



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

23rd March 2023

Kieran O'Donnell TD
Minister of State for Local Government and Planning
Department of Housing, Local Government and Heritage
Custom House
Dublin 1
D01 W6X0

BY HAND AND BY EMAIL

**Re: Notice pursuant to section 31AN(4) of the Planning and Development Act
2000 (as amended) – Galway City Development Plan 2023 – 2029.**

A chara,

I am writing to you pursuant to section 31AN(4) of *the Planning and Development Act 2000* (as amended) (the 'Act') in the context of the Galway City Development Plan 2023 – 2029, (the 'Plan'). In particular, I write arising from the consideration by this Office of the following:

- a) the Notice of Intent to issue a Direction issued to Galway City Council (the 'Council') by your office on 13th January 2023,
- b) the report¹ of the Chief Executive of the Council dated 3rd March 2023 on the submissions and observations made to the planning authority (the 'CE's Report'), and

¹ Chief Executive's Report on submissions received in relation to the Draft Ministerial Direction to the Galway City Development Plan 2023-2029.

- c) the thirty (30) submissions made directly by elected members of the Council to this Office and considered by this Office pursuant to section 31(10)(a) of the Act.

Draft Direction

The draft Direction contained two parts:

- Part 2(a) reinstate zoning objectives to those set out in the draft Plan in the case of fourteen (14) individual material amendments as follows:
 - i. A.4 Coolagh Road
 - ii. A.9 Off Headford Road and Sandyvale Lawn
 - iii. A.11 Dublin Road
 - iv. A.13 Terryland
 - v. A.15 Quarry Road, Menlo
 - vi. A.16 Ballindoooley
 - vii. A.17 Off Circular Road
 - viii. A.18 Off Circular Road
 - ix. A.19 Menlo Village Extension
 - x. A.20 Quarry Road
 - xi. A.21 Roscam
 - xii. A.23 Roscam
 - xiii. A.24 Menlo Village Extension
 - xiv. A.25 Headford Road
- Part 2(b) delete the following eleven (11) 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 16th June 2022
 - ii. Figure 11.20 Ballindoooley
 - 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

You will note that in the CE's Report, the Chief Executive recommends that the draft Direction issued by the Minister is given effect as drafted in relation to the 14 individual material amendments specified under Part 2(a) above and with minor amendments to the draft Direction, to omit six site specific development objectives in Section 11.2.8 of the written statement which state that any residential development on the individual sites shall be reserved for the use of immediate family members of the landowner. The specific development objectives relate to A.15 Quarry Road, A.16 Ballindoooley, A.19 Menlo village extension, A.20 Quarry Road, A.23 Roscam and A.24 Menlo village extension. All of these objectives will be rendered moot following the reinstatement of the zoning objectives to those of the draft Plan. (See Appendix for a schedule of the specific development objectives.)

In relation to Part 2(a) the Office now recommends, pursuant to section 31AN(4) of the Act that you issue the Direction with the minor amendments identified in red in the attached proposed Direction.

In forming this recommendation, this Office reiterates the submissions made to you in the Notice which issued from this Office to your office on 22nd December 2022 pursuant to section 31(AM)(8) of the Act in respect of Part 2(a) of the draft Direction.

In relation to Part 2(b) of the draft Direction, in the CE's Report the Chief Executive recommends that the draft Direction issued by the Minister is given effect in relation to the 11 individual zoning objectives specified under Part 2(b) as follows:

1. amend the land use zoning objective and specific objectives map to omit the Residential R2 land use zoning

2. omit the site specific development objective in Section 11.2.8 in respect of each of the 11 individual sites (see Appendix).
3. Insert an appropriate alternative land use zoning objective on these lands. It is considered that having land in the city without the benefit of a specific land use zoning that is, designated unzoned, would result in a lacuna in the development plan. This could, within the wider context of development plan policy, result in a lack of clarity with regard to interpretation by the public of the plan intent on land use in relation to such sites and uncertainty with regard to plan implementation.

In relation to the specific development objectives in Section 11.2.8, the Office notes that these will be rendered moot following the reinstatement of the zoning objectives to those of the draft Plan.

In relation to the insertion of alternative land use zoning objectives, the Office acknowledges that the deletion of these zoning objectives in Part 2(b) may amount to a degree of uncertainty in the Plan in the short term. However these proposals have not been subject to assessment in accordance with the requirements for Strategic Environmental Assessment or Appropriate Assessment, or to public consultation. The Office considers, therefore that the appropriate process to address this matter is for the Council to consider making a variation to the Plan under section 13 of the Act.

In relation to Part 2(b) the Office now recommends, pursuant to section 31AN(4) of the Act that you issue the attached Direction with minor amendments as identified in red in the attached proposed Direction.

In forming this recommendation, the Office reiterates the submissions made to you in the Notice which issued from this Office to your office on 22nd December 2022 pursuant to section 31(AM)(8) of the Act in respect of Part 2(b) of the draft Direction.

Public Consultation on the Draft Direction

The public consultation on the draft Direction took place between 20th January 2023 and 3rd February 2023. The Report of the Chief Executive (CE's Report) summarised the views of elected members, members of the public and North Western Regional Assembly who made submissions to the planning authority.

You might please note the Office received submissions as follows in relation to Part 2(a):

- one (1) submission from an elected member (Cllr Eddie Hoare) is a general submission opposing the draft Direction relating to rezoning land given the housing crisis, with Part 2(b)(i) Cappagh given as an example.
- three (3) submissions from elected members (Cllr Frank Fahy, Cllr. Noel Larkin, Cllr. Niall McNelis) opposing Part 2(a) (iii) A. 11 Dublin Road, of the draft Direction.
- four (4) submissions from elected members (Cllr. Donal Lyons, Cllr. Terry O'Flaherty, Cllr. Noel Larkin, Cllr. Niall McNelis) opposing Part 2(a) (iv) A. 13 Terryland) of the draft Direction.
- three (3) submissions from elected members (Cllr Terry O'Flaherty, Cllr Frank Fahy, Cllr Niall McNelis) opposing Part 2(a) (v) A. 15 Quarry Road, of the draft Direction;
- one (1) submission from an elected member (Cllr Frank Fahy) opposing Part 2(a) (ix) A. 19 Menlo Village Extension, of the draft Direction;
- six (6) submissions from elected members (Cllr. Declan McDonnell, Cllr Terry O'Flaherty, Cllr Donal Lyons, Cllr Frank Fahy, Cllr Noel Larkin, Cllr Niall McNelis) opposing Part 2(a) (x) A. 20 Quarry Road, of the draft Direction;
- one (1) submission from an elected member (Cllr Frank Fahy) opposing Part 2(a) (xii) A. 23 Roscam, of the draft Direction;
- one (1) submission from an elected member (Cllr Noel Larkin) opposing Part 2(a) (xiii) A. 24 Menlo Village Extension;

