



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



Oifig an Aire
Office of the Minister

16 September 2009

Mr. Des Mahon,
County Manager,
Mayo County Council,
Áras an Chontae,
Castlebar,
Co. Mayo.

**Mayo County Development Plan 2008-2014
Ministerial Direction to the Council under
Section 31 of the Planning and Development Act 2000**

Dear Manager,

I am writing to you in connection with the Mayo County Development Plan 2008-2014 as adopted by the Council on 6 May 2008.

Following the adoption of the County Development Plan on 8 May 2008, I issued a Direction to the Council on 11 July 2008 under Section 31 of the Planning and Development Act 2000 requiring the Council to vary the Development Plan to:

- 1) prioritise and phase the development of residentially zoned lands in the Castlebar-Ballina Hub over other locations in the county; and
- 2) apply the appropriate planning policies as set out in the Guidelines for Planning Authorities on Sustainable Rural Housing, by reverting to the reasonable and pragmatic rural settlement policies and mechanisms outlined in the draft Development Plan.



The Council has not, to date, varied the Development Plan to reflect the 2008 Direction. Following a request from the Council, the Joint Oireachtas Committee on Environment, Heritage and Local Government invited representatives of the Council and officials of my Department to discuss the issues at a meeting of the Committee in November 2008. The Committee subsequently published a report in February 2009 which, *inter alia*, recommended that the views of the Minister for the Environment, Heritage and Local Government at draft plan and amended draft plan stages should be incorporated and reflected in development plans so as to reduce the need for Ministerial intervention. It also recommended that there should be consultation between the Minister and planning authorities in advance of a Direction issuing.

Representatives of my Department met with representatives of Mayo County Council (elected members and officials) in March of this year to discuss a revised approach to the designation of rural areas under urban pressure and relevant supporting policies and objectives, and the prioritisation and phasing of residentially zoned lands in the Castlebar-Ballina Hub over other locations in the county. The outcome of these discussions were:

- a) a specific policy objective to advance the development of the Castlebar-Ballina Hub and the phased release of residentially zoned lands throughout the county which takes account of the National spatial Strategy and the West Regional Planning Guidelines; and
- b) a designation of rural areas under urban pressure founded on evidence-based analysis with revised policy objectives, which will provide for the appropriate control on development in keeping with the 2005 Guidelines for Planning Authorities on Sustainable Rural Housing.

I am satisfied that implementation of the outcome of those discussions provides a sound basis for the proper planning and sustainable development of Mayo. In order to give legal effect to the mutually agreed outcome, I am hereby replacing the Planning and Development (Mayo County Development Plan) Direction 2008 dated 11 July 2008 with the attached Direction. The attached Direction requires the Council to:

- a) replace the existing policy of the County Development Plan regarding the prioritisation of residential zoning with a new policy, as set out in the Direction, which gives greater prioritisation to the Castlebar-Ballina Hub;
- b) replace Map 5 of the 2008 Mayo County Development Plan with the Revised Map 5 as attached to the Direction;
- c) ensure that, in appropriate cases, occupancy conditions are used to ensure compliance with the terms of planning permissions for houses in rural areas; and
- d) replace/revise policies in relation to: rural housing; housing in coastal areas and areas of high scenic amenity; holiday homes and second home development;

other development in rural areas; national and strategically important regional roads; and forward planning for towns and villages, as set out in Appendix 1 to the Direction.

The Direction should be implemented by way of a variation to the Development Plan. I would be grateful if you would advise me as soon as possible of the steps that you propose to take, and the timescales involved, to implement the Direction. My officials are available to discuss any issues relating to compliance with the Direction.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'John Gormley', written over a horizontal line.

John Gormley, T.D.,
Minister for the Environment,
Heritage and Local Government.

