



8 November 2024

For the Attention of: Mr. Martin Lydon, Chief Executive

Sligo County Council,
County Hall,
Riverside,
Sligo
F91 Y763

Section 31 of the Planning and Development Act 2000, as amended
Notice of Intention to issue a Direction to Sligo County Council
regarding the Sligo County Development Plan 2024-2030

Dear Martin,

Consequent to a recommendation made to me as Minister by the Office of the Planning Regulator (the Office) on 27 October 2024 in connection with the Sligo County Development Plan 2024–2030, as adopted by the elected members of Sligo County Council on 30 September 2024, and pursuant to section 31 of the Planning and Development Act 2000 (as amended) (the Act), I write to give notice of my intention to issue a direction to Sligo County Council to take certain measures specified in this notice.

Opinion

On consideration of the recommendation made to me by the Office, I have formed the opinion that:

- (i) Sligo County Council, in making the development plan, has failed to implement recommendations made to it, as planning authority, by the Office under section 31AM of the Act;
- (ii) The Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area;
- (iii) The Plan is inconsistent with national and regional policy objectives specified in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Northern and Western Region (RSES);
- (iv) The Plan, as made, is not in compliance with the requirements of the Act.



A draft of the Direction accompanies this notice and I request that you publish notice of this draft Direction, no later than two weeks after receipt of this notice. The reasons for the Direction are set out in the Statement of Reasons incorporated in the attached draft Direction and further detail is provided in the Summary of Issues as set out below.

Process to Date

The draft Sligo County Development Plan 2024–2030 (the draft Plan) was on public display from 13 October to 22 December 2023. The Office of the Planning Regulator made a submission to the draft Plan on 22 December 2023, containing five (5) recommendations which addressed a broad range of issues.

The elected members, having considered the draft Plan and the Chief Executive’s Report on submissions received (March 2024), resolved to amend the draft Sligo County Development Plan 2024–2030 on 22 April 2024.

The material alterations to the draft Plan were on public display from 7 June 2024 to 5 July 2024. The Office made a submission on 5 July 2024 containing eight (8) recommendations. The Office’s recommendations at the Material Alterations stage included:

- MA Recommendation 1, 2, 3 and 4 – Zoning of land for residential use
- MA Recommendation 5 – Zoning of land for non-residential use
- MA Recommendation 6 – Access to national roads
- MA Recommendation 7 – Greenways and recreational infrastructure
- MA Recommendation 8 – Flood Risk Management

The elected members of Sligo County Council resolved to make the Sligo County Development Plan 2024–2030 at a council meeting on 30 September 2024. Subsequently, the planning authority issued a notice letter under section 31AM(6) of the Act to the Office advising of the making of the Development Plan and specifying the recommendations of the Office that were not complied with.

Having reviewed the Chief Executive’s reports on the draft Plan and material alterations to the draft Plan, the notice of the making of the Development Plan and the reasons in the notice letter, the Office has concluded that, with the exception of the items below, the recommendations of the Office have been responded to and have been addressed to the satisfaction of the Office, or are otherwise considered satisfactory within the legislative and policy context. The outstanding matters, therefore, relate to the following:



- Residential zoning objectives and material amendments
(Recommendation 2, MA Recommendations 1, 2, 3 and 4)
- Material amendments to zone land for employment generating uses, tourism uses, and community facilities
(MA recommendation 5)
- Access to National roads
(MA Recommendation 6)
- Flood risk management
(MA Recommendation 8)

Summary of Issues

OPR Recommendation 2 and MA Recommendations 1, 2, 3 4 and 8

Having regard to the core strategy of the draft Plan; national and regional policy objectives for compact growth; tiered approach to zoning and flood risk management; the provisions of the Development Plans Guidelines for Planning Authorities (2022); The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009); and section 10(2)(n) of the Act, the planning authority was required to make the Plan without certain specified amendments to residential land use zonings.

Notwithstanding the above, the elected members decided to make a significant number of the amendments referred to in the Office's submission, contrary to your recommendations as Chief Executive.