The Office received submissions as follows in relation to Part 2(b);

- one (1) submission from an elected member (Cllr Frank Fahy) opposing Part 2(b) (iv) (Fig. 11.31 Coolagh area), of the draft Direction;
- one (1) submission from an elected member (Cllr Frank Fahy) opposing Part 2(b) (v) Fig. 11.29 Quarry Road Menlo, of the draft Direction;
- three (3) submissions from elected members (Cllr Terry O'Flaherty, Cllr. Noel Larkin, Cllr Niall McNelis) opposing Part 2(b) (vi) (Fig. 11.27 Castlegar area), of the draft Direction;

- one (1) submission from an elected member (Cllr Noel Larkin) opposing Part 2(b) (vii) (Fig. 11.28 Castlegar area), of the draft Direction;
 - two (2) submissions from elected members (Cllr. Noel Larkin, Cllr. Niall McNelis) opposing Part 2(b) (ix) Fig. 11.30 in the Roscam area, of the draft Direction.
 - two (2) submissions from elected members (Cllr. Declan McDonnell, Cllr. Noel Larkin) opposing Part 2(b) (x) Fig. 11.14 in the extended Roscam area, of the draft Direction.
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- a total of sixty-three (63) submissions were received by the Chief Executive during the consultation period, including thirty-five (35) from elected members, twenty-seven (27) from members of the public, and one (1) from the Northern and Western Regional Assembly as follows:
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- as set out in the Report, the thirty-five (35) submissions received from elected members all opposed the draft Direction as follows:
 - Relates to a number of areas in both Part 2(a) and Part 2(b) (1 no.)
 - Part 2(a) (iii) A. 11 Dublin Road (4),
 - Part 2(a) (iv) A. 13 Terryland (5),
 - Part 2(a) (v) A. 15 Quarry Road, Menlo (4)
 - Part 2(a) (ix) A. 19 Menlo Village Extension (1)
 - Part 2(a) (x) A. 20 Quarry Road (6)
 - Part 2(a) (xii) A. 23 Roscam (1)
 - Part 2(a) (xiii) A. 24 Menlo Village Extension (1)
 - Part 2(b) (iv) Fig. 11.31 Coolagh area (1)
 - Part 2(b) (v) Fig. 11.29 Quarry Road Menlo (1)
 - Part 2(b) (vi) Fig. 11.27 Castlegar area (1)
 - Part 2(b) (vii) Fig. 11.28 Castlegar area (4)

- Part 2(b) (ix) Fig. 11.30 Roscam area (3)
- Part 2(b) (x) Fig. 11.14 in the extended Roscam area (2)
- as set out in the Report, twenty seven (27) submissions were received from members of the public. The twenty seven submissions from members of the public were as follows:
 - Relates to a number of areas in both Part 2(a) and Part 2(b) (3 in support, 1 opposes, 1 neutral)
 - Part 2 (a) (i) A.4 Coolagh Road (1 opposed)
 - Part 2(a) (iii) A. 11 Dublin Road (1 opposed),
 - Part 2(a) (iv) A. 13 Terryland (1 opposed)
 - Part 2(a) (v) A. 15 Quarry Road, Menlo (1 opposed)
 - Part 2(a) (vi) A.16 Ballindooley (1 opposed)
 - Part 2(a) (vii) A.17 Off Circular Road (1 opposed)
 - Part 2(a) (viii) A.18 Off Circular Road (1 opposed)
 - Part 2(a) (ix) A. 19 Menlo Village Extension (1 opposed)
 - Part 2(a) (x) A. 20 Quarry Road (1 opposed)
 - Part 2(a) (xii) A. 23 Roscam (1 opposed)
 - Part 2(a) (xiii) A. 24 Menlo Village Extension (1 opposed)
 - Part 2(a) (xiv) A. 25 Headford Road (1 opposed)
 - Part 2(b) (i) Land zoned Residential R2 in the adopted Plan at Cappagh consistent with CE Recommendation of the CE Report dated 16th June 2022 (3 opposed)
 - Part 2(b) (iii) Fig. 11.26 Coolagh area (1 opposed)
 - Part 2(b) (iv) Fig. 11.31 Coolagh area (1 opposed)

- Part 2(b) (v) Fig. 11.29 Quarry Road (1 opposed)
 - Part 2(b) (vi) Fig. 11.27 Castlegar area (1 opposed)
 - Part 2(b) (vii) Fig. 11.28 Castlegar area (1 opposed)
 - Part 2(b) (ix) Fig. 11.30 Roscam area (1 opposed)
 - Part 2(b) (x) Fig. 11.14 in the extended Roscam area (1 opposed)
- The issues raised in relation to the specific parts of the draft Direction are also raised in written submissions to the Office and the CE and are addressed individually below.
 - As set out in the section 31AM(8) notice to your office, the Office considered that the zoning objectives and material amendments to the draft Plan would zone additional residential land in excess of what is required for Galway City as set out in the Core Strategy. Moreover these zoning objectives and amendments are located in peripheral and/or non-sequential locations and would encourage a pattern of development in particular locations which is inconsistent with national and regional policy objectives promoting compact growth (NPO 3 and RPO 3.2) and which fails to have regard to the policy and objective for a sequential approach to development in the *Development Plans, Guidelines for Planning Authorities* (2022) (Development Plans Guidelines) issued under section 28 of the Act regarding the sequential approach. Further the zoning of land for residential development highly vulnerable to flood risk in areas known to be at risk of flooding without passing the provisions of the sequential approach and plan-making Justification Test detailed in *The Planning System and Flood Risk Management, Guidelines for Planning Authorities* (2009) (Flood Guidelines) is inconsistent with NPO 57. Further the approach is inconsistent with NPO 62 to strengthen the value of greenbelts and green spaces and with the tiered approach to zoning under NPO 72 (a-c) of the NPF and the Office considered that the overall approach would facilitate a pattern of car-dependent development inconsistent with objectives to promote sustainable settlement and transportation strategies.

As such, it is the view of the Office that this approach demonstrates the absence of an overall strategy for the proper planning and sustainable development in the Development Plan and as such warrants the issuing of the Direction.

- The submission received by the CE from Northern and Western Regional Assembly (NWRA) supports the draft Direction as set out in part 1. 'Part 1' appears to refer to Part 2(a) of the draft Direction.

The NWRA supports Part 2 of the draft Direction, however it is suggested that consideration is given by the planning authority to recommending an appropriate alternative zoning to the Minister. 'Part 2' appears to refer to Part 2(b) of the draft Direction.

