

Draft Ministerial Direction Tuam Local Area Plan 2018-2024

**Chief Executive's Report Submissions Received on the
Draft Direction to the Tuam Local Area 2018-2024**

CHIEF EXECUTIVE'S REPORT

Forward Planning
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Comhairle Chontae na Gaillimhe
Galway County Council

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1. SECTION 1

1.1 STATUTORY BACKGROUND TO THIS CHIEF EXECUTIVE'S REPORT

This Chief Executives Report forms part of the statutory procedure for the preparation of a Local Area Plan that is subject to a draft Ministerial Direction, as required by Section 31(8) of the Planning & Development Acts 2000 (as amended).

No later than 4 weeks after the expiry of the 2-week display period of the draft Ministerial Direction, the Chief Executive shall prepare a report on any submissions or observations received during this time, which shall be furnished to the Minister and the Elected Members of the Planning Authority.

In accordance with Section 31 (9), the report shall -

- (i) summarise the views of any person who made submissions or observations to the Planning Authority,*
- (ii) summarise the views of and recommendations (if any) made by the elected Members of the Planning Authority,*
- (iii) summarise the views of and recommendations (if any) made by the regional authority,*
- (iv) make recommendations in relation to the best manner in which to give effect to the draft direction.*

This report is submitted to the Minister as part of the Ministerial Direction process for the Tuam Local Area Plan 2018-2024. In accordance with Section 31(11) the Minister shall consider the Chief Executive's Report furnished to him and any submissions made to him directly by the Elected Members of the Planning Authority.

Where he/she believes that no material amendment to the draft direction is required, or that further investigation is not necessary in order to clarify any aspect of the report or submissions, he/she may decide, no later than 3 weeks after the date of receipt of this Chief Executives Report, for stated reasons:

- (i) to issue the direction with or without minor amendments, or*
- (ii) not to issue the direction,*

or

where he believes that:

- (i) a material amendment to the draft direction may be required, or*
- (ii) further investigation is necessary in order to clarify any aspect of the Chief Executives Report furnished to him or submissions made by the Members of the Planning Authority, or*
- (iii) it is necessary for any other reason, he may, for stated reasons, appoint an inspector no later than 3 weeks after the date of receipt of the Chief Executives Report.*

Any inspector appointed by the Minister shall be a person who, in the opinion of the Minister, has satisfactory experience and competence to perform the functions required of him or her pursuant to this section and shall be independent in the performance of his or her functions. The inspector appointed having regard to the stated reasons for his or her appointment:

- (a) shall review the draft direction, the Chief Executive's Report furnished to them and submissions made by the Members of the Planning Authority,
- (b) shall consult with the Chief Executive and elected Members of the Planning Authority,
- (c) may consult with the regional authority and persons who made submissions during the 2-week display period, and
- (d) shall no later than 3 weeks after he or she was appointed, furnish a report containing recommendations to the Minister.

Copies of the report of the Inspector shall be furnished as quickly as possible by the Minister to the Chief Executive and elected Members of the Planning Authority, the regional authority and persons who made

submissions during the display period. The persons who have been furnished with the report of the inspector may make a submission to the Minister in relation to any matter referred to in the report no later than 10 days after the receipt by them of the report.

No later than 3 weeks (or as soon as may be during such period extending that 3 week period as the Minister may direct) after receipt of the report of the inspector, or any submissions made to him by those who received a copy of the Inspectors Report, the Minister, having considered the report, recommendations or submissions, as the case may be, shall decide for stated reasons –

- (a) to issue the direction,
- (b) not to issue the, or
- (c) to issue the direction, which has been amended by the Minister to take account of any of the matters the Minister considers appropriate:
 - (i) recommendations contained in the report of the inspector; or
 - (ii) any submissions made by those who were issued with a copy of the Inspector's report.

Following this, the direction issued by the Minister is deemed to have immediate effect and its terms are considered to be incorporated into the plan, or, if appropriate, to constitute the plan. The Minister shall cause a copy of a direction as issued, to be laid before each House of the Oireachtas.