Having carefully considered the elected members' reasons, as set out in the section 31AM(6) notice submitted, the Office accepted the rationale provided by the elected members for their decisions in a number of cases. However, with respect to lands identified in sections 2(a)(i) and 2(b)(i) to (xiii) and 2(b)(xv) to (xviii) of the enclosed draft Direction, the Office has concluded that the zonings are inconsistent with objectives of national and regional planning policy, and fail to have regard to Ministerial planning guidelines under section 28 of the Act. Please see the statement of reasons incorporated in the draft Direction for specific details in this regard.



OPR MA Recommendation 5

Having regard to the provision of employment locations that can support compact and sustainable development; national and regional policy objectives for compact growth, tiered approach to zoning, flood risk management; the provisions of the Development Plans Guidelines for Planning Authorities (2022); The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009); the Spatial Planning and National Roads Guidelines (2012); and section 10(2)(n) of the Act, the planning authority was required to make the Plan without certain specified amendments to non-residential land use zonings in Enniscrone, Ballysadare and Easky.

Notwithstanding the above, the elected members decided to make a number of the amendments referred to in the Office's submission, contrary to your recommendations as Chief Executive.

Having carefully considered the elected members' reasons, as set out in the section 31AM(6) notice submitted, the Office has concluded that the amendments are inconsistent with objectives of national and regional planning policy, and fail to have regard to Ministerial planning guidelines under section 28 of the Act in respect to lands identified in sections 2(b)(xiv), (xix) – (xxi) of the enclosed draft Direction. Please see the statement of reasons incorporated in the draft Direction for specific details in this regard.

OPR Recommendation 6

Having regard to to national and regional policy objectives; the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012), Sligo County Council was requested to make the Plan without MA PA-180 which proposed to insert additional text into the County Development Plan at section 33.9.1 Access onto National Roads, which provides for direct vehicular access onto national primary roads in certain circumstances.

It is noted that you as Chief Executive recommended to modify the text of PA 180 and to make the County Development Plan with the modified text. The elected members agreed with your recommendation and made the County Development Plan with the modified text.

It is also noted that Transport Infrastructure Ireland (TII) also separately requested the removal of this provision in its submissions to the planning authority, and that TII considers that the text included by PA 180 conflicts directly with the provisions of the section 28 Spatial Planning and National Road Guidelines, and strongly recommended that PA-180 is not adopted in the interests of adherence to the provisions of Government policy concerning



access to national roads and in the interests of road user safety on the high speed highly trafficked national road network.

Notwithstanding the above, the elected members proceeded to make the plan inclusive of the provision in question. National and regional policy objectives clearly indicate the importance of maintaining the strategic capacity and safety of the national roads network.

Please refer to the specific provisions referenced in the statement of reasons incorporated in the draft Direction for further details.

Decision

On review of the recommendation issued by the Office, corresponding documents and analysis, I, as Minister, am of the opinion to issue a draft Direction in relation to:

- Recommendation (2) a. (i),
- Recommendation (2) b. (i) to (xii),
- Recommendation (2) b. (xiv) to (xxi),
- Recommendation (2) c.

and in that regard, I refer you to the Statement of Reasons set out in the enclosed draft Direction.

I have decided not to issue a draft Direction in relation to Recommendation (2) b. (xiii) (*which relates to Material Alteration PAZ 60 in Easky*), which if accepted, would alter the 'New Residential (nRES)' zoning objective that applies to an area of land located in Easky, contrary to the decision of the elected members of Sligo County Council.

My reason for not issuing a draft Direction in respect of the Office's recommendations relating to PAZ 60 is set out below:

- i. The subject lands are Tier 1 serviced lands and were zoned for residential use in the Sligo County Development Plan 2017-2023.

Accordingly, the zoning of these lands for new residential uses is reasonable in the circumstances.



In light of my decision you will note that there are consequent changes to the numbering of section 2) of the draft Direction as issued, which now reads (2) b. (i) to (xx).

