

6<sup>th</sup> October 2022

Senior Planner,  
Planning Department,  
City Hall,  
College Road,  
Galway,  
H91 X4K8.

**Re: Material Alterations to Draft Galway City Development Plan 2023-2029**

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft Galway City Development Plan 2023-2029 (the Material Alterations to the draft Plan).

As your authority is aware, a key function of the Office of the Planning Regulator (the Office) is the strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the Material Alterations to the draft Plan under the provisions of sections 31AM (1) and (2) of the *Planning and Development Act 2000*, as amended, (the Act) and within the context of the Office's earlier recommendations and observations.

As outlined in the submission of the Office to the draft Plan, the Office considered that the draft Plan required some amendments to be consistent with policies in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly area. The submission to the draft Plan made recommendations to ensure the alignment of the Plan with national and regional policies in the aforementioned, and for consistency with the NPF Implementation Roadmap, and *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines)*.

The planning authority is advised that section 12(10) of the Act provides the members of the planning authority with scope to make a further modification to a material alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

## **Overview**

The Office acknowledges the extensive work undertaken by the planning authority in responding to the many issues raised by the Office in its recommendations and observations, in preparing the Material Alterations to the draft Plan and in setting out the section 12(5)(aa) Notice. The amendments are presented in a coherent and systematic manner, which has allowed for a clear understanding of the changes proposed.

The Office is satisfied that, in general, these amendments strengthen the plan in respect of delivering upon national and regional policy to assist in the strategic development of Galway City as the economic driver in the north western region.

In particular, the Office welcomes material amendment A.37 which amends the core strategy to align with the housing supply target, in response to Recommendation 1, and to identify and quantify the zoned lands within the city council boundary that will contribute to NPO3b, in response to Recommendation 4.

It also amends the settlement hierarchy to provide clarity on the distribution of growth (and housing yield) within the planning authority area, except within the rural area. A minor modification would resolve this matter. Although the material amendment addresses Recommendation 2, through amendments to table 1.8 and 1.9, some minor modifications are required to provide clarity on the designation of residential zoned lands as strategic reserve.

Material amendment A.37 also quantifies the infrastructure capacity for residential zoned lands and provides for a new Appendix 5 under A.184 setting out more details of the strategic infrastructural assessment, in response to Recommendation 3 on the draft Plan. The Office would suggest that a minor modification to the level of detail provided would be appropriate.

The Office also welcomes, material alterations which address concerns raised by the Office, including in respect of building height and density (Recommendation 6), Traveller accommodation (Recommendation 9) and a joint retail strategy (Recommendation 10), among others, as set out below.

Notwithstanding the foregoing, the Office still has a number of outstanding concerns relating to the response of the planning authority to its recommendations and to a number of proposed material alterations relating to the zoning of lands.

In particular, these concerns relate to conflict with, among others, with national and regional objectives for compact growth, with legislative requirements concerning core strategies and climate action, and with the provisions of section 28 guidelines in respect of sequential zoning of land, the zoning of unserviced lands and the zoning of lands at risk of flooding.

The Office also notes that no material alterations have been proposed in response to some of its recommendations, most notable Recommendation 8 relating to rural



housing. In this regard, the Office acknowledges the submission of the section 12(5)(aa) Notice.

It is within this context the submission below sets out five (5) recommendations and one (1) observations under the following themes:

Key theme	MA Recommendation	MA Observation
<a href="#">Core strategy and settlement strategy</a>	<a href="#">MA Recommendation 1</a>	<a href="#">MA Observation 1</a>
<a href="#">Sustainable Development</a>	MA Recommendations <a href="#">2</a> and <a href="#">3</a>	-
<a href="#">Housing Policies – Traveller accomodation</a>	-	-
<a href="#">Rural Housing and Regeneration</a>	-	-
<a href="#">Economic Development and Employment</a>	<a href="#">MA Recommendation 4</a>	-
<a href="#">Climate Action and Renewable Energy</a>	-	-
<a href="#">Flood Risk Management</a>	<a href="#">MA Recommendation 5</a>	-
<a href="#">Environment, Heritage and Amenities</a>	-	-

## 1. Core Strategy and Settlement Strategy

### 1.1 Housing and population targets and Settlement Strategy

The Office welcomes the material amendment A.37 to the Core Strategy and Settlement Hierarchy in response to Recommendation 1.

