



13<sup>th</sup> January 2022

For the Attention of: Mr. Brendan McGrath, Chief Executive

Galway City Council,  
City Hall,  
College Road,  
Galway,  
H91 X4K8

**Section 31 of the Planning and Development Act 2000, as amended**  
**Notice of Intention to Issue a Direction to Galway City Council on the Galway City**  
**Development Plan 2023 - 2029**

Dear Brendan,

Consequent to a recommendation made to me as Minister by the Office of the Planning Regulator (the Office) on 22<sup>nd</sup> December 2022 in connection with the Galway City Development Plan 2023 – 2029, as adopted by the elected members of Galway City Council on 24<sup>th</sup> November 2022, 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 Galway City Council to take certain measures specified in this notice.

Pursuant to section 12(17) of the Act, I wish to highlight to you that section 251 of the Planning and Development Act, 2000 (as amended) applies in relation to the date from which the development plan has effect.



## **Opinion**

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

- (i) The Development Plan has not been made in a manner consistent with and has failed to implement the recommendations of the Office of the Planning Regulator under Section 31 AM.
  
- (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 Northern & Western Regional Spatial and Economic Strategy (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 section of the attached draft Direction and further detail is provided as set out below.

## **Process to date**

### **Draft Plan**

The draft Galway City Development Plan 2023 – 2029 (the draft Plan) was on public display from 28<sup>th</sup> January 2022 until 13<sup>th</sup> April 2022. The Office made a submission on the draft Plan containing thirteen (13) recommendations and eight (8) observations (13<sup>th</sup> April 2022).

The elected members, having considered the draft Plan and the Chief Executive (CE) Report on submissions received, resolved to amend the draft Galway City Development Plan 2023-2029.



The material alterations to the draft Plan were on public display from 8<sup>th</sup> September 2022 to 6<sup>th</sup> October 2022.

### **Material Amendments**

The Office made a submission on 6<sup>th</sup> October 2022 to the material alterations to the draft Plan containing five (5) recommendations and one (1) observation. The recommendations of the Office at Material Alterations stage included recommendations on residential land use zonings, low density residential, employment land use zoning and flood risk management.

It is noted, that you, as CE, accepted the recommendations of the Office to make the Plan without the above mentioned material amendments. However, the elected members decided to make the Plan contrary to the recommendation of the CE and the Office. It is also noted, that in your CE report (dated 26<sup>th</sup> October 2022) you recommended to make the Plan without the material amendments to replace the LDR zoning objective with a new zoning objective Residential (R2) in relation to the remaining zoning objectives, in which case, the zoning objective would have reverted to that of the draft Plan (LDR):

- Figure 11.20 Ballindoooley,
- Figures 11.31 in the Coolagh area,
- Figure 11.29 Quarry Road, Menlo and two further sites on Monument Road, Menlo,
- Figures 11.27 and 11.28 in the Castlegar area,
- Figures 11.14, 11.24 and 11.30 in the Roscam area, and
- Figure 11.25 Murrough,

The elected members accepted the CE's recommendation but gave no reason. However, it remains the case, that these zoning objectives represent an extensive pattern of piecemeal zoning objectives in unserviced and isolated areas, sometimes in areas of very high environmental sensitivity and, with the exception of 11.14 Roscam and 11.25, in areas otherwise zoned Agriculture (A) or Agriculture and High Amenity (G). Furthermore, this piecemeal approach



to zoning in peripheral areas would undermine the potential of the city to deliver its 50% compact growth target in NPO 3 and Policy 1.4 of the adopted Plan.

### **Adoption of the Plan**

The elected members of Galway City Council resolved to make the Galway City Development Plan 2023 – 2029 at a council meeting on 24<sup>th</sup> November 2022.

### **Section 31AM(6) Notice**

Subsequently, you issued a notice letter under Section 31(AM)(6) of the Act dated 1<sup>st</sup> December 2022 to the Office advising of the making of the Development Plan, specifying the recommendations of the Office were not complied with. The section 31AM(6) notice letter stated that four material amendment recommendations of the Office had not been complied with, either in full or in part and the section 12(5)(aa) notice letter (5<sup>th</sup> September 2022) had previously identified that two recommendations of the Office's submission to the draft Plan had not been complied with, either in full or in part.

