 2010, this report comprises the following:

- a) Chief Executive's opinion that the LAP is consistent with the objectives and core strategy of the Galway County Development Plan 2015-2021,
- b) Chief Executive's opinion that the objectives of the LAP have not been substantially secured, and
- c) Confirmation that the sending and publishing of the notices may be deferred and the period for which they may be deferred.

2. Chief Executive's Opinion

2.1 Consistency with the Galway County Development Plan 2015-2021

The Athenry LAP 2012 was originally adopted by Galway County Council on the 25th June 2012. At that time, the relevant County Development Plan was the Galway County Development Plan 2009-2015.

The Athenry LAP is focused around the key town of Athenry. The main purpose of the LAP is to facilitate the development, consolidation and improvement of the town in line with its requirements as a key Town as outlined in the Galway County Development Plan 2009-2015 and in the current Galway County Development Plan 2015-2021.

The objectives of the LAP remain consistent with the objectives and Core Strategy of the Galway County Development Plan 2015-2021. This includes the following specific areas:

2.2 Consistency with the Objectives of the County Development Plan.

The strategic objectives of the Galway County Development Plan 2015 - 2021 seeks to promote and support the development of Athenry as a Key Town. All other relevant objectives in the Athenry LAP are consistent with the provisions and objectives of the Galway County Development Plan 2015 – 2021.

Section 18(4)(b) of the Planning and Development Act 2000 as amended states that " A local area plan may remain in force in accordance with paragraph (a) notwithstanding the variation of a development plan or the making of a new development plan affecting the area to which the local area plan relates except that, where any provision of a local area plan conflicts with the provisions of the development plan as varied or the new development plan, the provision of the local area plan shall cease to have any effect".

1 Core Strategy and Settlement Strategy.

Under the Core Strategy, Athenry is designated as a key Town and has been assigned a population growth of 1,122 additional persons with a housing land requirement of 21.74 Ha. This remains a valid population target. There has been limited development in Athenry in the period since the adoption of the Local Area Plan and there is no evidence that this is going to change substantially in the immediate period ahead. Practically all of the 21 Ha that are required for phase 1 residential development remain undeveloped and the terms of the Local Area Plan limits the extent of development in Athenry to that amount to ensure compliance with the Core Strategy.

2. Flood Risk Management

The Athenry LAP was subject to Strategic Flood Risk Assessment and the land use zoning, policies and objectives in the Athenry LAP, are consistent with the flood risk management objectives of the Galway County Development Plan 2015-2021, including Objective FL1, FL5 and FL 6, and in accordance with the Flood Risk Management Guidelines 2009.

3 Appropriate Assessment and European Sites that form part of the Natura 2000 Network

The Athenry LAP 2012 was subject to Appropriate Assessment. The Athenry LAP 2012 incorporated appropriate policies and objectives to ensure the protection of European sites in accordance with the Habitats Directive and the proposed amendment strengthens these protections through the appropriate zoning of designated sites to ensure the protection of European sites in accordance with the Habitats Directive and in compliance with the associated objectives of the Galway County Development Plan 2015- 2021.

4 Strategic Environmental Assessment

The Athenry LAP 2012 was subject to Strategic Environmental Assessment (SEA). The LAP incorporates appropriate land use zoning, policies and objectives to ensure that the implementation of the LAP will not result in significant effects on the environment in accordance with the SEA Directive and Regulations and in compliance with the associated objectives of the Galway County Development Plan 2015-2021.

2.3 Securing the Objectives of the Athenry Local Area Plan 2012-2018

There has been limited development in Athenry since the adoption of the LAP in 2012.

The quantum of lands zoned for uses other than residential development has also remained largely unchanged. As such, the objectives of the Athenry LAP have not been substantially secured.