Part 2(a) – Reinstate zoning objectives

The Office is satisfied that the Chief Executive's recommendation in respect of Part 2(a) is appropriate as it would reinstate zoning objectives to those set out in the draft Plan in fourteen (14) material amendments.

As set out in the section 31(AM)(8) Notice issued to you by this Office on 22nd December 2022, the Chief Executive's previous recommendation to elected members was to make the Plan without these material amendments (CE's Report on Proposed Material Alterations, December 2022).

The statement of reasons in the draft Direction for Part 2(a) relate to the inclusion of material alterations to the draft Plan in a piecemeal manner in unserviced and peripheral and / or isolated locations, and more often in areas otherwise zoned Agriculture or Agriculture and High Amenity and would not be consistent with the 50% compact growth target in NPO 3(a-c), and further is inconsistent with NPO 62 to strengthen the value of greenbelts and green spaces. Furthermore lands zoned for Enterprise, Light Industry at a remote location at Coolagh Road is inconsistent with the tiered approach to zoning under NPO 72 (a-c) of the NPF, and the requirement under section 10(2)(n) of the Act to include objectives to promote sustainable settlement and transport strategies to reduce energy use and reduce GHG emissions, whilst failing to have regard to the sequential development in the city context. Moreover the zoning of land for residential in areas known to be at risk of

flooding inconsistent with NPO 57 of the NPF which requires flood risk management to inform place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

The specific matters raised in the submissions received in relation to the individual zoning amendments are addressed below.

Menlo – A.15, A. 19, A. 20 and A. 24

In relation to **A.15** a total of eight (8) submissions were received in respect of Part 2(a)(v) of the draft Direction (A.15 Quarry Road, Menlo, i.e. the subject land reverts to Agriculture (A) from Residential (R2)), all eight (8) opposing the draft Direction. The submissions opposed to the draft Direction comprise three submissions from elected members directly to the Office (Cllr. O’Flaherty, Cllr Fahy, and Cllr. McNelis), four submissions from elected members to the CE, and one submission from a member of the public.

The Office notes that a number of the reasons cited in the submissions are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- For a family member /for family use. In the past, planning permission has been granted on adjoining lands in the area.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- The dwelling design would be sympathetic with its surrounds. The construction of a dwelling on this land would include planting and restoration of the land.
- The dwelling would be solely for the long term use of immediate family.

- The site is a patch of rough scrubland not suitable agricultural purposes and would involve considerable cost to transform it to good quality agriculture land.
- The development of a house would facilitate attractive renewal within the community and any construction would be sympathetic and add to the area which is adjacent to an SAC.
- A treatment plant specialist will be employed to ensure that any treatment system will protect the environment and all planning stipulations will be complied with.

In respect of the additional points raised in the submissions the Office maintains the position that the Agriculture (A) zoning objective in the adopted Plan will allow a dwelling for family members under the rural housing policy. Further the design and site treatment to integrate with local landscape, including SAC designation, would be required, in accordance with Section 11.13.2 'Residential Development in Agricultural Areas zoned A'. The Office notes that the issue in relation to SAC was raised in the 31AM(8) notice to your Office in the context of the location of the site, given the unserviced nature of the area. The Office considers that the fundamental issues remain regarding the un-serviced nature of the site in a sensitive prevailing karst landscape and the piecemeal nature of the development in a location without public footpath and lighting provision.

In respect of **A.19** a total of three (3) submissions were received in respect of Part 2(a)(ix) of the draft Direction (A. 19 Menlo Village Extension, i.e. the subject land reverts to Agriculture and High Amenity (G) from Residential (R2)), all three (3) opposing the draft Direction. The submission opposed to the draft Direction comprises one submission from elected members directly to the Office (Cllr Fahy), one submission from elected members to the CE, and one submission from a member of the public.

The Office notes that a number of the reasons included in the submissions are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- To facilitate the building of family homes. This land is located just outside the village envelope.

As set out in the section 31AM (8) notice to your office, these reasons were carefully considered by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- The site represents a small extension to the village envelope.
- It is intended to construct two dwellings for family members currently living and renting in Menlo village.
- Site is within an established pattern of development (a number of planning permissions were granted in the vicinity).
- Menlo Village envelope boundary should be reconfigured to include existing homes, adjacent to the family lands.
- The rolling contour profile of the site is challenging, and therefore limits the actual developable area within the submitted redline area for rezoning.

In respect of points raised in submissions the Office considers that the core strategy in the adopted plan provides for the housing supply targets in Menlo, and the requirements during the life of the Plan. This includes undeveloped land within the village boundary, and any further incremental extensions to the village boundary would be contrary to the core the strategy. The site is backland in nature and is not directly accessible by a public road. The granting of planning permission in the vicinity would not justify in itself the zoning of the land.

In relation to **A.20** a total of thirteen (13) submissions were received in respect of Part 2(a)(x) of the draft Direction (A. 20 Quarry Road, i.e. the subject land reverts to Agriculture (A) from Residential (R2)), all thirteen (13) opposing the draft Direction. The submissions opposed to the draft Direction comprise six submissions from elected members directly to the Office (Cllr. O'Flaherty, Cllr Fahy, and Cllr. McNelis, Cllr. Lyons, Cllr. Larkin, Cllr. McDonnell), six submissions from elected members to the CE, and one submission from a member of the public.

The Office notes that a number of the reasons included in the submissions are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- To accommodate the building of a family home.

These reasons were carefully considered by the Office, as set out in the section 31AM (8) notice to your office, in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- Site is already surrounded by several houses on both sides of the road and any new development would constitute infill development.
- The owner is currently renting with her husband and three children and the proposed house would meet their family's need for a permanent home in the current housing climate. There is a need for residential development to meet housing needs.
- Any proposed development would not adversely affect the integrity of any European Site.
- Irish water has confirmed a water supply can be provided, and there is no public sewerage service in Menlo.
- The site is well connected to Menlo Village
- The site is not car dependent, given working from home and the site is situated within a 700m walking distance to a local school.

In respect of points raised in the submissions the Office notes that the predominant zoning objective in the immediate vicinity of the subject site is Agriculture (A) and High Amenity (G), and as indicated in the 31AM (8) notice to your office this zoning objective provides for a family home under the rural housing policy. The Office notes that the site adjoins a narrow road which is not serviced by public footpath or street lighting. The Office's fundamental concerns remain in terms of the piecemeal nature of the site and the un-serviced nature of the site.