**PLANNING AND DEVELOPMENT
(MAYO COUNTY DEVELOPMENT PLAN) DIRECTION 2009**

WHEREAS it appears to the Minister for the Environment, Heritage and Local Government that the development plan for the County of Mayo for the period 2008 to 2014 (as adopted on 8th May 2008) is unsatisfactory in:

- a) failing to set out an overall strategy for the proper planning and sustainable development for the County of Mayo and/or;
- b) failing to ensure its compatibility with the Planning Guidelines for Sustainable Rural Housing; and/or
- c) failing to take proper account of the National Spatial Strategy;

by reason of the following matters:

- the county settlement strategy does not incorporate any mechanism to effectively prioritise the development of residentially zoned lands in the National Spatial Strategy linked hub of Castlebar-Ballina over other locations of such land throughout the county;
- the rural settlement policy framework does not set out a proper strategy for the management of housing proposals in rural areas of Mayo as recommended in the Planning Guidelines for Sustainable Rural Housing and the 2007 Draft County Development Plan;

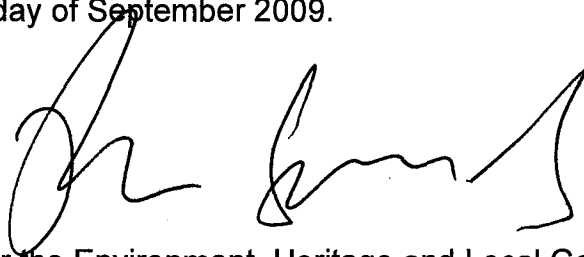
NOW, THEREFORE in exercise of the powers conferred on him by section 31(2) of the Act, the Minister for the Environment, Heritage and Local Government hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Mayo County Development Plan) Direction 2009.
- (2) This Direction replaces the Direction previously issued by the Minister on 11 July 2008.
- (3) The County Council of Mayo is hereby directed to take the following steps with regard to the Mayo County Development Plan 2008-2014;
 - Remove sections 2.2.9 to 2.2.10 inclusive of the 2008 Mayo County Development Plan and to replace these sections with the development objectives outlined in Appendix 1.
 - Remove Map 5 of the 2008 Mayo County Development Plan and replace with the Revised Map 5 as attached to this Direction.
 - Include Section 4.9.7 of the 2007 Draft County Development Plan in the 2008 Mayo County Development Plan.
 - Amend Section 4.2.6 of the 2008 Mayo County Development Plan in line with Appendix 1.
 - Remove Policy P/CSS 2.2.2 of the 2008 County Development Plan and to replace this policy with a new policy as follows:

“It is the overall policy of the Council that, in order to advance the strategic development of the Castlebar-Ballina linked hub in accordance with the NSS, the release of residentially zoned lands throughout the county and the preparation of any new local area plans will take account of the NSS and RPGs aim of ensuring that the linked hub reaches its target population; and that local area plans shall make provision for phasing of development as appropriate”.

- Revise Policy CSS-3.5 in line with Appendix 1.
- Revise Policy P/Z-1 in line with Appendix 1.
- Revise Section 1.2.4 in line with Appendix 1.

GIVEN under the Official Seal of the
Minister for the Environment, Heritage and Local Government
this 16 day of September 2009.

A handwritten signature in black ink, appearing to be 'D. L. ...', written over the text of the document.

Minister for the Environment, Heritage and Local Government

Appendix 1: Development Objectives

2.2.10 Rural Housing Policies

It is the policy of the Council:

- P/RH-1 To sustain and promote all rural communities and traditional settlement patterns without adversely affecting the character, environment and amenities of Co. Mayo.
- P/RH-2 To promote a scale and type of rural development that endeavours to restore population densities to sustainable levels in all parts of the county.
- P/RH-3 To accommodate genuine proposals for permanent residential development in the locality in which they arise, subject to good planning practice in matters such as site location, drainage and design requirements, and the protection of important landscapes, environmentally sensitive areas, cultural and built heritage assets and key natural and built assets.
- P/RH-4 To restrict ribbon development due to adverse impacts arising from this pattern of development relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.
- P/RH-5 To ensure that housing in rural areas is of the highest architectural standard and respects the landscape, character and amenities of the countryside having regard to the *Guidelines for the Design and Siting of the Rural House in County Mayo*, which constitute part of this Plan.

Structurally Weak Areas.

