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Via online portal: [consult.mayo.ie](http://consult.mayo.ie)

12/11/2024

**RE: DRAFT MINISTERIAL DIRECTION ON THE BALLINA LOCAL AREA PLAN 2024-2030**

A Chara,

I refer to your notification on 29 October 2024 of the Department of Housing, Local Government and Heritage's Notice of Intention to Issue a Direction to Mayo County Council regarding the Ballina Local Area Plan 2024-2030 and thank you for the opportunity to make this submission.

The Assembly made two previous submissions to the planning authority during the LAP plan-making process i.e. a submission on the draft LAP (dated 30 January 2024) and a submission on the proposed Material Alterations to the draft LAP (dated 16 July 2024). The Assembly made submissions to this LAP because Ballina is designated as a Key Town in the Regional Spatial and Economic Strategy 2020-2032 ('the RSES') and therefore it is of regional importance that the plan is consistent with the policy objectives of the RSES. This submission sets out the content of the draft Ministerial Direction and opinion of the Assembly from a regional perspective, taking into consideration the content of the RSES and previous submissions made by the Assembly on the draft Plan.

**THE DRAFT MINISTERIAL DIRECTION**

The Draft Direction sets out the following:

- (1) This Direction may be cited as the Planning and Development (Ballina Town Local Area Plan 2024-2030) Direction 2024.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Local Area Plan:
  - (a) Delete the following material alterations from the adopted Local Area Plan
  - (i) Material Alteration MA 29 - i.e. the subject lands revert to Enterprise & Employment from New Residential



(ii) Material Alteration 30 - i.e. the subject lands revert to Agriculture and Existing Residential from New Residential

(iii) Material Alteration MA 31 - i.e. the subject lands revert to Enterprise & Employment from New Residential

(iv) Material Alteration MA 33 - i.e. the subject lands revert to Recreation & Amenity from New Residential

(v) Material Alteration MA 34- i.e. the subject lands revert to Agriculture from New Residential

(vi) Material Alteration MA 35 - i.e. the subject lands revert to Agriculture and Recreation & Amenity from New Residential

(vii) Material Alteration MA 36 - i.e. the subject lands revert to Agriculture from New Residential, and apply all necessary consequential updates to the text of the plan consistent with the forgoing.

A Statement of Reasons for the deletions is given in the draft Ministerial Direction as follows:

### STATEMENT OF REASONS

I. The Local Area Plan includes material alterations (MA 29, MA 30, MA 31, MA 33, MA 34, MA 35 and MA 36) to the Draft Local Area Plan, to zone additional residential land significantly in excess of what is required for the town, having regard to the growth targets for Ballina under the core strategy of the County Development Plan. These material alterations are located in peripheral and non-sequential locations, and/or outside the CSO settlement boundary, and/or without adequate infrastructure, and do not support sustainable travel patterns.

These material alterations would therefore encourage a pattern of development in particular locations which is inconsistent with the objectives of the County Development Plan, to promote compact and sequential development by consolidating the built-up footprint and developing outwards from the centre in a sequential manner, to avoid the inappropriate extension of services and utilities, and to encourage sustainable travel patterns, under Objectives CSO 4, CSO 5, SSO 3, SSO 6, GSO 1 and SO 12 of the County Development Plan and RPO 3.1 and RPO 3.2(c) for compact growth and RPO 7.20 of the RSES, to increase the population living within settlements.

II. The Local Area Plan includes material alterations (MA 30, MA 35, and MA 36) to zone land as New Residential located in Flood Zone A and B where *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), issued under section 28 of the Act, indicate that such highly vulnerable uses are not appropriate unless a Justification Test is passed. The material alterations are therefore inconsistent with RPO 3.10 of the RSES, to avoid inappropriate development in areas at risk of flooding and to implement the recommendations of the Guidelines, and/or are inconsistent with Objective INP 14 of the County Development Plan, to have regard to the Guidelines in the preparation of plans, and the Planning Authority has failed to give any or any adequate reasons as to why the recommended approach of the Guidelines has not been implemented, and how the planning authority's adopted approach is consistent with ensuring that the Local Area Plan sets out an overall strategy for the proper planning and sustainable development of the area.