In respect of **A.24** a total of three (3) submissions were received in respect of Part 2(a)(xiii) of the draft Direction (A.24 Menlo Village Extension, i.e. the subject land reverts to Agriculture and High Amenity (G) from Residential (R2)), all three (3) opposing the draft Direction. The submission opposed to the draft Direction comprises one submission from an elected member directly to the Office (Cllr Larkin), one submission from an elected member to the CE, and one submission from a member of the public.

The Office notes that a number of the reasons cited in the submissions are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- To provide for family housing.

These reasons were carefully taken into consideration by the Office, as set out in the section 31AM (8) notice to your office, in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- The subject lands are within the original envelope of the village and would represent infill development.
- The site can be classified as clustered rural infill.
- Only one house could be facilitated on the site.
- The Inner Galway Bay SPA does not encroach onto the subject site, and the site can be developed without adversely impacting on the designated site.

The issues in relation to flood risk are considered below, and the point raised in relation to the SPA does not address fundamental issue in relation to flood risk.

The Office considers that the response set out above in respect of A.19 apply equally to the issues raised in the submissions in relation to A.24 and the office reiterates those reason here.

There is no basis to amend the recommendation of this Office in respect of Part 2(a) (v), (ix), (x), (xiii).

Rahoon – A. 17 and A. 18

A.17 and A.18 are two adjoining land parcels and both material alterations amended the zoning in the draft Plan from Agriculture (A) to Residential (R2). One (1) submission was received in respect of Part 2(a)(vii) and one (1) submission was received in relation to Part 2(a)(viii) of the draft Direction (i.e. the subject land reverts to Agriculture (A) from Residential (R2)), both submissions opposing the draft Direction. The two submissions which were received by the CE are from members of the public.

The Office notes that a number of the reasons cited in the submissions are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- To support the provision of housing in a well serviced urban area.

As set out in the section 31AM (8) notice to your office, these reasons were carefully considered by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

In relation to A. 17 additional issues raised in submissions are as follows:

- Land is serviceable during the period of the plan contrary to Irish Water submission dated 6th October 2022.
- The landowners, with the agreement of the developer of the adjacent Cuirt Cheirin housing estate, have invested in the construction of a 10 meter wide road and extension of all services including water and wastewater from Circular Road to the subject site in order to facilitate development of the lands, subject to the change in zoning and application for planning permission.

- Site is located adjacent to completed and occupied Cuirt Cheirin housing development and The Heath, a mature housing estate.
- The site offers proximity to services and amenities.
- The site is situated on the Galway City side of potential N6 Ring Road and N59 Link Road South.
- Lands are serviced by 10 metre road with footpaths and street lighting which services the Cuirt Cheirin housing estate.
- Lands are located in an established settlement area with well-defined character which can contribute to the compact development of the city

In relation to A. 18 additional issues raised in submissions are as follows:

- The lands are characterised by low density housing to east and north
- The site is well serviced, including footpath and public water services
- Any future development on the subject site will include a pre-connection enquiry to Irish Water for a connection to the existing public network
- The subject site is located adjacent to N6 Reservation Corridor
- Good services including footpath along Kearns Lane
- Established social facilities in the wider area
- A6 Ragoon not included in the ministerial draft Direction. The subject lands are sufficiently serviced to the same extent.

The Office acknowledges that footpaths and services have been provided to serve development in the vicinity, including Cuirt Cheirin and The Heath, however, the A.17 and A.18 lands comprise substantial areas of land that requires significant further infrastructure to service these specific lands. The CE Report (dated 26th October) states that future development should be directed to areas which are clearly serviced, whereas the sites, the subject of A.17 and A.18, would require servicing infrastructure during the period of the plan, including water services.

In this respect, the Office notes that the draft Plan provided sufficient land to meet anticipated development requirements set out in the core strategy in a sequential and coordinated manner. Furthermore, there are preferably located lands which are zoned and serviced to meet demand. There is, therefore, no evidence based

rationale to support the requirement for the subject zoning objectives to ensure that adequate housing is available.

The Office notes that in relation to Material Amendment A6 – Rahoon, the Minister for Housing, Local Government and Heritage departed from the Office's recommended draft Direction, in accordance with the provisions of the Act.

The reason that there is established low density housing in the vicinity of the subject sites is not a reason in itself to rezone these relevant lands for residential development.

There is no basis to amend the recommendation of this Office in respect of Part 2(a)(vii) and Part 2(a)(viii).

Roscam – A. 23

In respect of **A. 23** a total of three (3) submissions were received in respect of Part 2(a)(xii) of the draft Direction (A. 23 Roscam, i.e. the subject land reverts to Agriculture and High Amenity (G) from Residential (R2)), all three (3) opposing the draft Direction. The submissions opposed to the draft Direction comprise one submission from an elected member directly to the Office (Cllr. Fahy), one submission from an elected member to the CE, and one submission from a member of the public.

The Office notes that a number of the reasons cited in the submissions are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- To facilitate the provision of family homes

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

No additional issues were raised in the submissions. There is no basis to amend the recommendation of this Office in respect of Part 2(a)(xii).

Ballindooley – A. 16

One (1) submission was received in respect of Part 2(a)(vi) of the draft Direction (i.e. the subject land reverts to Agriculture (A) from Residential (R2)), opposing the draft Direction. The submission was received by the CE from a member of the public.

The Office notes that some of the reasons included in the submission are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- For family member need.
- Development would facilitate the widening of the road and make it safer.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in the submission are as follows:

- The site is not suitable nor viable for agriculture. The site is extremely rocky with little topsoil and surface bedrock.
- The development would greatly enhance and make the surrounding area safer for existing householders as the site is often the location of random dumping

In respect of the points raised in the submission the Office acknowledges the argument that the site is not suitable for agriculture, however this is not a reason in itself to justify a residential zoning in an area that is predominantly zoned Agriculture (A). Further, and as indicated in the 31AM (8) notice to your office this zoning objective provides for a family home under the rural housing policy. The site is also located removed from public infrastructure, including public footpaths and street lighting.

There is no basis to amend the recommendation of this Office in respect of Part 2(a)(vi).

Dublin Road – A. 11

In relation to **A. 11** a total of eight (8) submissions were received in respect of Part 2(a)(iii) of the draft Direction (A. 11 Dublin Road, i.e. the subject land reverts to Recreation and Amenity (RA) from Residential (R)), all eight (8) opposing the draft Direction. The submissions opposed to the draft Direction comprise three submissions from elected members directly to the Office (Cllr. Larkin, Cllr. Fahy, and Cllr. McNelis), four submissions from elected members to the CE, and one submission from a member of the public.

A number of the reasons cited in the submissions are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- There is a need for housing and this is an ideal opportunity to open up these lands.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- The purpose of the rezoning was to allow access off the Dublin Road near Merlin Park to lands owned by Galway City Council, which could accommodate the building of more than 100 homes, providing for a mix of private, social, affordable and traveller housing.
- There is an urgent need for housing in Galway City at present.
- The only other possible access would be off Doughiska Road, which is not a viable option due to the existence of a former quarry and SAC.