The revised housing target of 6,650 units is consistent with the section 28 *Housing Supply Target Methodology Guidelines (2021) (Housing Supply Guidelines)* and better reflects the capacity of the available lands in the city.

In addition, the amended core strategy table 1.9, providing seven defined tiers / areas, sets out a more defined approach to the distribution of growth across the city. The additional details on residential unit yield, estimated population capacity for each area, the proposed unit yield attributed to Regeneration / Opportunity sites and the area of land specifically zoned R residential is also consistent with an evidence-based approach. The amended core strategy table will therefore provide greater clarity and act as a more useful tool for the implementation of the plan over its lifetime.

The amended core strategy table does not however include housing supply yield or projected population increase for 'R2 Residential Infill', notwithstanding that the yield of 60 units is referred to in table 1.8. Similarly, no housing yield or projected population increase is provided for Agriculture zoned lands. This is inconsistent with the requirements of part (iii) of Recommendation 1. According to the core strategy worked example in appendix A of the *Development Plans, Guidelines for Planning Authorities (2022)*, these details should also be provided for rural areas.

The inclusion of these details would provide greater certainty for the planning of these two land use zones for the plan period.

#### MA Observation 1– Core Strategy Table and Settlement Hierarchy

Having regard to material amendments under A.37, and to the requirements of the *Development Plans, Guidelines for Planning Authorities (2022)*, the planning authority is advised to include the projected housing yield and population target for land zoned 'R2 residential Infill' and 'Agriculture' within the Core Strategy Table 1.9 as a minor modification in the making the Plan.

## 1.2 Core Strategy and zoning for residential use

The Office welcomes the review of residential and mixed-residential zoned lands carried out by the planning authority. The Office notes the amended core strategy (material alteration A.37), which indicates that there is 137ha of undeveloped serviced or serviceable land, and the identification of specific locations for growth.

The Office accepts that the quantum of land (as detailed table 1.9) proposed to facilitate development over the plan period is aligned with the settlement strategy and housing supply target , and will ensure a sufficient supply of residential zoned land in accordance with the *Development Plan Guidelines*.

The Office generally accepts the rationale of the chief executive for not introducing phasing into the development plan, on the basis that the planning authority has determined through its settlement capacity audit that a large portion of the zoned Residential lands are not serviced (tier 1) or serviceable during the plan period (tier 2). These lands include, among others, Arduan Phase 2 and small pockets of Residential zoned lands with specific infrastructure constraints.

In view of the provisions for ‘*Long-Term Strategic and Sustainable Development Sites*’ and ‘*further additional provision*’ in the *Development Plans Guidelines*, the Office agrees that it is appropriate to designate such tier 3 lands as strategic reserve in lieu of phasing. This is generally consistent with NPO 72 (tier approach to zoning) and Appendix 3 of the NPF.

However, according to the *Development Plan Guidelines* ‘*It is necessary for the development plan core strategy to clearly identify such lands ... not likely to be developed within the six-year plan period*’. The land areas of the strategic reserve lands are not stated in table 1.9 core strategy table. The subject strategic reserve lands are not differentiated from Residential or other zoned lands on the land use zoning maps or other maps in the draft Plan.

Further, neither the draft Plan nor the material alterations include a policy or objective specific to the strategic reserve, which would ensure that the subject lands would not come forward for development during the plan period. This approach may result in lands coming forward during the plan period in a manner that is inconsistent with the core strategy and the tiered approach to zoning under NPO 72.