In areas identified as Structurally Weak on Map 5, it is the policy of the Council:

- P/RH-6 To accommodate permanent residential development (urban and rural generated) as it arises in Structurally Weak Rural Areas, in particular special consideration will be given to the provision of housing in rural areas that have sustained population loss since 1951, subject to good planning practice.
- P/RHP-7 To recognise the distinctive traditional settlement patterns that have evolved in the coastal areas of the County in the form of small clusters such as clachans and linear groupings and to strengthen such patterns through appropriately scaled 'infill' development, subject to good planning practice in matters such as

site location, drainage and design requirements. In such cases, the planning authority shall distinguish between infill developments within areas that have a tradition of linear development over generations and new areas of ribbon development.

- P/RH-8 To monitor the operation of the rural housing policies in the Structurally Weak Rural areas on an ongoing basis, to assess their impacts on rural settlement patterns, under the auspices and guidance of the Council's Planning and Economic Strategic Policy Committee.

Rural Areas under Strong Urban Influence.

In areas identified as Rural Areas under Strong Urban Influence on Map 5, it is the policy of the Council:

- P/RH-9 To encourage urban-generated housing in Rural Areas Under Strong Urban Influence into the adjoining urban centres, or the towns and villages identified in the County Settlement Strategy, including townlands/areas with an existing school or church.
- P/RH-10 To prepare Action Area Plans for the Rural Areas Under Strong Urban Influence defined in Map 5.
- P/RH-11 That applicants shall satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their roots in or links to a particular rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:
1. Persons who are an intrinsic part of the local rural community due to their having spent substantial periods of their lives, living in the rural area in which they propose to build a home. This category of housing needs refers to:
 - (a) Farmers, their sons and daughters and/or any persons taking over the ownership and running of a farm, who wish to build on the family farm.
 - (b) Sons and daughters of non-farming persons who have spent a substantial period of their lives (ie at least 5 years), living in the rural area in which they propose to build and wish to build a home near their family place of residence ie within 5km (3 miles), in any direction of family residence).
 - (c) Returning emigrants who spent a substantial period of their lives (ie at least 5 years), living in the rural area in which they

propose to build, who now wish to return to reside near other immediate family members, to care for elderly immediate family members, to work locally, or to retire.

Immediate family members are defined as mother, father, brother, sister, son, daughter or guardian. 'Near' in this context shall be that the proposed site shall be located within 5km (3 miles), in any direction of family members.

2. Persons working full-time or part time, for a period of over 5 years, in the rural area in which they propose to build their first house. This category of housing need refers to:
 - (i) Persons involved in full-time farming, forestry, inland waterway or marine related occupations.
 - (ii) Part time occupations where the predominant occupation is farming/natural resource related.
 - (iii) Persons whose work is intrinsically linked to rural areas such as teachers in rural schools or other persons whose work predominantly takes place within the rural area in which it is proposed to build.

For the purpose of clarity, proposed sites shall generally be required to be located within 5 km (3 miles), in any direction, of an applicant's place of work.

3. Persons whose exceptional health circumstances require them to live in a particular environment or close to family support.

Applicants qualifying under this category of housing need will be required to demonstrate by way of supporting documentation why their need is exceptional.

P/RH -12 That where permission has been granted for a rural housing proposal to an applicant on the basis of his/her roots in or links to the area (as outlined in P/RH-11), an occupancy condition shall normally be imposed under Section 47 of the Planning & Development Act 2000.

P/RH-13 That in circumstances involving the replacement of an existing dwelling, the Planning Authority will consider replacement or refurbishment of such a house, subject to normal planning considerations. The definition of what constitutes a house will be as described in planning legislation.

Housing in Coastal Areas and Areas of High Scenic Amenity.

In Coastal Areas and Areas of high Scenic Amenity, it is the policy of the Council:

- P/RH-14 That in the areas identified as Sensitive or Vulnerable in the Landscape Appraisal of County Mayo, to accommodate the permanent housing needs of the established rural community subject at all times to the consideration of the proper planning and sustainable development of the area.
- P/RH-15 That in the areas identified as Sensitive or Vulnerable in the Landscape Appraisal of County Mayo, the siting and design of new housing shall ensure the ability of the dwelling to be absorbed into the surrounding landscape without generating an adverse visual impact.
- P/RH-16 That areas along the sea, estuaries and lake shore lines shall be referred to as scenic areas and that scenic views in those areas are protected as much as possible, and only planning permission for replacement housing, extensions or where a farmer has no other land, except in those areas will be allowed.