Having reviewed the CE'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 MA Recommendation 1 was responded to in the reports and/or section 31AM (6) notice letter and have been addressed to the satisfaction of the Office, or are otherwise considered by the Office satisfactory within the legislative and policy context.

To note, in relation to the rural housing policy (Recommendation 8) the Office does not consider that there are sufficient grounds to make a recommendation to the Minister to issue a draft Direction in respect of this matter.

### **Section 31AM(8) Notice**

On 22<sup>nd</sup> December 2022, in accordance to section 31AM(8), the Office notified the Minister that the Galway City Development Plan 2023-29 had not been made in a manner consistent with the



recommendations of the Office, a summary of such is provided below. This required specific changes to the Development Plan to:

- 1) ensure consistency with the Core Strategy of the Plan, national policy objectives, regional policy objectives of the Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES), particularly in relation to supporting compact growth and having regard to the requirement to implement the sequential approach to the zoning for residential lands under Section 28 Development Plans Guidelines (2022).

Specifically material amendments adopted by the elected members to zone land for development (residential and one material amendment for Enterprise, Light Industry and Commercial) in peripheral locations, leapfrogging unzoned and/or undeveloped land. The Development Plan includes land use zoning objectives A.4, A.6, A.11, A.15, A.16, A.17, A.18, A.19, A.20, A.21, A.23 and A.24 all introduced at material amendment stage that leapfrog beyond land zoned and are peripheral in nature. The elected members rejected the recommendations from the Office and CE to remove these zonings and to revert to the draft plan zonings.

- 2) ensure consistency with national and regional policy in respect of compact growth (NPO 3) and to strengthen the value of greenbelts and green spaces at a city level (NPO 62). Specifically the Development Plan includes extensive areas of land zoned Residential R2 (formerly Low Density Residential (LDR) in the draft Plan) (i.e. land zoned Residential R2 in the adopted Plan at Cappagh consistent with the recommendation of the chief executive's report dated 16th June 2022, Figure 11.20 Ballindooley, Figure 11.26 Coolagh area, Figure 11.31 Coolagh area, Figure 11.29 Quarry Road Menlo and two further sites on Monument Road Menlo, Figure 11.27 in the Castlegar area, Figure 11.28 in the Castlegar area, Figure 11.24 in the Roscam area, Figure 11.30 in the



Roscam area, Figure 11.14 in the extended Roscam area, Figure 11.25 Murrough) in a piecemeal manner in unserviced and peripheral and/ or isolated locations, and more often in areas otherwise zoned Agriculture (A) or Agriculture and High Amenity (G).

- 3) effect changes to the Development Plan having regard to The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), specifically in relation to particular material amendments to the draft development plan adopted by the elected members, the Development Plan zones land for development in areas of flood risk (A.9, A.13, A.24, A.25, Figure 11.24). The elected members rejected the recommendation from the Office and CE to remove these zonings.
  
- 4) effect changes on land zoned Enterprise, Light Industry and Commercial located in an isolated and unserviced location in the rural hinterland at Coolagh Road remote from any opportunities for public transport and active travel to ensure consistency with national and regional policy and to promote sustainable settlement and transportation. The elected members rejected the recommendation from the Office and CE to remove this zoning.

In light of the above, the Development Plan made by Galway City Council fails to set out an overall strategy for the proper planning and sustainable development of the area concerned, contrary to the requirements of Section 10(1) of the Act and is not in compliance with the requirements of the Act.

The recommendation from the Office for the Minister to issue a draft Direction sets out the following steps for the Planning Authority to take:

- (a) Reinststate the following zoning objectives to that of the draft Plan:
  - (i) A.4 Coolagh Road – i.e. subject land reverts to Agriculture and High Amenity (G) from Enterprise, Light Industry and Commercial (CI).