Noting the aforementioned, I, as Minister, consider that the plan as made:

- is not in compliance with the provisions of the Act including:
 - Section 10(1), which requires the development plan to set out an overall strategy for the proper planning and sustainable development of the area.
 - Section 10(1A) which requires that the development objectives in the development plan are consistent with national and regional development objectives.
 - Section 10(2)(n) of the Act concerning the promotion of sustainable settlement and transport strategies and the obligations under the Climate Action Plan and the Low Carbon Development Act 2015.
 - Section 27(1), which requires the planning authority to ensure that when making a development plan, that the plan is consistent with any regional spatial and economic strategy in force for its area.
 - Section 28, as the statement under section 28(1A)(b) that is appended to the development plan fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives of the Minister contained in the Development Plans Guidelines (2022), the Spatial Planning and National Roads Guidelines (2012) and the Flood Risk Management Guidelines (2009); because of the nature and characteristics of the area, in addition to the reasons for the forming of that opinion contrary to section 28(1B)(b).
- is inconsistent with objectives of the National Planning Framework, in particular NPO 3c (Compact Growth), NPO 18a (Proportionate Growth), NPO 57 (Flood Risk Management), NPO 60 (Natural and Cultural Heritage), NPO 72a (tiered approach to zoned land), NPO 72b (cost of servicing lands), NPOc (Unserviced lands), NPO 74 (delivery of National Strategic Outcomes), and is also inconsistent with the National Strategic Outcome 1 (Compact Growth) and NSO 2 (enhanced regional accessibility, including the maintenance of the strategic capacity and safety of the national road network).
- is inconsistent with objectives of the Regional Spatial and Economic Strategy for the Northern and Western Region specifically RPO 3.2 (Compact Growth), RPO



3.7.39 (compact growth within Sligo's existing built up urban area), RPO 3.10 (Flood Risk Management), RPO 5.14 (cultural and built heritage), and RPO 6.5 (Strategic Capacity and Safety of National Roads).

- fails to have regard to Ministerial Guidelines issued under Section 28 of the Act (refer to pages 63 and 63 of the OPR s.31AM(8) notice letter), specifically:
 - Development Plans, Guidelines for Planning Authorities (2022);
 - Spatial Planning and National Roads, Guidelines for Planning Authorities (2012);
 - The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)

The Development Plan has also not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under section 31AM of the Act.

Having regard to the matters set out above, the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area and is not in compliance with the requirements of the Act.

Measures to be taken – Draft Direction

Accordingly, having considered the recommendation of the Office, I am issuing a draft Direction pursuant to section 31 of the Planning and Development Act 2000 (as amended), to direct Sligo County Council with regard to the Sligo County Development Plan 2024-2030.

In accordance with section 31AN(1) of the Act, having considered and taken account of the proposed draft direction submitted by the Office and the correction notice, the draft Direction as issued incorporates minor editorial amendments which are not material in nature and do not alter the substance of the Office's recommended draft direction (Point I of the Statement of Reasons incorrectly lists Ballintogher and Cliffony and this has now been amended accordingly).

The draft Direction sets out the following steps for the Planning Authority to take:

- a. Delete the following zoning objectives from the adopted County Development Plan:



- (i) the lands on the L3203 on the western approach to Grange, i.e. the subject land reverts to not zoned from Strategic Land Reserve;
- b. Delete the following material alterations from the adopted County Development Plan such that the subject lands revert to as indicated in the draft County Development Plan:
- (i) PAZ 9, i.e. the subject land reverts to Strategic Land Reserve (SLR) from New Residential (nRES);
 - (ii) PAZ 11, i.e. the subject land reverts to Green Belt from New Residential (nRES) and Open Space (OS) and the Development Limit reverts to the draft Plan;
 - (iii) PAZ 12, i.e. the subject land reverts to Green Belt (GB) from New Residential (nRES);
 - (iv) PAZ 13, i.e. the subject land reverts to Strategic Land Reserve (SLR) from New Residential (nRES);
 - (v) PAZ 14, i.e. the subject land reverts to Green Belt (GB) from New Residential (nRES);
 - (vi) PAZ 15, i.e. the subject land reverts to Green Belt (GB) from New Residential (nRES) and Strategic Land Reserve (SLR);
 - (vii) PAZ 31, i.e. the subject lands revert to Open Space (OS) from New Residential (nRES)
 - (viii) PAZ 32, i.e. the subject lands revert to Green Belt (GB) from New Residential (nRES)
 - (ix) PAZ 33, i.e. the subject lands revert to Green Belt from New Residential (nRES)
 - (x) PAZ 42, i.e. the subject lands revert to Green Belt (GB) from New Residential (nRES)
 - (xi) PAZ 45, i.e. the subject lands revert to Green Belt (GB) from New Residential (nRES)
 - (xii) PAZ 57, i.e. the subject lands revert to Strategic Land Reserve (SLR) from New Residential (nRES)
 - (xiii) PAZ 62, i.e. the subject lands revert to Green Belt from Tourism (TOU)
 - (xiv) PAZ 63, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV)
 - (xv) PAZ 76, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV)