Holiday Homes and Second Home Development.

Regarding Holiday Homes Development, it is the policy of the Council:

- P/RH-HH 1 To encourage appropriately scaled holiday home development to locate within an existing settlement, where there is existing infrastructure provision, where they can contribute to the maintenance of essential rural services and help act as a revitalising force in counteracting population decline.
- P/RH-HH 2 That in areas experiencing significant demand for holiday and second home development, to consider proposals to reinstate, conserve and/or replace existing disused or derelict dwellings subject to normal planning considerations including site suitability with regard to waste water disposal, safe access, and provided other specific objectives of the planning authority are not compromised.
- P/RH-HH 3 To encourage small-scale enterprises, such as the renovation of barns, outhouses or other existing structures for owner run agri-tourism enterprises, for use as holiday home accommodation, subject to normal planning considerations including site suitability with regard to waste water disposal, safe access, and provided other specific objectives of the planning authority are not compromised.

2.2.11 OTHER DEVELOPMENT IN RURAL AREAS.

Regarding other activities in rural areas, it is the policy of the Council:

- RH-OD 1 To ensure that the scale, use and appearance of all development in rural areas respects the character, quality, environment and amenity of the countryside and its vernacular traditions and their ability to be absorbed into the surrounding landscape without generating an adverse visual impact.
- RH-OD 2 To support the sustainable development of appropriate, alternative rural enterprises through the conversion of redundant farm buildings, subject to site suitability with regard to waste water disposal, safe access, standard planning considerations and provided other specific objectives of the planning authority are not compromised.

Section 4.2.6 National and Strategically Important Regional Roads.

National Roads improve access to the regions, enhancing their attractiveness for inward investment and therefore implementing the Government's policy of promoting more balanced development throughout the county. In recent years a large amount of investment has also been placed into regional roads to carry out improvements to such roads.

Development along National and Strategic Regional Roads, as listed in Tables 1.6 & 1.7 in Appendix 1, will be restricted outside of the 60 kph speed limit zone of towns and villages. Proposals for the upgrading of existing amenity facilities along National routes shall be assessed having regard to the safety issues raised by the upgrading of such facilities.

The Council will seek to protect new fence lines constructed on National Routes, which are now the property of the Council.

It should be noted that recently constructed and new national roads will be built to a new cross section standard namely, '2+2'. Therefore any new access onto these roads will be restricted to a left-in entry and a left-out exit only (i.e. in the direction of travel of the national roads exiting onto or entering off).

Section 2.2.7 Revised Policy CSS-3.5

To prepare, as resources permit, Local Area Plans for the settlements identified in the County Settlement Strategy and/or where considered appropriate to prepare Village Development or Design Frameworks for the smaller settlements and incorporate these into the County Development Plan through the statutory variation procedure.

Policy PZ1 Revised

Mayo County Council recognises that the strengthening of these towns and villages does not involve prohibiting those who wish to live in the countryside from doing so subject to normal planning considerations.

Section 1.2.4 Revised

- (second bullet point) Support a number of 'key' towns to enable population growth. The 'key' towns identified in the Western Regional Guidelines are Béal an Mhúirthead (Belmullet), Ballinrobe, Ballyhaunis, Claremorris, Charlestown, Louisburgh, Swinford. Given the importance of Westport as the third largest town in the County, it is an objective of Mayo County Council that the town continues to develop as a natural extension of the linked hub of Castlebar - Ballina.
- Support towns/villages that recorded population loss to reverse population decline.

The Plan has been prepared as an implementation mechanism for the Regional Planning Guidelines as it applies to Mayo and the Overall Strategy, Settlement Strategy, policies and objectives have been formulated in response to the Guidelines. The plan also supports the sustainable development of the countryside and the facilitation of those who wish to live in the open countryside in accordance with the principles set out in the Sustainable Rural Housing Guidelines.