## MA Recommendation 1 - Core Strategy and zoning for residential use

Having regard to the provisions of section 10(2A) of the *Planning and Development Act 2000*, as amended, to NPO 72 of the NPF in respect of tiered approach to zoning, and to the provisions of the *Development Plans, Guidelines for Planning Authorities* issued by the Minister under section 28, the planning authority is required, by way of minor modification, to:

- i) identify the strategic reserve (Long-Term Strategic and Sustainable Development Sites):
  - a. in the core strategy table, by settlement tier, including by land area in hectare; and
  - b. on the land use zoning maps to clearly differentiate those lands from other lands identified for development for residential and/or for mixed residential use in the core strategy during the plan period; and
- ii) include a clear policy / objective on the development of the strategic reserve for the plan period that is consistent with the implementation of the core strategy and housing supply target.

## 2. Sustainable Development

### 2.1 Galway Metropolitan Area – Co-ordination with Galway County Council

The Office notes the decision of the planning authority to not include material amendments in respect of Recommendation 7 concerning co-ordination with Galway County Council in terms of land use zoning objectives and, in particular, the future planning of Ardaun, Gaurran (County) and Briarhill (County).

However, the Office welcomes the commitment to continue to engage with Galway County to coordinate planning and transportation across the city and county areas and acknowledges the recent engagement in this regard.

A co-ordinated approach to the planning and development of the Galway metropolitan area will be critical if Galway is to reach its potential as a driver of economic growth in the region, and to do so in a manner which provides a high quality of life for residents and protects the environment.

The Office would strongly encourage and support the establishment of robust structures and governance between the two planning authorities to enable such a co-ordinated approach, including in relation to key lands along the boundary between the two authorities.

## **2.2 Residential Land Use Zoning – Compact growth and sequential approach**

Multiple material amendments are proposed to the land use zoning objectives and / or to site specific development objectives applying to land in the city area. Many of these provide for a change from ‘Agriculture A’, ‘Agriculture and High Amenity G’ ‘Low Density Residential LDR’ and ‘Recreation and Amenity RA’ zoned lands to ‘Residential R’ or ‘Residential R2’. Some include a specific development objective to accommodate residential development, including dwellings of family members of the landowner, and otherwise.

These additional lands and the potential housing yield of same are not taken into account in the core strategy, contrary to the requirements of section 10(2A)(a) of the Act that the development plan includes relevant information to show how it and the housing strategy are consistent with the NPF and RSES. Furthermore, the making of the plan with the additional land use zoning objectives and specific development objectives would result in a core strategy which does not take due account of national and regional population targets, contrary to section 10(2A)(b).

Many of these amendments have been included by the elected members contrary to the recommendation of the chief executive. The reasons given by the elected members in the Section 12(5)(aa) Notice letter are noted.

NPO 3b of the NPF seeks to *‘deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and*





*Waterford, within their existing built-up footprints*<sup>1</sup>, similar to RPO 3.2 in the RSES. The Office is satisfied, based on the broader provisions of the NPF concerning compact growth, including infill and brownfield development and urban regeneration, that the proposed material amendments A.6, A.15, A.16, A.17, A.18, A.19, A.20, A.21, A.23, A.24, A.27 and A.29 are not consistent with NPO3b.

It is a policy and objective of the *Development Plans Guidelines* that planning authorities adopt a sequential approach when zoning lands for development. Section 6.2.4 of the Guidelines require clear policy consistency between the development plan core strategy and associated zoning decisions through the 4-step 'Sequential Test for Residential Zoning in Settlements' methodology.

The proposed material amendments do not have regard to the 'Sequential Test'. The Settlement Capacity Audit / Infrastructural Assessment to determine whether sites A6, A.15, A.16, A.17, A.18, A.19, A.20, A.21, A.23, A.24, A.27 and A.29 are serviced or serviceable within the plan period. Further, no 'exceptional circumstances' have been put forward to justify the failure to zone lands that are not prioritised on a spatially sequential basis. The Office is therefore satisfied that the proposed material amendments do not have regard to Ministerial guidelines.