2.4 Deferral of Notice and Legal Provisions

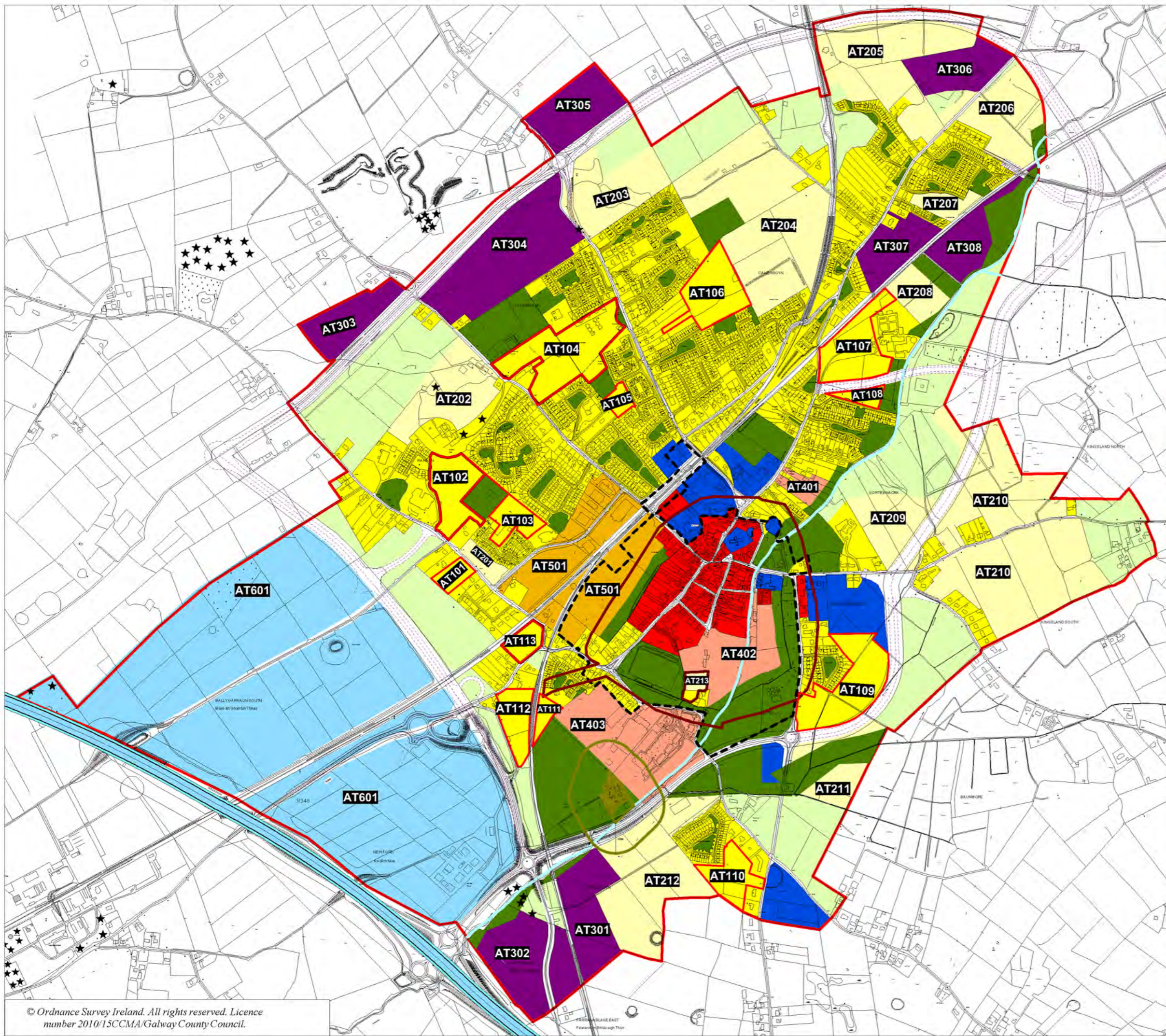
Given that the amended Athenry LAP 2012-2018, is consistent with the Galway County Development Plan 2015-2021 and that the objectives of the LAP have not been substantially secured it is considered appropriate that the sending and publishing of the notices specified under Section 20(3)(a)(i) and (ii) of the Planning and Development Act 2000 (as amended) be deferred and that the period for which they be deferred should be 5 years, during which time the objectives identified in the LAP may be achieved.