- The 1.27 ha site is a green field site and situated in close proximity to existing pumping station, established bus routes along the Dublin Road would facilitate easy pedestrian access to same, cycle lanes and a pedestrian path along the boundary with the Dublin Road. This would contribute to reducing car dependency for any future development on this land.
- The site is in the vicinity of many essential services.

In respect of points raised the subject site forms part of a wider area of Recreation and Amenity (RA) that forms a buffer for future development pressure, thus offering a residential amenity. The core strategy provides for preferably located lands which are zoned and serviced to meet demand. Further, there is no requirement within the core strategy (which provides for additional provision as set out in the Development Plans Guidelines) for the zoning of additional residential land to meet the needs of the targeted population increase up to 2029.

In relation to the point raised in respect of the subject land providing access for adjoining residential zoned land, the Office notes that the provision of access in itself is not a reason to justify the zoning of land. The Office further notes, however, that the chief executive's recommendation does not argue against the draft Direction on the basis that the zoning is required to provide access to future residential development on Council owned lands.

There is no basis to amend the recommendation of this Office in respect of Part 2(a)(iii).

Part 2(a) – Employment Land Zoning Objective at Coolagh Road

Coolagh Road – A. 4

One (1) submission was received in respect of Part 2(a)(i) of the draft Direction (i.e. the subject land reverts to Agriculture and High Amenity (G) from Enterprise, Light Industry and Commercial (CI)), opposing the draft Direction. The submission was received by the CE from a member of the public.

The Office notes that a number of the reasons included in the submission are similar to the reason given by the elected members for the decision to not comply with the

recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- This site has not been in use as agricultural in over 40 years. This rezoning will regularise the business being carried out at this location.

The above reasons were carefully considered by the Office, as set out in the section 31AM (8) notice to your office, in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submission are as follows:

- The submission states that there is a huge deficit in storage facilities in the city.
- The site owner intends to submit a planning application to use a portion of the land as a temporary storage facility supporting the local rowing clubs and SME's (small medium enterprise).
- Storage is a major issue for small businesses in Galway City and the Council has failed to recognise the short term storage needs of retailers and for rowing clubs in the making of the development plan. There is an issue with the extent of unauthorised storage containers in the city and the CI zoning allows for storage of this nature.
- The subject site is not suitable for agriculture/high amenity with a hardstand surface.
- There is ample amenity areas in close proximity.
- The area is not rural with urban development close by.
- The submission states that there are currently no flooding issues on the land and that the surface is permeable.
- Coolagh Road network is a single carriageway with footpaths and lighting on both sides and at c7.5 meters wide is adequate to protect local cyclists. The Coolagh Road links with the wider road and cycle network and is proximate to local schools, industrial estates.
- Many people walk/cycle along the Coolagh Road.

- A local bus service operates within 1km of the site.
- There is existing water supply on the site and the proposed storage facility will have minimum impact on water consumption.
- There is an existing septic tank serving the house and yard.
- The section of the site within the SAC is commercial in nature and has no environmental concerns.
- Landscaping measures to mitigate any visual impact will be implemented and there will be no detrimental noise/lighting impacts as the land is not close enough to residential development.

The submission from the Northern and Western Regional Assembly also notes that a larger proportion of these lands are brownfield and the prospect of them being used for agriculture is not immediately obvious.

In respect of the point raised in the submission regarding a deficit of storage facilities in the city, the Office notes that the development of the subject site for a commercial use would not be in accordance with the Development Plan Guidelines (2022) regarding sequential development in a city context, in particular in relation to the prioritisation of new development along high quality public transport corridors. In this respect, no adequate reasons have been provided to explain why the said Guidelines have not been followed.

In respect of the points raised in the submission the Office acknowledges the argument that the site is not suitable for agriculture and the submission that the commercial use would have no detrimental impact on residential amenities and the environment, however this is not a sufficient reason to justify a commercial zoning objective in an area that predominantly is zoned 'Agriculture and High Amenity' contrary to national and regional policy.

Notwithstanding the information submitted in relation to the water and wastewater servicing of the site and the environmental impacts, including the SAC, the Enterprise, Light Industry and Commercial (CI) zoning objective facilitates a wide range of uses and the Office remains of the view that the zoning objective is not consistent with NPO72a-c and the tiered approach to zoning.

In relation to the reason that the site does not currently experience flooding issues, no such concerns were raised by the Office in its consideration of the rezoning of these lands.

The Office acknowledges that the Coolagh Road benefits from public footpaths and public lighting, towards the city centre. However the public footpaths and public lighting only extends southwards with no footpath connection north towards Menlo village, and the development of commercial use of this location is not consistent with the provisions of objectives to promote sustainable settlement and transportation strategies under section 10(2)(n) of the Act.

There is no basis to amend the recommendation of this Office in respect of Part 2(a)(i).

Part 2(a) – Flood Risk Management

Terryland – A. 13

In relation to **A. 13** a total of ten (10) submissions were received in respect of Part 2(a)(iv) of the draft Direction (A. 13 Terryland, i.e. the subject land reverts to Recreation and Amenity (RA) from Residential (R)), all ten (10) opposing the draft Direction. The submissions opposed to the draft Direction comprise four submissions from elected members directly to the Office (Cllr. Lyons, Cllr. Larkin, Cllr. O'Flaherty, and Cllr. McNelis) five submissions from elected members to the CE, and one submission from a member of the public.

The Office notes that a number of the reasons cited in the submissions are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- The need for consideration of an entrance and exit to serve a residence.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- An entrance off the Coolough Road, which would remove a potentially serious hazard to fast-flowing traffic on the N6 Road.
- There is another (R) zoning, less than 100 metres away on the other side of Kirwan Junction which has been allowed to stand.
- On the other side of the Kirwan Junction, a rezoning of land included in the latest City Development Plan 2023-2029, has not met with any objection from the Planning Regulator, making it difficult to understand the stance on A. 13.
- The site is on the very periphery of a Flood Zone 2 area as is much of the Kirwan Junction.
- This site is a mere 0.007 hectares and the zoning was agreed by city councillors on the basis that the current access to the Lohan family home is too dangerous to continue.
- The current access is directly onto the busiest road in the city, the N6, a three-lane carriageway carrying many thousands of vehicles every day.
- The cycle lane provision to the front of the site will result in greater use of bicycles and contributes to a hazard already experienced. This further supports the relocation of the entrance.