If the direction is issued to the Planning Authority, the Planning Authority shall make the direction so issued available for inspection by members of the public, during office hours of the authority, at the offices of the authority, and may also make the direction available by placing it on the authority's website or otherwise in electronic form. The Minister shall publish or cause to be published in such manner as he considers appropriate any direction issued.

1.2 PUBLIC CONSULTATION

The Draft Ministerial Direction to the Tuam Local Area Plan 2018-2024 was put on display on 29th November 2018.

The Draft Ministerial Direction and the plan itself were on display at the following locations:

- The Council's website;
- Planning Office, Aras an Chontae, Prospect Hill, Galway;
- Tuam Library, Tuam;
- Tuam Area Office, High Street, Tuam

Hard copies and CDs of the draft Ministerial Direction to the Tuam Local Area Plan 2018-2024 and the plan itself were available to view and purchase at the Planning Counter, County Hall. They were also available on-line to view and download.

1.3 LIST OF BODIES OR PERSONS WHO MADE SUBMISSIONS/OBSERVATIONS ON THE DRAFT MINISTERIAL DIRECTION TO THE TUAM LOCAL AREA PLAN 2018-2024.

Submissions from persons or bodies

ID:	Name:	Draft Ministerial Direction No:	Valid/Invalid:
1	Damien Reddington	MA4	Valid

Submissions from the regional authority and / or elected members of Galway County Council

ID:	Name:	Draft Ministerial Direction No:	Valid/Invalid:
1	Cllr. Shaun Cunniffe (Tuam Municipal District)	MA5	Valid
2	Cllr Tom McHugh (Tuam Municipal District)	ALL MA's	Valid
3	Cllr Donagh Killilea (Tuam Municipal District)	MA11, MA5 & MA6	Valid

2. DETAILS OF DRAFT MINSITERIAL DIRECTION

The Draft Ministerial Direction was signed by the Minister on the 15th November 2018 and received by the Planning Authority Executive on the 19th November 2018.

The following measures are required to be taken to comply with the Draft Direction:

- (a). The maps accompany the Tuam Local Area Plan 2018 - 2024 are to be amended by taking account of the changes listed in the table below;
- (b). The Local Area Plan boundary as shown on Map 1, 4, 6 and 8 is to be amended to reflect the changes listed.

The following table illustrates the list of Material Alterations and the action that is required to implement the above measures.

Mas	Adopted Plan	Draft Plan (Published January 2015)
	Current Zoning	Revert to
MA4	Residential (Phase 1)	No Zoning. Outside draft plan boundary
MA5	Residential (Phase 1) & 'Existing Residential'	No Zoning. Outside draft plan boundary
MA6	Residential (Phase 1) & 'Existing Residential'	No Zoning. Outside draft plan boundary
MA11	Residential (Phase 1)	No Zoning. Outside draft plan boundary.

The **reasons** given by the Minister for the Draft Direction are as follows:

- (i) Galway County Council in making the Tuam Local Area Plan 2018-2024 has ignored or has not taken sufficient account of the submissions made by the Minister September 2018,
- and**
- (ii) the Tuam Local Area Plan 2018-2024 is not in compliance with the requirements of s.28(1B)(b) and s.31(1)(a), (b) & (c) of the Planning and Development Act 2000 (as amended).