3 Conclusion

In summary, it is the opinion of the Chief Executive that:

- The Athenry Local Area Plan 2012-2018 is consistent with the objectives and Core Strategy of the Galway County Development Plan 2015-2021.
- The objectives of the Athenry Local Area Plan have not been substantially secured.
- The sending and publishing of the notices may be deferred for a period not exceeding 5 years (i.e. 25th June 2017) and thereby the lifespan of the Athenry LAP 2012-2018 is extended for a further five years (i.e. up to and including 22nd May 2022).

APPENDIX (i)



- Local Area Plan Boundary
- R - Residential.
- R - Residential.(Phase 1)
- R - Residential.(Phase 2)
- C1 - Town Centre / Commercial.
- C2 - Commercial / Mixed Use.
- BE - Business and Enterprise.
- BT - Business and Technology
- I - Industrial
- CF - Community Facilities
- OS - Open Space / Recreation & Amenity
- A - Agriculture
- PU - Public Utilities
- Buffer Zone
- TI - Transport Infrastructure

- [ZAPS] - Zone of Archaeological Potential
- [ACA] - Architectural Conservation Area
- M6 Motorway
- Proposed Athenry Relief Road / Relief Streets
- River Clarin

NOTE:
 This Map should be read in conjunction with Maps 2A/2B Specific Objectives, Maps 3A/3B Indicative Flood Risk Management Areas and the policies, objectives and guidelines outlined with Section 2 and Section 3 of the plan, including those in relation to land use management and zoning.



**ATHENRY LAP 2012
 PLAN ADOPTED 25/6/2012
 MAP 1A LAND USE ZONING
 (Deferral Notice May 2017)**

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APPENDIX (ii)

ATHENRY R1 ZONED LAND

R1 Zoned Lands	Title	Size	Planning Status
Site AT1-01	Land at Ballygarraun South (1)	0.78 ha	No Extant permission
Site AT1-02	Land adjacent to Raheen woods hotel	3.09 ha	
Site AT1-03	Land North of Gort Mhaoilir, Raheen	1.48 ha	No Extant permission
Site AT1-04	Land East of Park Road, Athenry	6.28 ha	No Extant permission
Site AT1-05	Land to the rear of Cullairbain Estate,	0.616 ha	No Extant permission
Site AT1-06	Land West of Park Road at Caheroyn	3.79 ha	No Extant permission
Site AT1-07	Land East of Caheroyn Road (1)	3.99 ha	No Extant permission
Site AT1-08	Land East of Caheroyn Road (2)	0.69 ha	No Extant permission
Site AT1-09	Land at Knockaunglass & Kingsland South	5.24 ha	No Extant permission
Site AT1-10	Land at Farnablake East	2.22 ha	Ref: 14/433 construction of a medical health campus and residential nursing home and sheltered housing. Gross floor space 11,410.2sqm. expires 09/06/2019
Site AT1-11	Land East of Railway Line at Prospect (1)	0.65 ha	No Extant permission
Site AT1-12	Land West of Railway Line at Prospect (2)	2.05 ha	Ref: 13/775: Approved 59 dwellings expires 10/10/2018
Site AT1-13	Site at Ballygaurraun South (2)	1.05 ha	No Extant permission
TOTAL		31.93 ha	
	16 dwellings per ha = land for 510 dwellings		