Furthermore, the proposal to zone land that is not serviced and which has not been determined by the planning authority to be serviceable during the period of the plan, including having regard to the cost of servicing those lands, is not consistent with NPO 72 (a-c) and the tiered approach to zoning set out in Appendix 3 of the NPF.

In addition, the proposed amendments, by reason of their peripheral and non-sequential locations, which would not promote compact growth and sustainable settlement and transportation strategies in urban and rural areas, and would be inconsistent with the promotion of measures to reduce energy demand and the

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<sup>1</sup> According End note 17 to the NPF the "*existing built-up footprint*" is 'defined by the CSO in line with UN criteria i.e. having a minimum of 50 occupied dwellings, with a maximum distance between any dwelling and the building closest to it of 100 metres, and where there is evidence of an urban centre'. In the case of Galway city, the CSO defined 'town' boundary does not conform to the UN criteria, but extends beyond the local authority boundary notwithstanding the extensive undeveloped lands.



reduction of anthropogenic Greenhouse Gas (GHG) emissions, contrary to mandatory objective under section 10(2)(n) of the Act. This approach will therefore undermine the achievement of the Government's binding target to reduce GHG emissions by 51% 2030 under the *Climate Action and Low Carbon Development (Amendment) Act 2021 (Climate and Low Carbon Act)*.

Furthermore, proposed amendment A.11 to rezone 1.27ha of land from 'Recreation and Amenity RA' to 'Residential R', at Merlin Wood (Dublin Road), which lands form part of one of three city-wide parks, would be inconsistent with the provisions of the draft Plan for green networks and biodiversity, including under policy 5.1. Also, the piecemeal rezoning of strategically located green space would not be consistent with NPO 62 of the NPF, which seeks to strengthen the value of greenbelts and green spaces at city scale to prevent the coalescence of settlements and allow for the long-term expansion of urban areas.

Taken together, the proposed amendments A6, A.11, A.15, A.16, A.17, A.18, A.19, A.20, A.21, A.23, A.24, A.27 and A.29 represent a piecemeal approach to zoning for development, inconsistent with national and regional policy.

In addition, the planning authority will be aware of the provisions of the Zoned Land Tax and the planning authority should carefully consider how such lands will be effected in this regard.

## MA Recommendation 2 - Residential Land Use Zonings

Having regard to national and regional policy objectives for compact growth, NPO 3, RPO 3.2, under the NPF and RSES, and to NPO 62 green spaces; to the requirement to implement the sequential approach to zoning under section 28 *Guidelines Development Plans, Guidelines for Planning Authorities (2022)* to which the planning authority must have regard; to the requirement under section 10(1) of the *Planning and Development Act 2000*, as amended, (the Act), for the development plan to set out an overall strategy for the proper planning and sustainable development of the area; to the requirement under section 10(2A)(a) and (b) for the core strategy to be consistent with the NPF and RSES and to take

account of national and regional housing targets; to the requirement under section 10(2)(n) of the Act to promote sustainable settlement and transport strategies to reduce energy use and to reduce GHG emissions; and to the binding interim target to reduce GHG emissions under *Climate Action and Low Carbon Development (Amendment) Act 2021*, the planning authority is required to make the Plan without the following material amendments:

- A.6 Ragoon
- A.11 Dublin Road
- A.15 Quarry Road, Menlo
- A.16 Ballindooley
- A.17 Off Circular Road
- A.18 Off Circular Road
- A.19 Menlo Village Extension
- A.20 Quarry Road
- A.21 Roscam
- A.23 Roscam
- A.24 Menlo Village Extension
- A.27 Barna Woods
- A.29 Circular Road

### **2.3 Low Density Residential**

The Office notes material amendments A.1, A.52, A.53, A.161 and A.162, which amend the zoning of the draft Plan from Low Density Residential LDR zoning to Residential R2, although the proposed amended zoning objective has not been included on the proposed material alterations map. It is noted that the proposed amendments, which respond to Recommendation 5 of the Office's submission to the draft Plan, do not fully follow the recommendations of the chief executive.