III. The Local Area Plan has not been made in a manner consistent with, and has failed to implement, recommendations of the Office of the Planning Regulator made 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 Objectives 33 and 57 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.

### ASSESSMENT OF THE DRAFT MINISTERIAL DIRECTION

Having assessed the draft Ministerial Direction, the Assembly notes that the Assembly in its submission on the proposed Material Alterations (dated 16 July 2024), recommended that the Material Amendments referred to in the draft Ministerial Direction (i.e. MA 29, MA 30, MA 31, MA 33, MA 34, MA 35 and MA 36) not be made. Relevant extracts from the Assembly submission are in *italics* hereunder and a map identifying the affected land is contained in Appendix 1 of this document.

*“...it is considered that Proposed Material Alterations MA30, MA 33, MA 34, MA 35 and MA 36 are located at the periphery of the town. A settlement capacity audit does not appear to have been provided to assess whether these lands are serviced adequately or not. It is also noted that MA 30 and MA 36 are located adjacent to Flood Zones (A and B).”*

*“...proposed Material Alterations (MA 29 and MA 31) seek to rezone land from Enterprise and Employment to New Residential. Both parcels of land are located adjacent to or within Employment and Enterprise zoning (and existing enterprise and employment developments).”*

*“Opinion: It is considered that Proposed Material Alterations MA30, MA 33, MA 34, MA 35 and MA 36 would fail to contribute towards the achievement of compact urban growth, and would fail to reduce vacancy, re-use of existing buildings, achieve in-fill development schemes and regeneration, and therefore would negatively impact on achieving RPO 3.1<sup>1</sup> and RPO 7.20<sup>2</sup> of the RSES.”*

*“It is considered that proposed MA 29 and MA 31 should remain zoned as Enterprise and Employment to provide adequate zoned lands for these uses to allow Ballina to continue to function as the key economic driver in the north-west of the county as set out in the RSES.”*

### RECOMMENDATIONS

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<sup>1</sup> RPO 3.1 Develop urban places of regional-scale through: > Delivering on the population targets for the Metropolitan and Regional Growth Centres through compact growth: > Delivering significant compact growth in Key Towns; and > Developing derelict and underutilised sites, with an initial focus within town cores.

<sup>2</sup> RPO 7.2 Increase population living within settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, in-fill development schemes, area of site-based regeneration, service site provision and increased building heights appropriate to the settlement, together with infrastructure provision.



A. To strengthen compliance with RPO 3.1 and RPO 7.20 of the RSES, it is recommended that Proposed Material Alterations MA30, MA 33, MA 34, MA 35 and MA 36 are **not** included, as they would fail to contribute towards the principle of compact urban growth for Ballina.

C. For Ballina to continue to function as the key economic driver in the north of County Mayo, capitalising on its designation as a Key Town within the context of the Sligo Regional Growth Centre and its location in relation to the Atlantic Economic Corridor, as set out in the RSES, it is recommended that Proposed Material Alteration MA 26 is retained, whilst Proposed Material Alterations MA 29 & MA 31 are **not** made.

The Assembly's position on the matter has not changed.

## CONCLUSION

In conclusion, the Assembly supports the draft Ministerial Direction, and it is consistent with the submission of the Assembly, made during the public consultation stage of the LAP preparation. This will strengthen compliance of the Ballina Town Local Area Plan 2024-2030 with the Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032.

I trust that the above is of assistance and the Assembly wish to thank Mayo County Council for the opportunity given to provide this submission. If you have any queries in respect of the above, then do not hesitate to revert.

