

Clifden Local Area Plan 2009-2015

Managers report on the Proposed Deferral of Notices under Section 20(3)(a)(i) and 20(3)(a)(ii) of the Planning & Development Act 2000(as amended).

Submitted to Elected Members in accordance with Section 19 of the Planning and Development Act 2000(as amended).

Meeting of Galway County Council on 28th April 2014

**Forward Planning
Galway County Council
Áras an Chontae
Prospect Hill
Galway**



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1. Introduction

1.1 Legislative Provisions

Section 12 of the Planning and Development (Amendment) Act 2010(which amends Section 19 of the Principle Act), provides for the extension of the valid lifespan of a Local Area Plan, from a maximum of 6 years to an effective maximum of 10 years in total. Section 12 (a) (iii) of the Amendment Act 2010 states that:

(d) Subject to paragraph (e), not more than 5 years after the making of the previous local area plan, a planning authority may, as they consider appropriate, by resolution defer the sending of a notice under section 20(3)(a)(i) and publishing a notice under section 20(3)(a)(ii) for a further period not exceeding 5 years.

(e) No resolution shall be passed by the planning authority until such time as the members of the authority have:

(i) notified the manager of the decision of the authority to defer the sending and publishing of the notices, giving reasons therefore, and

(ii) sought and obtained from the manager—

(I) an opinion that the local area plan remains consistent with the objectives and core strategy of the relevant development plan,

(II) an opinion that the objectives of the local area plan have not been substantially secured, and

(III) confirmation that the sending and publishing of the notices may be deferred and the period for which they may be deferred.

(f) Notification of a resolution under paragraph (d) shall be published by the planning authority in a newspaper circulating in the area of the local area plan not later than 2 weeks after the resolution is passed and notice of the resolution shall be made available for inspection by members of the public during office hours of the planning authority and made available in electronic form including by placing the notice on the authority's website.

1.2 Background to Clifden LAP 2009-2015

The Clifden Local Area Plan (LAP) is the main public statement of planning policies and objectives for the town of Clifden. It is used in the assessment of all development proposals for the area. The Plan was adopted by Galway County Council on the 25th May 2009 and was valid for a period of 6 years, until 25th May 2015. The Planning & Development (Amendment) Act 2010 included a new section(Section 19(1)(d) that provides that a Planning Authority may, as they consider appropriate by resolution, defer the issuing/publishing of said notices for a further period not exceeding 5 years, thereby effectively prolonging the duration of the LAP. A resolution must be made not later than 5 years from the adoption of the Plan, or the 25th May 2014 in the case of the Clifden LAP.

In March 2013, an amendment was proposed to the Clifden LAP in accordance with Section 18, 19, and 20 of the Planning and Development Act 2000(as amended). This amendment was proposed to bring the LAP in line with the requirements of updated legislation, policy and statutory provisions, including the following:

- Galway County Development Plan 2009-2015, including the Core Strategy
- Regional Planning Guidelines for the West Region 2010-2022
- Planning and Environmental Legislation, including the Planning and Development(Amendment) Act 2010
- Ministerial Guidelines, including the Flood Risk Management Guidelines 2009
- Other updated legislation, policy and statutory provisions, including the Appropriate Assessment Guidelines 2009 and County Galway Development Contribution Scheme 2010 Strategic Environmental Assessment(SEA) screening, Appropriate Assessment (AA) screening, Strategic Flood Risk Assessment(SFRA) and public consultation were undertaken as part of the amendment process in accordance with Section 18,19 and 20 of The Planning and Development

Act 2000(as amended) and other relevant legislation and policy. The findings and outcomes of the assessments and consultation have all been considered as part of the amendment process.

With the inclusion of the proposed amendment to the Clifden LAP, the objectives of the LAP are consistent with the objectives and Core Strategy of the Galway County Development Plan 2009-2015.

1.3 Purpose of Manager's Report

This report contains the Manager's advice to the elected members on the proposal to invoke their powers, under Section 12 of the Planning and Development (Amendment) Act 2010(which amends Section 19 of the Principal Act), and provides for the extension of the valid life of a Local Area Plan, in this case the extension of the valid life of Clifden Local Area Plan for a further period, being not greater than 5 years.

In accordance with Section 12 (a) (iii) (e) (ii) of the Planning and Development (Amendment) Act 2010, this report comprises the County Manager's:

- a) opinion that the LAP is consistent with the objectives and core strategy of the Galway County Development Plan 2009-2015 (as varied in 2011),
- b) opinion that the objectives of the LAP have not been substantially secured, and
- c) confirmation that the sending and publishing of the notices may be deferred and the period for which they may be deferred.