3. SUMMARY OF THE SUBMISSIONS/OBSERVATIONS

SUBMISSION FROM MEMBER OF THE PUBLIC		
No.	Submission Name	Summary of Issues Raised in Submission
1	Damien Reddington	<p>The following submission is made by the land owner of the site subject to the draft Ministerial direction identified as MA4.</p> <ul style="list-style-type: none"> • The zoning of this plot was suggested with consideration given to the local facilities, existing zoning and future proposals. • The surrounding land uses include a large dairy farm, and industrial zoned site, there is only one housing estate between Tuam town centre and my property. There are existing factories which employ 2,500-3,000 people as well as an empty IDA park which is available as an employer within 400 metres of this site. • I intend to bring the site forward for housing during the lifetime of the local area plan. • There are existing footpaths leading into the town centre from my plot. • The site is located where historically small labourers cottages were constructed. • There are numerous housing estates on the southern end of the town however they are very limited adjacent to these factories on Dunmore Road. • The phase 1 lands have been identified to accommodate the projected growth for Tuam over the plan period having regard to good planning principles such as the sequential approach, connectivity and the avoidance of areas at flood risk. • I would like the identified property to remain zoned Residential Phase 1, it is surrounded by existing residential properties and represents an in-fill site. • There is an existing footpath and cycleway adjacent to the property & it is close to the existing Tuam but-pass and new motorway.

SUBMISSIONS FROM ELECTED MEMBERS

No.	Submission Name	Summary of Issues Raised in Submissions
1	Cllr. Shaun Cunniffe	<p>The submission relates to the Draft Direction on Material Alteration Number 5. Cllr. Cunniffe's comments are as follows:</p> <ul style="list-style-type: none"> • The site is extremely small (0.78 ha) and immaterial in relation to the overall zoned land within the Plan. • The site was zoned R2 in the previous Tuam Local Area Plan, planning permission had been previously granted but was not implemented and expired due to finances in 2015. • The land was then purchased by a young couple who had established a business in Tuam & intended to build their home on this site. • The couple engaged with Galway County Council in pre-planning and there was no mention of the de-zoning. • The owners of the site are not originally from Tuam and in spite of living there for 10 years, they will not be eligible to build on the site if it is outside the Plan Boundary. • The site is bought and paid for and if they cannot build their house on this land it will cause huge financial difficulties, it would be unethical for the Local Authority to financially ruin them. • The natural alignment of the eastern plan boundary is the road linking the Dublin Road to the Ballymoat Road and it would be a smooth progression of the boundary by including this site within the plan boundary.
2	Cllr. Tom McHugh	<p>The submission relates to all Material Alterations the subject of the draft direction: Cllr McHugh reaffirms his opinion that all the decisions relating to the zoning of the Tuam Local Area Plan have been made in compliance with proper planning and sustainable development in the interest of many people in need of housing in Tuam.</p>
3	Cllr Donagh Killilea	<p>Cllr Killilea wishes to strongly refute the statement of Minister English that the Council have ignored or failed to take sufficient account of submissions made by his department. In fact, contrary to the view of the Minister, as a collective group of Cllrs we have used local knowledge of the needs and requirements of people living in our constituency.</p> <ul style="list-style-type: none"> • In relation to MA11 it is not affected by an SAC, SPA or NHA. There was previously full planning permission on this site, there are similar out of town housing developments nearby (Clochran estate & Airglooney estate). • There is a need for smaller housing developments to cater for step down homes and family homes as was the original design.

		<ul style="list-style-type: none">• This type of development is beneficial to the area and in the long term allows families to relocate away from the town centre leaving properties more suitable for first time buyers available.• MA11 is not subject to flooding as listed on the flood maps provided by the OPW. Advice from Forward Planning that the road is subject to flooding is not the case.• I propose leaving MA11 zoned as Residential phase 1.• The lands at MA5 & MA6 are small parcels of land, less than 0.5ha and are being zoned to facilitate the need for a family member to build a residence on site.• Our current planning laws restrict this happening on sites falling outside the plan boundary. The site was previously within the plan boundary and it is not a huge effort to facilitate this minor project.• I am proposing to zone the R1 to facilitate a person(s) who need a home in this area.
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4. THE CHIEF EXECUTIVE'S RECOMMENDATION

In accordance with Section 31(9)(d) of the Planning and Development Act 2000 (as amended) the Chief Executive's Recommendation in relation to the best manner in which to give effect to the draft direction is as follows:

In respect of the lands identified as MA4, MA5, MA6 & MA11 revert to the provisions of the Draft Plan (January 2018), where the subject lands were not included within the development plan boundary and not zoned