- (xvi) PAZ 79, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV), and the Development Limit reverts to the draft Plan
- (xvii) PAZ 80, i.e. the subject lands revert to Green Belt (GB) from Rural Village (RV), and the Development Limit reverts to the draft Plan
- (xviii) PAZ 34, i.e. the subject lands revert to Green Belt (GB) from Tourism (TOU) and Open Space (OS)
- (xix) PAZ 41, i.e. the subject lands revert to Green Belt (GB) from Business/Industry/ Enterprise (BIE)
- (xx) PAZ 44, i.e. the subject lands revert to Green Belt (GB) from Business/Industry/ Enterprise (BIE)

c. Delete the following text at section 33.9.1:

Where direct vehicular access onto national primary roads cannot be avoided (such as situations arising from national road realignment schemes), a Departure from TII Publications Standards DN-GEO-03060 with justification shall be required, as provided for in Section 5.5. Direct Accesses of DN-GEO-03060. In all cases, the number of accesses on to the national road should be minimised, either by consolidating them into a single access point, or connecting them to existing side roads. The sight distances required for access onto national primary and secondary roads are set out in Table 33.8. The sight distances are measured from the access point to the near-side edge of the carriageway in accordance with the TII Publications Standards DN-GEO-03031 and DN-GEO-03060.

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

Please note that in accordance with section 31(4)(c) and Section 31(6) of the Act, those parts of the Sligo County Development Plan 2024–2030 referred to in this notice shall be taken not to have come into effect, been made or amended.

Next Steps – Procedural requirements

I wish to draw your attention to the public consultation obligations under section 31 of the Planning and Development Act 2000 (as amended), and the initial requirement as Chief Executive, under section 31(7) to publish notice of the draft Direction no later than 2 weeks after receipt of this notice, stating that the draft Direction may be inspected as specified in the notice, for a period of not more than 2 weeks.



The notice must also state that written submissions or observations in respect of the draft Direction may be made to the planning authority during the consultation period.

Also in line with statutory requirements, a Chief Executive's report is to be prepared on the public consultation period under section 31(8), and must be furnished to the Office, the elected members and the Minister, no later than 4 weeks after the public consultation process is completed, for further consideration.

In accordance with section 31(9) of the Act, the report of the Chief Executive must:

- (a) summarise the views of any person who made submissions or observations to the planning authority;
- (b) summarise the views of and recommendations (if any) made by the elected members of the planning authority;
- (c) summarise the views of and recommendations (if any) made by the regional assembly, and
- (d) make recommendations in relation to the best manner in which to give effect to the draft Direction.

In addition, the elected members of the planning authority may make a submission to the Office of the Planning Regulator at any time up to the conclusion of the 2-week public consultation period referred to above and must also send any such submissions to me, as Minister.

The Office will then consider the Chief Executive's report together with any submissions made and will make a further recommendation to me, as Minister, regarding whether the Direction is to be issued with or without minor amendments, or not issued.

Where the Office is of the opinion that a material amendment to the draft Direction is required, or further investigation is necessary, or it is necessary for another reason, then the Office may appoint an inspector no later than 3 weeks after receipt of the Chief Executive's report, prior to making a final recommendation to me.

Should you have any queries in relation to complying with the foregoing process now underway, please contact ForwardPlanning@housing.gov.ie.



Yours sincerely,

Alan Dillion TD

Minister of State for Local Government and Planning

Copied to:

- Cathaoirleach, Sligo County Council, Sligo County Council, County Hall, Riverside, Sligo, F91 Y763
- Director, Northern and Western Regional Assembly, The Square, Ballaghaderreen, Co. Roscommon, F45 W674.
- Office of the Planning Regulator, Fourth Floor (West Wing) Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWW4.