However, the proposed material alterations would continue to facilitate potentially extensive low-density development in the rural hinterland to the city. Amendment A.162, in addition to the greater flexibility provided for by the Residential R2 zoning objective, may facilitate a greater level of development on several of the sites due to the omission of the specific development objectives. It also provides for increased development on some sites within the said land use zoning objective. This is not consistent with NPO 62 of the NPF, which seeks to strengthen the value of greenbelts at city scale to prevent the coalescence of settlements and allow for the long-term expansion of urban areas.

Furthermore, inappropriate lower residential density would continue to be accommodated on infill lands, strategically located within the existing built footprint of the city. This is not consistent with NPO 3b and RPO 3.2 for compact growth, under the NPF and RSES, respectively.

In this regard it is evident that the draft Plan, as proposed to be amended, does not have due regard to the recommended densities under the section 28 guidelines *Planning Authorities on the Sustainable Residential Development of Urban Area: Cities, Towns & Villages* (2009).

The Office is therefore not satisfied that the planning authority has implemented the recommendation of the Office.

### MA Recommendation 3 - Low Density Residential

Having regard to NPO 3b and RPO 3.2, compact growth, to NPO 62, greenbelts and long-term expansion, and to the provisions of the *Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities* (2009), the planning authority it required to make the Plan without the following material amendments:

- A.1 Amend Table 11.1 - Land Use Zones and Zoning Objectives;
- A.52 Delete text for Low Density Residential (LDR) Areas and replace with Residential 2 (R2) Areas;

- A.53 Amend text in Policy 3.8 (1) and 3.8 (2) to change from Low Density Residential Areas to Residential 2 (R2) Areas;
- A.161 Amend Section 11.2.8 Residential R and Low Density Residential LDR Land Use Zoning Objectives; and
- A.162 Amend Section 11.2.8 Specific Development Objectives for a number of LDR R2 lands to omit small maps and delete text.

## 2.4 Residential Land Use Zoning – Infrastructure capacity

The Office welcomes the inclusion of a separate Infrastructure Assessment appendix to the development Plan (Appendix 5) under material amendment A.184, in response to Recommendation 3 of the Office’s submission to the draft Plan.

However, the detail provided in the assessment does not reflect the standardised approach set out in the *Development Plan Guidelines*. In particular, Appendix A of the guidelines includes a worked example in section 1.2.2 of the Guidelines sets out the detail required for settlement Capacity Audits, on the basis of each individual site.

In addition, as noted above, the Settlement Capacity Audit and Infrastructure Assessment did not determine the servicing status of the lands proposed to be zoned under the proposed material amendments (A.2 – A.25).

The detailed site infrastructure assessment is an important tool to inform the zoning of land, but it is also an important source of information of landowners and developers in deciding whether to make an application for development. It will also be a determining factor in the activation of a planning permission and the delivery of much needed housing.

Accordingly, the planning authority is advised to consider whether these details can be included by way of a minor modification of the Plan.



## **2.5 Development Management Standards and Guidelines (height and density)**

The Office welcomes material amendments A.129, A.163, A.169, and A.171, which respond to Recommendation 6 in relation to density and building height. The proposed amendments will help ensure that residential development within urban and suburban areas will take place at appropriate densities and heights, to support National Policy objectives for compact growth (NPO 3), regeneration(NPO 6), and increased residential density (NPO 35), consistent with NPO 13.

## **3. Housing Policies – Traveller accommodation**

The Office welcomes proposed material amendments A.26 and A.47 which address Recommendation 9 of its submission to the draft plan concerning the identification of Traveller accommodation in accordance with the requirements of section 10(2)(i) of the Act.

## **4. Rural Housing and Regeneration**

The Office notes that no material alterations have been proposed in response to Recommendation 8 of its submission to the draft plan in respect of the rural housing policy, and the reasons given in this regard in the section 12(5)(aa) Notice.

## **5. Economic Development and Employment**

### **5.1 Retail**

The Office notes the intention of the planning authority to prepare a Joint Retail Strategy (JRS) with Galway County Council for the Galway Metropolitan Area and material alteration A.108, which sets out a timeline for the preparation of the JRS within one year of the adoption of the City Development Plan.