Mise le meas



Denis Kelly  
Director



Rialtas na hÉireann  
Government of Ireland

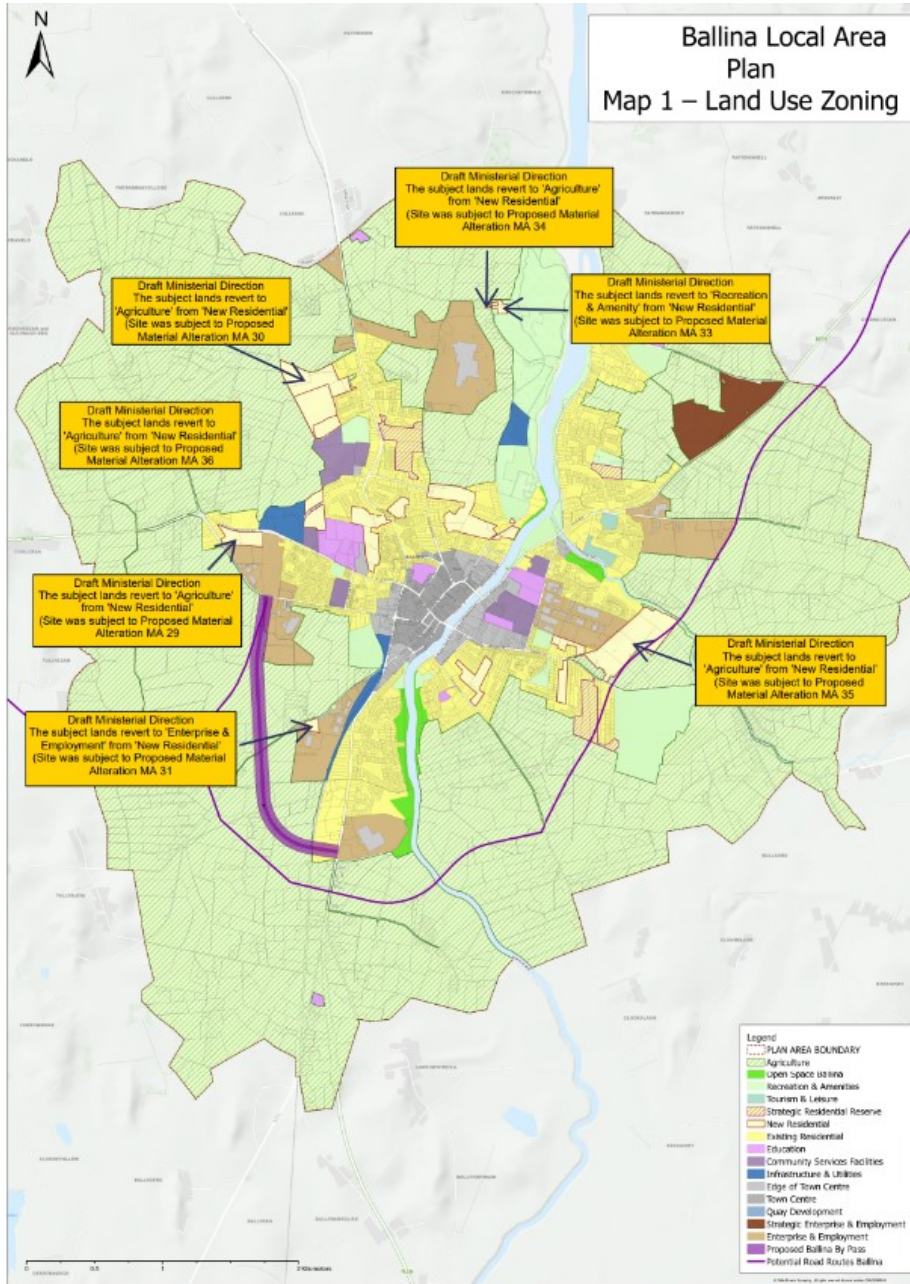


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APPENDIX 1: MAP DEPICTING DRAFT MINISTERIAL DIRECTION

(Source: Mayo County Council)



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