- (ii) A.6 Rahoon – i.e. subject land reverts to Agriculture (A) from Residential (R).
- (iii) A.9 Off Headford Road and Sandyvale Lawn – i.e. subject land reverts to Recreation and Amenity (RA) from Residential (R).
- (iv) A.11 Dublin Road – i.e. subject land reverts to Recreation and Amenity (RA) from Residential (R).
- (v) A.13 Terryland – i.e. subject land reverts to Recreation and Amenity from Residential.
- (vi) A.15 Quarry Road, Menlo – i.e. subject land reverts to Agriculture (A) from Residential (R2).
- (vii) A.16 Ballindooley – i.e. subject land reverts to Agriculture (A) from Residential (R2).
- (viii) A.17 Off Circular Road – i.e. subject land reverts to Agriculture (A) from Residential (R2).
- (ix) A.18 Off Circular Road – i.e. subject land reverts to Agriculture (A) from Residential (R2).
- (x) A.19 Menlo Village Extension – i.e. subject land reverts to Agriculture and High Amenity (G) from Residential (R2).
- (xi) A.20 Quarry Road – i.e. subject land reverts to Agriculture and High Amenity (G) from Residential (R2).
- (xii) A.21 Roscam – i.e. subject land reverts to Agriculture and High Amenity (G) from Residential (R2).
- (xiii) A.23 Roscam – i.e. subject land reverts to Agriculture and High Amenity (G) from Residential (R2).
- (xiv) A.24 Menlo Village Extension – i.e. subject land reverts to Agriculture and High Amenity (G) from Residential (R2).
- (xv) A.25 Headford Road – i.e. subject land reverts to Recreation and Amenity (RA) from Residential R2.



- (b) Delete the following zoning objectives from the adopted Plan: i.e. the subject land is unzoned:
- (i) Land zoned Residential R2 in the adopted Plan at Cappagh consistent with the recommendation of the chief executive's report dated 16<sup>th</sup> June 2022.
  - (ii) Figure 11.20 Ballindooley.
  - (iii) Figure 11.26 Coolagh area.
  - (iv) Figure 11.31 Coolagh area.
  - (v) Figure 11.29 Quarry Road Menlo and two further sites on Monument Road Menlo.
  - (vi) Figure 11.27 in the Castlegar area.
  - (vii) Figure 11.28 in the Castlegar area.
  - (viii) Figure 11.24 in the Roscam area.
  - (ix) Figure 11.30 in the Roscam area.
  - (x) Figure 11.14 in the extended Roscam area.
  - (xi) Figure 11.25 Murrough.

### **Decision**

On review of the recommendation issued by the Office, corresponding documents and analysis, I, as Minister, am of the opinion to issue the draft Direction to effect recommendations (2)(a)(i), (iii) – (xv) and (2)(b)(i) – (xi) of the Office (figures are re-configured to (2)(a)(i) – (xiv) in the draft Direction) and in that regard, I refer you to the Statement of Reasons set out in the enclosed Draft Direction and the below summary.

I, as Minister, consider that the recommendations of the Office to issue an intent to direct on the Galway City Development Plan 2023-2029 on (2)(a)(i), (iii) – (xv) and (2)(b)(i) – (xi) is justified on the basis that the plan as made:





- is not in compliance with the provisions of the Act including:
  - s. 10(2A)(d)(ii), which requires the development plan to provide details of how the zoning proposals in respect of lands zoned for residential and for a mixture of residential and other uses accords with national policy that development of land shall take place on a phased basis.
  - The statement under s. 28(1A)(b) attached 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 contained in the Development Plans Guidelines and/or the Flood Guidelines 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 the National Planning Framework objective of compact growth as set out in NPO 3c, is inconsistent with NPO 57 to ensure flood risk management informs place-making, NPO 62 to identify and strengthen the value of greenbelts and green spaces at a regional and city-scale and NPO 72 (a-c) for planning authorities to apply a standardised, tiered approach to land that is zoned and either serviced or serviceable and land that cannot be serviced during the lifetime of the plan should not be zoned for development.
- is inconsistent with the Regional Spatial and Economic Strategy for the Northern and Western Region specifically RPO 3.2 on compact growth.
- fails to have regard to Ministerial Guidelines issued under Section 28 of the Act, specifically:
  - the Development Plans, Guidelines for Planning Authorities, 2022;
  - the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).