Having regard to the requirements of part (ii) of Recommendation 10, the Office notes the decision of the planning authority not to include any additional restrictions



on retail provision pending the JRS and the reasons given in the section 12(5)(aa) Notice.

## 5.2 Employment land

The Office notes proposed material alteration A.4 Coolagh Road, which seeks to rezone lands from 'Agriculture and High Amenity G' to 'Enterprise, Light Industry and Commercial CI' located in the open countryside outside any defined settlement.

The proposed rezoning of the lands is not consistent with RPO 3.6.14, which supports the retention of existing agriculture land within the MASP boundary and provides that the development of un-serviced greenfield sites should only be supported in 'exceptional circumstances' as part of the statutory plan-making process.

In this regard, it is noted that the chief executive recommended against the proposed amendment having regard to, among other considerations, the lack of services and the proximity to the Lough Corrib SAC.

The subject land has not been specifically addressed in the Settlement Capacity Audit and / or Infrastructure Assessment carried out by the planning authority to determine that it is serviced, or is serviceable during the plan period. Data from Irish Water indicates that the site is not tier 1 or tier 2 lands. The proposed material amendment is therefore not consistent with NPO 72(a-c), tiered approach to zoning, under the NPF.

The proposed material amendment does not have regard to the provisions of the *Development Plans Guidelines* regarding sequential development in a city context, in particular in relation to the prioritisation of new development along high quality public transport corridors.

The proposed isolated rural site is at a distance from any improved public transport services proposed under the Galway Transport Strategy and would be accessible primarily by car-based transport. The material amendment would therefore be contrary to the mandatory objective for sustainable settlement and transport



strategies for urban and rural areas under section 10(2)(n) of the Act to reduce energy use and GHG emissions.

#### MA Recommendation 4 - Employment land use zoning

Having regard to RPO 3.6.14 supporting the retention of agricultural lands within the MASP, to NPO 72(a-c) tiered approach to zoning, to the provisions of the section 28 *Development Plans, Guidelines for Planning Authorities (2022)* and to the requirements under section 10(2)(n) of the Act for sustainable settlement and transport strategies, the planning authority is required to make the Plan without the following material amendment:

- A.4 Coolagh Road from 'Agriculture and High Amenity G' to 'Enterprise, Light Industry and Commercial CI'.

## 6. Climate Action and Renewable Energy

The Office welcomes proposed material amendments A.43, A.44 and A.136, which provide some policy support for low carbon district heating, waste heating recovery and micro-renewables in response to Recommendation 11. The proposed amendments are consistent with NPO 55 and the *Climate Action Plan 2021* and have the potential to contribute to the achievement of binding national targets under the *Climate and Low Carbon Act*, as amended.

## 7. Flood Risk Management

The Office welcomes the proposed amendments to the draft Plan addressing flood risk management, including in particular A.131 of flood risk policy 3, which requires the adoption of the sequential approach in accordance with *Flood Guidelines*, which respond to part of Recommendation 12 of the Office's submission.

In addition, the strengthening of the policy requirements of the draft Plan concerning the implementation of the *Nature Based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design Best Practice Interim Guidance Document (2021)*, under proposed amendments A.134





and A.176, will further mitigate potential flood risk arising from future development in the city area. This is consistent with the requirements of section 10(2)(n)(ii) of the Act to address adaptation to climate change and with part (v) of Recommendation 12.

Specifically, the restrictions and requirements concerning flood risk management on land at Sandy Road Regeneration Site, at Renmore and on Industrial lands between Lough Atalia and the coast under proposed amendments A.140, A.157 and A.158 will reduce the potential for adverse flood risk impacts arising on those lands.

The Office notes, however, that the flood zones have not been overlaid on the land use zoning and specific objectives map as required by part (i) of Recommendation 12. The Office acknowledges the recommendation of the chief executive, included in the section 12(5)(aa) Notice, to publish an interactive web-based map with flood risk zones and land use zoning and specific objective layers following the adoption of the Plan. While this is welcomed, it is best practice to publish such maps as part of the plan review process to better inform the public and all parties concerning flood risk.