In respect of points raised in the submissions the Office notes the predominant issues raised relates to traffic safety concerns in respect of the existing vehicular entrance serving the residential property. Notwithstanding the concern raised, the submissions do not address the substantial issue which relates to flood risk. The site is partially located in both Flood Zone A and Flood Zone B.

The Office notes that the submissions refer to another site, less than 100m away, which has not met an objection from the Office. The Office considers each zoning objective and material alteration on its individual merits, and in the case of material amendment A. 13 the Office's flood risk concerns were supported by the OPW, in their submission, dated 13th October 2022.

The Office appreciates the concerns expressed in relation to access to serve the existing home, however the Recreation and Amenity (RA) zoning objective does not

prohibit the provision of an access which can be considered under the relevant policy objectives of the Development Plan.

There is no basis to amend the recommendation of this Office in respect of Part 2(a)(iv).

Menlo Village Extension – A. 24

In respect of **A. 24** a total of three (3) submissions were received in respect of Part 2(a)(xiii) of the draft Direction (A. 24 Menlo Village Extension, i.e. the subject land reverts to Agriculture and High Amenity (G) from Residential (R2)), all three (3) opposing the draft Direction. The submissions opposed to the draft Direction comprise one submission from elected members directly to the Office (Cllr Larkin), one submission from an elected member to the CE, and one submission from a member of the public.

The Office notes that a number of the reasons included in the submissions are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- To provide for family housing.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- The subject lands are situated within the original envelope of the village and would represent infill development.
- The site can be classified as clustered rural infill.
- The site can facilitate a single house only.

- The Inner Galway Bay SPA does not encroach onto the subject site, and the site can be developed without adversely impacting on the designated site.

The Offices notes that the lands the subject of the A.24 are located in Flood Zone B, and as such the reasons given in the submissions do not have regard to the fact that a residential zoning on the subject site would permit in principle a highly vulnerable use on the site that has a flood risk.

There is no basis to amend the recommendation of this Office in respect of Part 2(a)(xiii).

Headford Road – A. 25

One (1) submission was received in respect of Part 2(a)(xiv) of the draft Direction (i.e. the subject land reverts to Recreation and Amenity (RA) from Residential (R2)), opposing the draft Direction. The submission was received by the CE from a member of the public.

The Office notes that a number of the reasons cited in the submission are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- To provide housing adjacent to bus stops and to support the concept of a 15 minute city.
- Most of the land is well above sea level.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submission are as follows:

- Sustainable neighbourhoods support a diverse society providing housing choice and affordability for people of all ages and abilities throughout their

lifecycle, that the concept reflects the ambition for a 15 minute city where the daily needs of neighbourhoods, including local services, can be easily accessed within a 15 minute walk, cycle or by public transport.

- The linkages between new housing and local services are important providing a green network, public transport and active travel network.
- New residential development will need to consider the layout of adjoining developments supporting opportunities for connections between streets and open spaces, while establishing its own character and legibility.
- Within existing neighbourhoods, designated residential open spaces which have a high amenity value and which are allied to existing residential developments will be protected for such use.
- The Guidelines for Planning Authorities issued under Section 28 of the Planning and Development Act, 2000 (as amended) recommend that the subject lands can be described as an Intermediate Urban Location and that such locations are generally suitable for smaller-scale, higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale.
- The current farm use does not offer any amenity to members of the public.

The Office notes that the lands the subject of the A. 24 are located in Flood Zone B, and as such the reason given in the submission to the Chief Executive does not, however, have regard to the fact that a residential zoning on the subject site would permit in principle a highly vulnerable use on the site that has a flood risk.

There is no basis to amend the recommendation of this Office in respect of Part 2(a)(xiv).

Part 2(b) – Delete zoning objectives – Low Density Residential

The Office is satisfied that the Chief Executive's recommendation in respect of Part 2(b) is generally appropriate as it would delete eleven (11) zoning objectives from the draft plan.

The statement of reasons in the draft Direction for Part 2(b) relate to the inclusion of zoning objectives to the draft Plan in a piecemeal manner in unserved and peripheral and / or isolated locations, and would not be consistent with the 50%

compact growth target in NPO 3(a-c), and which fails to have regard to the policy and objective for a sequential approach to development in the Development Plans Guidelines issued under section 28 of the Act regarding the sequential approach.

Further the zoning objectives would be inconsistent with the requirement under section 10(2)(n) of the Act to include objectives to promote sustainable settlement and transport strategies to reduce energy use and reduce GHG emissions, whilst failing to have regard to the sequential development in the city context.

The specific matters raised in the submissions received in relation to the individual zoning amendments are addressed below.

Land zoned Residential R2 in the adopted Plan at Cappagh consistent with the recommendation of the chief executive's report dated 16th June 2022

Three submissions (3) were received in respect of Part 2(b)(i) of the draft Direction opposing the draft Direction. The submissions were received by the CE from members of the public. The Office notes that a number of the reasons cited in the submissions are similar to the reason given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- This land has potential within its nodal setting for sensitive infill and consolidation that can contribute somewhat to compact growth.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- The lands were zoned Low Density Residential (LDR) in the previous Galway City Development Plan (GCDP), 2017-2023, and a high quality residential scheme is currently at advanced design stage.
- Local residents have requested the improvement upgrade for walking and cycling infrastructure, wastewater and drainage issues.
- There is a commitment (Specific Objective 4.8 (35)) to improve the Cappagh Road.
- The Cappagh Road has already been subject to improvement works and further works form part of the proposed N6 Galway City Ring Road (GCRR).
- The core strategy does not preclude the consideration of low density development on the subject site. Zoning of the subject lands would not result in a breach of the core strategy.
- Section 6.2.3 of the Development Plans Guidelines does not preclude the zoning of spatially less central lands (i.e. Tier 2 lands) in order to meet core strategy requirements.
- Section 4.4.4 of the Development Plans Guidelines requires a degree of competition and choice in the residential development land market and to ensure a future pipeline of well-located serviced land.
- The subject lands were included in the Core Strategy Table.
- “Additional provision” was included into the Core Strategy
- Section 1.5.3 of the CDP entitled “Core Strategy Statement” confirms that that the Core Strategy has, as demonstrated in Table 1.9, ensured that sufficient lands are available to meet the targeted growth and allow for a reasonable level.
- The zoning of the subject lands within the City boundary would not undermine sustainable settlement and transport strategies, and represents a more sustainable alternative to an unsustainable proliferation of one off housing within the rural hinterland of the City.
- The Galway City Development Plan 2023-2029, does not contain any greenbelt objectives or has not identified any greenbelt lands and the requested zoning of lands is not inconsistent with NPF NPO 62. In addition, it is important to note that the legacy of “agricultural” zoning along the Cappagh

road over time has led to the predominance of roadside one off housing/ribbon development.