2. Managers Opinion

2.1 Consistency with the Galway County Development Plan 2009-2015

The Clifden LAP 2009 was originally adopted by Galway County Council on the 25th May 2009 under the auspices of the Galway County Development Plan 2009-2015 and a proposed amendment to the LAP was published in March 2013 to bring it in line with the Galway County Development Plan 2009-2015 and other legislative, statutory and policy requirements.

The Clifden LAP is focused around the village of Clifden. The main purpose of the LAP is to facilitate the development, consolidation and improvement of the village in line with its requirements as a key Town as outlined in the Galway County Development Plan 2009-2015. The development of Clifden as envisaged in the Clifden LAP is a central objective of the Galway County Development Plan 2009-2015 and is a key objective in satisfying the requirements of the Core Strategy.

With the inclusion of the proposed amendment to the Clifden LAP, the objectives of the LAP are consistent with the objectives and Core Strategy of the Galway County Development Plan 2009-2015, This includes the following specific areas:

1. Core Strategy and Settlement Strategy

Under the Core Strategy, Clifden has been assigned a population growth of 250 persons by 2015 with a housing requirement of 8.01ha or 12.92ha with 50% over-zoning, in order to accommodate residential development over the plan period. The amended Clifden LAP complies with the requirements of the Core Strategy and Settlement Strategy through the appropriate phasing of residential zoned lands and the inclusion of policies and objectives to ensure compliance with the Core Strategy and Settlement Strategy.

2. Flood Risk Management

The Clifden LAP has been subject to Strategic Flood Risk Assessment and the land use zoning, policies and objectives in The Clifden LAP, with the incorporation of the proposed amendments, are consistent with the flood risk management objectives of the Galway County Development Plan 2009-2015, including Objective HL39 and HL 40, and in accordance with the Flood Risk Management Guidelines 2009.

3. Appropriate Assessment and European Sites that form part of the Natura 2000 Network

The Clifden LAP 2009 and the amendment to the Clifden LAP in 2013 have been subject to Appropriate Assessment. The Clifden LAP 2009 incorporated appropriate policies and objectives to ensure the protection of European sites in accordance with the Habitats Directive and the proposed amendment strengthens these protections through the appropriate zoning of designated sites to ensure the protection of European sites in accordance with the Habitats Directive and in compliance with the associated objectives of the Galway County Development Plan 2009-2015.

4. Strategic Environmental Assessment

The Clifden LAP 2009 and the amendment to the Clifden LAP in 2013 have been subject to Strategic Environmental Assessment (SEA). The LAP and proposed amendment incorporate appropriate land use zoning, policies and objectives to ensure that the implementation of the LAP will not result in significant effects on the environment in accordance with the SEA Directive and Regulations and in compliance with the associated objectives of the Galway County Development Plan 2009-2015.

2.2 Securing Objectives of the Clifden Local Area Plan 2009-2015

There has been limited development in Clifden since the adoption of the LAP in 2009. In 2009 Clifden was experiencing slow growth and development due to serious infrastructural deficits in the water and waste water treatment systems. The upgrade of the sewer network is currently under construction and the contract to provide the upgraded sewerage scheme has been signed, but construction has yet to commence. The town water supply and network has no capacity, however works are commencing on the upgrading of the Water Treatment Plant under the Clifden Water Supply Scheme which is part of the Galway County Water Service Investment Programme (WSIP) 2010-2013 and it is envisaged that this project will be completed in the next few years. This deficit in infrastructure and the economic circumstances since 2009 have meant that the policies and objectives of the LAP in relation to the land use strategy, transportation and infrastructure, community facilities and amenities, heritage and urban design have as clearly outlined above not been met. The policies objectives of the LAP have accordingly not been substantially secured however they are substantially consistent with the Core Strategy and other provisions of the County Development Plan 2009-2015.

2.3 Deferral of Notice

Given that the amended Clifden LAP 2009-2015, is consistent with the Galway County Development Plan 2009-2015 and that the objectives of the LAP have not been substantially secured it is considered appropriate that the sending and publishing of the notices specified under Section 20(3)(a)(i) and (ii) of the Planning and Development Act 2000 (as amended) be deferred and that the period for which they be deferred should be 5 years, during which time the objectives identified in the LAP may be achieved.

3 Conclusion

In summary, it is the opinion of the Manager that:

- The Clifden Local Area Plan 2009-2015, with the inclusion of the amendment in 2013, is consistent with the objectives and Core Strategy of the Galway County Development Plan 2009-2015.
- The objectives of the Clifden Local Area Plan have not been substantially secured.
- The sending and publishing of the notices may be deferred for a period not exceeding 5 years (i.e. 28th April 2019) and thereby the lifespan of the Clifden LAP 2009-2015 is extended for a further five years (i.e. up to and including 28th April 2020).