ATHENRY R2 ZONED LAND

R2 Zoned Lands	Title	Size	Availability
Site AT2-01	Land adjacent to Dunclaran Hse, North of the L3103	1.01 ha	No Extant permission
Site AT2-02	Land at Raheen south of the L3105	6.06 ha	Single dwelling completed 2012
Site AT2-03	Land at Ballydavid South, Athenry (1)	6.08 ha	No Extant permission
Site AT2-04	Land at Ballydavid South, Athenry (2)	16.91 ha	Ref: 072196 & 12/1483 creche & 48 dwellings expires 30/01/2018
Site AT2-05	Land at Ballydavid South, Athenry (3)	11.16 ha	No Extant permission
Site AT2-06	Land at Carrowntober West	5.47 ha	Ref: 08/2389 & 13/1222: 52 dwellings expires 15/01/2019
Site AT2-07	Land south of Cluain Na Catherach, Caherroyn	1.33 ha	No Extant permission
Site AT2-08	Land South of Railway Line at Caherroyn	2.11 ha	No Extant permission
Site AT2-09	Land North of North Gate Street at Gorteenacra	4.04 ha	No Extant permission
Site AT2-10	Land North and South of North Gate Street at Gorteenacra & Kingsland South	21.95 ha	No Extant permission
Site AT2-11	Land East of R347 at Baunmore	1.78 ha	No Extant permission
Site AT2-12	Land South of the R348 at Gortnahown	11.46 ha	No Extant permission
Site AT2-13	Land East of Kenny Park, Athenry	0.47 ha	No Extant permission
TOTAL		89.83 ha	
	16 dwellings per ha land for 1437 houses		

ATHENRY ZONE I INDUSTRIAL LANDS

I Zoned Land	Title	Size	Planning Status
AT3-01	Gortnahown	5.23 ha	No Extant permission
AT3-02	Furzypark	6.94 ha	Ref: 13/1323 & 15/610 Tyre storage building 15/1557 Office workshop building 16/1413 Industrial building approved 711 sqm
AT3-03	MoanBaun	3.82 ha	No Extant permission
AT3-04	Cullairbaun	11.42 ha	No Extant permission
AT3-05	Ballydavid South (1)	4.61 ha	No Extant permission
AT3-06	Ballydavid South (2)	3.99 ha	Ref: 16/1523- for the construction of (1) New Co-op store building (2) Ancillary Storage Building (3) Weighbridge (4) Surface parking and yard areas (5) Vehicular entrance road from the Monivea Road (6) Connection to public sewer, together with all associated landscaping, site works & services. Gross floor space of proposed works: 2415sqm- Live application
AT3-07	Caheroyn (1)	3.46 ha	No Extant permission
AT3-08	Caheroyn (2)	3.39 ha	No Extant permission
TOTAL ZONED LAND		42.86 ha	

ATHENRY ZONE C2 COMMERCIAL/MIXED USE LANDS

C2 Zoned lands	Title	Size	Planning Status
AT4-01	Caherroyn	1.06 ha	Ref: 08/1640 & 13/774: 80 bay car park expires 08/08/2018
AT4-02	Athenry	5.36 ha	No Extant permission
AT4-03	Prospect	10.12 ha	No Extant permission

TOTAL ZONED LAND		16.54 ha	
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ATHENRY ZONE BE BUSINESS/ENTERPRISE LAND

BE Zoned lands	Title	Size	Planning Status
AT5-01	Raheen	12.59 ha	Ref: 08/845, 13/212, 14/856 Construction of factory unit & assoc Retail & offices 1297sqm + 253 sqm extension expires 09/11/2019

ATHENRY ZONE BT BUSINESS/TECHNOLOGY LAND

BT Zoned lands	Title	Size	Planning Status
AT6-01	Ballygaurraun South	87.01 ha	Available/undeveloped

APPENDIX (iii)