- The reasons for refusal for PL Ref 19/176 on public health grounds have been addressed as evidenced by Confirmation of Feasibility from Irish Water.
- Minister has not included Material Alteration No. A.6 within the Draft Direction as the land is appropriately serviced and the zoning of this land for residential use is consistent with the sequential approach outlined in the *Development Plans, Guidelines for Planning Authorities* (2022).
- Historically the lands were frozen in 1999 due to the Galway City Outer bypass (GCOB) and could not be developed.
- The lands were zoned in 2017 for Low Density Residential (LDR) once the GCOB was no longer affecting these lands. More recently in the adopted 2023-2029 plan the lands remained zoned residential under new R2 designation.
- The infrastructural issues on these lands could be resolved.
- A planning application on the site is imminent.

In respect of points raised, the Office retains the view that the subject site is removed from established residential developments and supporting services, and located in a predominantly rural location, where the predominant land use zoning is Agriculture.

The development of the site would be inconsistent with the *Development Plans Guidelines* (2022) regarding sequential development in a city context, in particular in relation to the prioritisation of new development along high quality public transport corridors. In this respect, no or no adequate reasons have been provided to explain why the said *Guidelines* have not been followed. Further the development of the subject site would not contribute Compact Growth and therefore is inconsistent with national and regional planning policies (NPO 3b and RPO 3.2).

In relation to the reason regarding improvements to Cappagh Road the Office notes that these improvements are proposed during the course of the plan, whereas the core strategy has prioritised lands which are serviced with infrastructure, including safe access to the relevant sites.

In relation to the reasons relating to infrastructure and the servicing of the lands the Office notes that the relevant lands are unserviced and would require servicing infrastructure during the period of the plan, including water services.

In relation to NPO 62, the adopted plan includes short and long term policy objectives which support the establishment of a green network to manage and protect the environment to ensure the necessary balance between the preservation of the city's natural heritage, recreation and amenity requirements. This is supported by Development Plan Specific Objectives 38 which in turn would be consistent with NPO 62.

The legacy of housing development in agriculture zoned land is not a reason itself to zone an isolated site, within predominantly agriculture zoned land nor is the reason that a planning application for residential development is at an advanced stage of preparation.

In relation to the previous zoning objective for the lands, section 10(8) of the Act provides that there is no presumption in law that any land zoned in a particular development plan shall remain so zoned in any subsequent plan.

In relation to the point raised that these lands are included in the core strategy, the Office notes the core strategy provides for additional provision as set out in the Development Plans Guidelines, which includes the zoning of additional residential land to meet the needs of the targeted population increase up to 2029, however the zoning of these lands as LDR on the western periphery of the city area, in an area otherwise zoned Agriculture (A), would not contribute to compact growth and therefore is inconsistent with national and regional planning policies (NPO 3b and RPO 3.2).

The Office notes that the Galway City Development Plan 2023 – 2029, includes short term and long term policy objectives which support the establishment of a green network to manage and protect the environment to ensure the necessary balance between the preservation of the city's natural heritage and recreation and amenity requirements. This is supported by Development Plan Specific Objectives 38 which in turn would be consistent with NPO 62.

The Office notes that in relation to Material Amendment A6 – Rahoon, the Minister for Housing, Local Government and Heritage departed from the Office's recommended draft Direction, in accordance with the provisions of the Act.

There is no basis to amend the recommendation of this Office in respect of Part 2(b)(i).

Part 2(b) – Fig. 11.26 Coolagh

One (1) submission was received in respect of Part 2(b)(iii) of the draft Direction (i.e. delete the zoning objectives from the adopted Plan), opposing the draft Direction. The submission was received by the CE from a member of the public.

The Office notes that a number of the reasons cited in the submission are similar to the reason given by elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- The developer is in the process of making a planning application for housing on these lands. There is a need for private housing in the city.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive.

Additional issues raised in submissions are as follows:

- The site is well served in terms of access and connectivity.
- The main Coolagh Road to the west of the site has footpaths in both directions along its entirety from the N6 Quincentenary Bridge to the subject site (approx. 1.5km) at Coolagh.
- There is a public right of way along a portion of this road. The subject lands could be accessed via the Carraig Bán development in the future.
- Crestwood bus stop is located approximately 500m from the subject site, thus providing access to the city centre.

- Zoned housing land in an existing development plan, that is serviced and can be developed for housing.
- Low Density Residential use was included in the Galway City Development Plan for the periods, 2017-2023, and 2011-2017, for a period of 12 years.
- The submission notes that an existing low density residential settlement is located to the north of the subject site, as well as low density lands at Carraig Ban immediately to the south.
- The site is fully serviced, and the R2 zoning is consistent with the sequential approach outlined in the Development Plans Guidelines (2022).
- The site performs very well when assessed against the 'Settlement Capacity Audit' (SCA).
- The subject lands are located approximately 2.2 km from the city centre which represents a c. 7 min cycle time.
- Irish Water have confirmed that the water connection is feasible with an infrastructure upgrade, and that the wastewater connection is feasible subject to upgrades. (Confirmation of Feasibility correspondence is included in the submission in Appendix 2).
- There are a range of social facilities in the surrounding area including educational and childcare facilities.
- The submission notes that there is currently a live planning application on the subject lands under Pl. Ref. 22/314 for an access road.
- Minister has not included Material Alteration No. A.6 within the draft Direction as the land is appropriately serviced and the zoning of this land for residential use is consistent with the sequential approach outlined in the Development Plans Guidelines for Planning Authorities (2022).

Notwithstanding points raised in the submission regarding existing footpaths and bus services and social facilities, the site is peripheral to the city, given its location primarily adjoining land zoned for Agriculture (A), Agriculture and High Amenity (G), and Recreation and Amenity (R) objectives, and beyond the existing built up area of the city and therefore inconsistent with the national policy (NPO 3b) and regional policy (RPO 3.2) objectives in relation to achieving compact forms of development. Further the development of the site would not be in accordance with the Development Plans Guidelines (2022) regarding sequential development in a city

context, in particular in relation to the prioritisation of new development along high quality public transport corridors. In this respect, no or no adequate reasons have been provided to explain why the said Guidelines have not been followed.

In relation to the infrastructure capacity and servicing of the lands the Office notes that the relevant lands are unserviced and would require servicing infrastructure during the period of the plan, including water services.

In relation to the planning application for a road, as noted in the Section 31AM(8) notice, the making of a planning application does not in itself justify a zoning objective inconsistent with the national policy and Policy 1.4 of the adopted Plan. Notwithstanding, the Office notes that the core strategy has identified sufficient lands which are served by existing road and footpath infrastructure to ensure access to the relevant lands. Further, any access proposal would be the subject of a planning application to ensure the access meets appropriate sightline provision and traffic safety standards.

