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

The Loughrea Local Area Plan 2024-2030 was formally made by the Elected Members of the Loughrea Municipal District on the 15th July 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 22nd August 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 one parcel 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 Alteration from the adopted Local Area Plan:

- Material Alteration MA35 from the adopted Local Area Plan - i.e. the subject lands revert to unzoned from Community Facilities.

STATEMENT OF REASONS

i. The Local Area Plan includes a material alteration to the draft Local Area Plan to zone land as Community Facilities located on the far side of the N65 national road with no existing or planned access by walking, cycling or public transport from Loughrea, inconsistent with the objectives of the RSES and County Development Plan for sustainable growth which prioritises connectivity by way of safe, secure walking and cycling routes and public transport (RPO 6.30 of the RSES and County Development Plan Policy Objectives PM 4 and PM 6), and supports the provision of pedestrian and cycling infrastructure for shorter local journeys (County Development Plan Policy Objectives GCTPS 4 and WC 4).

ii. The Local Area Plan includes a material alteration to zone land as Community Facilities adjoining the N65 national road which is inconsistent with RPO 6.5 of the RSES and Policy Objective NR 1 of the County Development Plan to protect the strategic capacity and safety of the national roads network and associated national road junctions, and fails to have regard to sections 2.4 and 2.7 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012)

iii. 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.

iv. 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.

v. The Minister is of the opinion that 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.

vi. The Minister is of the opinion that the Local Area Plan as made is not consistent with National Policy Objective 27 of the National Planning Framework.

vii. 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.

viii. 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 August 2024 and 12th September 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 **29/08/2024** and **12/09/2024** 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 Loughrea 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.

Signed: Liam Hanrahan, Director of Service, Economic Development & Planning.

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

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J. Brann, Rúnaí Contae

30 August 2024

DRÉACHT-TREOIR MAIDIR LE HALT 31
DEN ACHT UM PLEANÁIL AGUS FORBAIRT 2000 (ARNA LEASÚ)
PLEAN CHEANTAR ÁITIÚIL BHAILE LOCHA RIACH 2024-2030

Ba iad Comhaltaí Tofa Cheantar Bardasach Bhaile Locha Riach a cheap Plean Cheantar Áitiúil Bhaile Locha Riach 2024-2030 go foirmiúil ar an 15 Iúil 2024.

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

Ar an 22 lá de Lúnasa 2024 d'eisigh an tAire Stáit do Rialtas Áitiúil agus Pleanála 'Fógra go bhfuil sé ar intinn Treoir a Eisiúint' chuig an Údarás Pleanála faoi Alt 31 den Acht um Pleanáil agus Forbairt, 2000 (arna leasú) ('an tAcht'). Baineann an Dréacht-Treoir le criosú fearann talún amhain 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 Phlean arna ghlacadh ag an gComhairle agus atá ag feitheamh ar eisiúint Threoir Dheiridh an Aire.

Tá na nithe seo a leanas leagtha amach sa Dréacht-threoir:

(i) Na cuspóirí criosaithe seo a leanas agus an téacs gaolmhar a athbhunú i gcomhréir le moladh Thuarascáil an Phríomhfheidhmeannaigh ar na hathruithe ábhartha, agus an tAthrú Ábhartha seo a leanas a scrios ón bPlean Limistéir Áitiúil ar glacadh leis:

- Athrú Ábhartha MA35 ón bPlean Limistéir Áitiúil ar glacadh leis - .i. na tailte ábhartha a athrú ó thailte criosaithe mar Áiseanna Pobail go tailte nach bhfuil criosaithe.