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

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.

I am of the opinion not to include (2)(a)(ii) of the recommendation from the Office in the Draft Direction as the subject lands are serviced by public water and wastewater networks, are contiguous to zoned land and adjacent to the existing urban environment of Galway and if zoned, for housing, may be developed during the life of the City Development Plan.

#### **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 Galway City Council with regard to the Galway City Development Plan 2023 – 2029.

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

- (a) Reinststate the following zoning objectives to that of the draft Plan:
  - (i) A.4 Coolagh Road – i.e. subject land reverts to Agriculture and High Amenity (G) from Enterprise, Light Industry and Commercial (CI).
  - (ii) A.9 Off Headford Road and Sandyvale Lawn – i.e. subject land reverts to Recreation and Amenity (RA) from Residential (R).
  - (iii) A.11 Dublin Road – i.e. subject land reverts to Recreation and Amenity (RA) from Residential (R).
  - (iv) A.13 Terryland – i.e. subject land reverts to Recreation and Amenity from Residential.



- (v) A.15 Quarry Road, Menlo – i.e. subject land reverts to Agriculture (A) from Residential (R2).
  - (vi) A.16 Ballindooley – i.e. subject land reverts to Agriculture (A) from Residential (R2).
  - (vii) A.17 Off Circular Road – i.e. subject land reverts to Agriculture (A) from Residential (R2).
  - (viii) A.18 Off Circular Road – i.e. subject land reverts to Agriculture (A) from Residential (R2).
  - (ix) A.19 Menlo Village Extension – i.e. subject land reverts to Agriculture and High Amenity (G) from Residential (R2).
  - (x) A.20 Quarry Road – i.e. subject land reverts to Agriculture and High Amenity (G) from Residential (R2).
  - (xi) A.21 Roscam – i.e. subject land reverts to Agriculture and High Amenity (G) from Residential (R2).
  - (xii) A.23 Roscam – i.e. subject land reverts to Agriculture and High Amenity (G) from Residential (R2).
  - (xiii) A.24 Menlo Village Extension – i.e. subject land reverts to Agriculture and High Amenity (G) from Residential (R2).
  - (xiv) A.25 Headford Road – i.e. subject land reverts to Recreation and Amenity (RA) from Residential R2.
- (b) Delete the following zoning objectives from the adopted Plan: i.e. the subject land is unzoned:
- (i) Land zoned Residential R2 in the adopted Plan at Cappagh consistent with the recommendation of the chief executive’s report dated 16<sup>th</sup> June 2022.
  - (ii) Figure 11.20 Ballindooley.
  - (iii) Figure 11.26 Coolagh area.



- (iv) Figure 11.31 Coolagh area.
- (v) Figure 11.29 Quarry Road Menlo and two further sites on Monument Road Menlo.
- (vi) Figure 11.27 in the Castlegar area.
- (vii) Figure 11.28 in the Castlegar area.
- (viii) Figure 11.24 in the Roscam area.
- (ix) Figure 11.30 in the Roscam area.
- (x) Figure 11.14 in the extended Roscam area.
- (xi) Figure 11.25 Murrrough.

Please note that in accordance with Section 31(4)(c) and Section 31(6) of the Act, those parts of the Galway City Development Plan 2023 – 2029 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 myself as 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 I am in agreement with the further recommendation, I may issue the final Direction.

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.

My officials are available to assist you, as necessary, in complying with the foregoing process now underway.



Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. O'Brien', written over a light grey rectangular background.

**Darragh O'Brien, TD,**

**Minister for Housing, Local Government and Heritage**

Copied to:

- Cathaoirleach, Galway City Council, City Hall, College Road, Galway, H91 X4K8
- Mr. David Minton, Director, Northern and Western Regional Assembly, The Square, Ballaghaderreen, County Roscommon.
- Office of the Planning Regulator, Fourth Floor (West Wing) Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWV4.