Having reviewed the revised Strategic Flood Risk Assessment (SFRA) prepared by the planning authority in respect of the material alterations, and the submission of the OPW, the Office has significant concerns over the introduction of 5 no. material alterations for residential zonings that are located within Flood Zone A and /or Flood Zone B as follows:

- A.9 Off Western Distributor Road (RA Natural Heritage, Recreation and Amenity to R Residential);
- A.13 Terryland (RA Natural Heritage, Recreation and Amenity to R Residential);
- A.24 Menlo Village Extension (G Agriculture and High Amenity to R2 Infill Residential);
- A.25 Headford (RA Natural Heritage, Recreation and Amenity to R2 infill Residential); and
- A.27 Specific Development Objective for lands at Barna Woods.



The zoning of vulnerable and / or highly vulnerable uses within flood zones is inconsistent with NPO 57 to ensure flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with the *Flood Guidelines*.

Material amendment site A.9 is located entirely within Flood Zone A, where the guidelines provide that development should be avoided and /or only considered in exceptional circumstances.

Material amendment site A.13 is located within Flood Zone A and B. Material Alteration A.24 rezones an area of land with a small overlap with Flood Zone B from mostly water compatible *Agricultural Areas G (G)* to highly vulnerable *Residential 2 (R2)*. The guidelines provide that highly vulnerable residential development in this zone should be avoided.

Material amendment site A.25 is wholly located within Flood Zone A. The SFRA advised that these lands should be retained for water compatible “Recreation and Amenity” zone, as set out in the draft Plan. The lands do not pass the Justification Test and should therefore not be zoned for residential development, a highly vulnerable use.

Material amendment A.27 inserts a specific development objective to “*consider the granting of permission for a dwelling on a minimum 0.3 hectare site*”. This site contains a small overlap with Flood Zones A and B, that would increase in the National Indicative Fluvial Mapping (NIFM) Future Scenario.

In addition, highly vulnerable Low Density Residential (LDR) zoned lands to the south of Coast Road near Curragreen, which overlap with Flood Zones A and B have not been assessed against the criteria of the plan making Justification Test as required under the guidelines.

This approach is not consistent with the requirements of the guidelines and NPO 57 and may place people and property at unnecessary risk from future flood events. It is recommended that the subject material alterations be omitted and the zoning of the lands revert back to water compatible uses as per the draft Plan.

## MA Recommendation 5 – Flood Risk Management

Having regard to NPO 57 of the NPF, and to the provisions of the *Planning System and Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), as amended, the planning authority is requested to make the Plan without the following material amendments:

- A.9 Off Western Distributor Road (RA Natural Heritage, Recreation and Amenity to R Residential);
- A.13 Terryland (RA Natural Heritage, Recreation and Amenity to R Residential);
- A.24 Menlo Village Extension (G Agriculture and High Amenity to R2 Infill Residential);
- A.25 Headford (RA Natural Heritage, Recreation and Amenity to R2 infill Residential);
- A.27 Specific Development Objective for lands at Barna Woods; and
- Highly vulnerable Low Density Residential (LDR) zoned lands to the south of Coast Road near Curragreen, which overlap with Flood Zones A and B, under A.1.

## 8. Environment, Heritage and Amenities

The Office notes proposed material amendment A.92, which inserts a new specific objective (28A) in section 5.10 of the draft Plan, which seeks to provide for the continued phased recording of Public Rights of Way, to be published on the website inventory within one year of the adoption of the Plan.

While the Office welcomes the proposal to make ‘*use of the plan variation process*’, in this regard, in view of the legislative requirements under section 10(2)(o) of the Act, the planning authority should make a minor modification to clarify the timeframe for commencing the variation process.



## Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the Material Alterations to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through [plans@opr.ie](mailto:plans@opr.ie).

Yours sincerely,

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**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

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