RÁITEAS AR FHÁTHANNA

i. Tá athrú ábhartha sa Dréachtphlean Ceantair Áitiúil chun talamh a chriosú mar Shaoráidí Pobail atá suite ar an taobh thall de phríomhbhóthar náisiúnta an N65 gan aon rochtain reatha nó pleanáilte do shiúil, rothaíocht ná d'iompar poiblí ó Bhaile Locha Riach, rud nach bhfuil ag teacht le cuspóirí an Straitéis Spásúil agus Eacnamaíoch Réigiúnach (RSES) agus le Plean Forbartha an Contae maidir le fás inbhuanaithe a thugann tosaíocht do nascacht trí bhealaí sábháilte, slána siúil agus rothaíochta agus iompair phoiblí (RPO 6.30 den Straitéis Réigiúnach Spásúil agus Cuspóirí Beartais an Phlean Forbartha Contae PM 4 agus PM 6), agus tacaíonn sé le soláthar bonneagair do choisithe agus do rothaithe ar thurais áitiúla níos giorra (Cuspóirí Beartais Phlean Forbartha an Chontae GCTPS 4 agus WC 4).

ii. Áirítear sa Phlean Ceantair Áitiúil athrú ábhartha ar thalamh criosaithe mar Áiseanna Pobail tadhlach le príomhbhóthar náisiúnta an N65 atá ar neamhréir le RPO 6.5 den Straitéis Spásúil agus Eacnamaíoch Réigiúnach (RSES) agus Cuspóir Beartais NR 1 den Phlean Forbartha Contae chun an acmhainn straitéiseach agus sábháilteachta bóithre náisiúnta agus acomhail ghaolmhara a chosaint, agus a theipeann ar ailt 2.4 agus 2.7 de na Treoirlínte um Pleanáil Spáis agus Bóithre Náisiúnta d'Údarás Phleanála (2012).

iii. Níor ceapadh an Plean Limistéir Áitiúil ar bhealach atá comhsheasmhach le moltaí Oifig an Rialtóra Pleanála faoi alt 31 AO den Acht agus níor cuireadh na moltaí i bhfeidhm.

iv. Measann an tAire nach bhfuil an Plean Limistéir Áitiúil faoi mar a rinneadh é ag teacht le cuspóirí Phlean Forbartha an cheantair, ar riachtanas é d'alt 19(2) den Acht.

v. Measann an tAire go bhfuil an Plean Ceantair Áitiúil mar atá ceaptha ar neamhréir leis na cuspóirí i Straitéis Spásúil agus Eacnamaíoch Réigiúnach, contrártha d'alt 19(2) agus d'alt 27(1) den Acht.

vi. Measann an tAire nach bhfuil an Plean Limistéir Áitiúil mar a rinneadh é ag teacht le Cuspóir Beartais Náisiúnta 27 den Chreat Náisiúnta Pleanála.

vii. Measann an tAire nach leagtar amach sa Phlean Limistéir Áitiúil, mar a rinneadh é, straitéis fhoriomlán do phleanáil chuí agus d'fhorbairt inbhuanaithe an cheantair.

viii. Ní chomhlíonann an Plean Limistéir Áitiúil ceanglais an Achta.

Dréacht-Treoir – Comhairliúchán Poiblí Foirmiúil:

De réir ceanglais Alt 31(7) an Achta, cuirfidh an tÚdarás Pleanála tús le tréimhse chomhairliúcháin phoiblí ar Fhógra an Aire a bhfuil sé ar intinn aige Treoir a Eisiúint' ar feadh tréimhse 2 sheachtain idir an 29 Lúnasa 2024 agus an 12 Meán Fómhair 2024 agus na dátaí sin san áireamh, féadfar cóip de Dhréacht-Treoir ón Aire a iniúchadh sna láithreacha seo a leanas:

- Ar an suíomh 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, H91 H6KX**

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 **29/08/2024** agus an **12/09/2024** mar seo a leanas:

- Ar líne trí Thairseach Comhairliúcháin Phoiblí na Comhairle: http://consult.galway.ie/; nó
- Trí ríomhphost chuig forwardplanning@galwaycoco.ie nó
- I scríbhinn agus é a mharcáil "Dréacht-Treoir do phlean Limistéir Áitiúil Bhaile Locha Riach 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 chomhairliúcháin phoiblí 2 sheachtain dul in éag agus tráth nach déanaí 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 Rialtóra Pleanála, do na Comhaltaí 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 Rialacháin 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 cuideachta 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 rialacháin 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 bhailí 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.

Arna shíniú ag Liam Hanrahan, Stiúrthóir Seirbhíse, Forbairt Gheilleagrach agus Pleanáil.

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J. Brann, Rúnaí Contae

30 August 2024