Topic	Athenry LAP Policies	Athenry LAP Objectives	Galway County Development Plan 2015-2021 Polices & Objectives	Consistency between LAP & CDP
Development Strategy	2.2.3	DS1, DS2, DS3, DS4,DS5,DS6,DS7	Objectives:DS1,DS3,DS6,DS7,D S8,DS12,CS1,CS2,CS4,CS5,CS6 ,SS5	Yes. The policies and objectives of the LAP and CDP strive to achieve the same goals
Land Use Management Policy	3.1.2	LU1,LU2,LU3,LU4,LU5,LU6,LU7,LU8, LU9,LU10,LU11,LU12,LU13	Policies: UHO1, TI2,R1,FL1,LCM1,SI1,AFF1,AFF2 Objectives:CS1,CS5,EDT4,EDT6, TI5,FL1	Yes. The policies and objectives of the LAP and CDP strive to achieve the same goals
Residential Development	3.2.2	RD1,RD2,RD3,RD4,RD5,RD6,RD7,R D8	Policies: UHO1 & UHO2 Objectives:UHO1, UHO2, UHO3, UHO4, UHO5, UHO6, UHO7, UHO8, UHO9, UHO10, UHO11	Yes. The policies and objectives of the LAP and CDP strive to achieve the same goals
Social & Community Development	3.3.2	SI1 & SI2	Policies:SI1, SI2, SI3, SI4 Objectives: SI1, SI2, SI3, SI4,SI5, SI6, SI7, SI8, SI9	Yes. The policies and objectives of the LAP and CDP strive to achieve the same goals
Community Facilities & Amenities Objectives	3.3.2	CF1,CF2,CF3,CF4,CF5,CF6	Policies: CF1, CF2, CF3, CF4, CF5, CF6, RA1, RA2,RA3,RA4, RA5 Objectives:CF1- CF9 RA1,RA2,RA3,RA4,RA5,RA6,RA 7	Yes. The policies and objectives of the LAP and CDP strive to achieve the same goals
Economic Development Policy	3.4.2	ED1,ED2,ED3,ED4,ED5,ED6,ED7	Policies: EDT1-8, EDT10 Objectives: EDT1,EDT2,EDT3,EDT4,EDT5,E DT6.EDT7,EDT8,EDT9, EDT11, EDT12,EDT14, EDT17,EDT18,EDT19,EDT20,ED T24	Yes. The policies and objectives of the LAP and CDP strive to achieve the same goals

Transportation Infrastructure	3.5.2	TI1, TI2, TI3, TI4, TI5, TI6, TI7, TI8, TI9, TI10, TI11, TI12, TI13, TI14, TI15, TI16, TI17, TI18, TI19, TI20, TI21, TI22, TI23, TI24, TI25	Policies: TI1, TI2, TI3, TI4, TI5, TI6, TI7, TI10, TI11 Objectives: T1, TI2, TI3, TI4, TI5, TI6, TI7, TI8, TI9, TI10, TI11, TI12, TI13, TI14, TI17, TI18, TI19, TI20.	Yes. The policies and objectives of the LAP and CDP strive to achieve the same goals
Utility & Environmental Infrastructure	3.6.2	UI1, UI2, UI3, UI4, UI5, UI6, UI7, UI8, UI9, UI10, UI11, UI12, UI13, UI14, UI15, UI16, UI17, UI18, UI19	Policies: WS1, WS2, WS3, WS4, WS5, WW1, WM1, WM2, Objectives: WS1 --WS15, WW1- WW10, WM1, WM2, WM3, WM4, WM5, WM6, WM7.	Yes. The policies and objectives of the LAP and CDP strive to achieve the same goals
Urban design & Place-making	3.7.2	UD1, UD2, UD3, UD4, UD5, UD6, UD7	DM Standards 1—27, 29, 31-36, 38	Yes. The policies and objectives of the LAP and CDP strive to achieve the same goals
Built Heritage & Cultural Heritage	3.8.2	HC1, HC2, HC3, HC4, HC5, HC6, HC7, HC8, HC9, HC10, HC11, HC12	Policies: GH1, GH2, GH3, GH4, AH1, AH2, AR1-ARC6 Objectives: AH1-AH11, ARC1-ARC7	Yes. The policies and objectives of the LAP and CDP strive to achieve the same goals
Natural Heritage & Biodiversity	3.9.2	NH1, NH2, NH3, NH4, NH5, NH6, NH7, NH8, NH9, NH10, NH11	Policies: NHB1-NHB7 Objectives: NBH1, NBH2, NBH3, NBH4, NBH5, NBH6, NBH7, NBH9, NBH11, NBH12, NBH14	Yes. The policies and objectives of the LAP and CDP strive to achieve the same goals