In relation to the previous zoning objective for the lands, section 10(8) of the Act provides that there is no presumption in law that any land zoned in a particular development plan shall remain so zoned in any subsequent plan. Furthermore, these plans were prepared prior to National Planning Framework, Regional Spatial and Economic Strategy and the Development Plans Guidelines with which inconsistencies have been identified and a failure to have regard to the Guidelines.

In relation to the core strategy there is no requirement within the core strategy (which provides for additional provision as set out in the Development Plans Guidelines) for the zoning of additional residential land to meet the needs of the targeted population increase up to 2029.

The Office notes that in relation to Material Amendment A6 – Ragoon, the Minister for Housing, Local Government and Heritage departed from the Office's recommended draft Direction, in accordance with the provisions of the Act.

There is no basis to amend the recommendation of this Office in respect of Part 2(b)(iii).

Part 2(b) – Fig. 11.31 in the Coolagh area, Fig. 11.29 Quarry Road, Menlo, Fig. 11.27 and 11.28 in the Castlegar area, and Figures 11.30 in the Roscam area, and Fig. 11.14 in the extended Roscam area,

A total of twenty six (26) submissions were received in respect of Part 2(b) (iv) (Figures 11.31 in the Coolagh area), (v) (Figure 11.29 Quarry Road Menlo), (vi) and (vii) (Figures 11.27 and 11.28 in the Castlegar area), (ix) and (x) (Figures 11.30 and 11.14 in the Roscam area) of the draft Direction (delete the following zoning objectives from the adopted Plan), all twenty six (26) opposing the draft Direction.

The submissions opposed to the draft Direction comprise eleven (11) submissions from elected members directly to the Office (Cllr. O’Flaherty, Cllr. McDonnell, Cllr. Fahy x 2, Cllr. McNelis x 2, Cllr. Larkin x 4, Cllr. Eddie Hoare), thirteen submissions from elected members to the CE, and one submission from a member of the public.

The CE Report recommended (26th October 2022) the making of the Plan without the material amendments to replace the LDR zoning objective with a new zoning objective Residential (R2) in relation to the above zoning objectives.

The elected members accepted the CE’s recommendation but gave no reason.

Issues raised in submissions opposing the draft direction in relation to Part 2(b) (iv) - Figures 11.31 in the Coolagh area), Part 2(b) (v) - Figure 11.29 Quarry Road, Menlo are as follows:

- Site was previously zoned for construction of a house.
- The site is already connected to the public sewers, water supply available, footpath and street light provision.
- Inconsistency in terms of applying the housing need criteria and planning permission for established uses.
- There is a local housing need.
- The proposal would address housing need criteria.
- The zoning would contribute to housing delivery at a time of a housing crises.
- The zoning would provide for housing at the a time of uncertainly for existing housing due to the Galway City ring road proposal.

The Office remains of the view that the Low Residential Density zoning objective in respect of Fig. 11.31 in the Coolagh area and Figure 11.29 Quarry Road, Menlo, are isolated zonings in otherwise areas predominantly zoned 'Agriculture and High Amenity' and 'Agriculture' respectively. Furthermore, the Office notes that these zoning objectives include provisions for rural housing subject to the criteria set out in the Development Plan.

The piecemeal approach to zoning in such peripheral / isolated areas would, however, undermine the potential of the city to deliver 50% compact growth target in NPO 3 and Policy 1.4 of the adopted plan.

In relation to the previous zoning objective for the lands, section 10(8) of the Act provides that there is no presumption in law that any land zoned in a particular development plan shall remain so zoned in any subsequent plan.

Moreover the development of these lands would be inconsistent with the Development Plans Guidelines (2022) regarding sequential development in a city context, in particular in relation to the prioritisation of new development along high quality public transport corridors. In this respect, no or no adequate reasons have been provided to explain why the said Guidelines have not been followed.

The core strategy in the adopted Plan provides (which provides for additional provision as set out in the Development Plans Guidelines) for the zoning of additional residential land to meet the needs of the targeted population increase up to 2029.

There is therefore no basis to amend the recommendation of this Office in respect of Part 2(b)(iv) and Part 2(b)(v).

Issues raised in submissions opposing the draft direction in relation to Part 2 (b) (vi) and (vii) – Figures 11.27 and 11.28 in the Castlegar area are as follows

- In relation to Fig. 11.27 the site is serviced with an 80mm diameter water main (owned by IW) and the houses do not require on-site treatment systems.
- In relation to Fig. 11.28 the site included a Protected View from a section of the lands in question. This was removed as that was the only part of the site

where the houses could realistically be built. The protected view was away from the site.

- In relation to Fig. 11.28 the land in question, comprising 3.99 hectares, and includes a house, along with four others in the immediate vicinity. The houses are scheduled for demolition should the proposed N6 Galway City Ring Road project proceed. Two other houses owned by the landowner will also be demolished.

Notwithstanding the points raised in respect of infrastructure capacity and serving of the sites, the development of the subject sites would however leapfrog the development of zoned undeveloped land, situated closer to the city, and would not be in accordance with the Development Plan Guidelines (2022) regarding sequential development in a city context. In this respect, no or no adequate reasons have been provided to explain why the said Guidelines have not been followed.

The Office acknowledges the point made in relation to the protected views, pertaining to the site relative to Fig. 11.28, however the orientation of the protected view would not address the primary issue which relates to the LDR zoning objective facilitating extensive low-density development in the rural hinterland contrary to compact growth.

Further, while the Office notes reason provided relating to the demolition of property associated with the N6 Ring Road and the consequent need for replacement property, this is not a sufficient basis for the residential zoning objective on lands that are otherwise contrary to national and regional policy.

The submissions do not, therefore, address the substantial issues which relates to core strategy, sequential and compact growth. In this respect, the Office notes that the draft Plan provided sufficient land to meet anticipated development requirements set out in the Core Strategy in a sequential and coordinated manner. Furthermore, there are preferably located lands which are zoned and serviced to meet demand and would contribute to compact growth. There is, therefore, no evidence based rationale to support the requirement for the subject zoning objectives to ensure that adequate housing is available.

There is therefore no basis to amend the recommendation of this Office in respect of Part 2(b)(vi) and (vii).

Issues raised in submissions opposing the draft direction in relation to Part 2(b) (ix) Fig. 11.30 in the Roscam area, are as follows:

- Rosshill is an area which is a long-standing neighbourhood of Galway City.
- The neighbourhood is not as isolated as suggested by the OPR, as it is located within easy reach of a range of educational, shopping, amenity and employment locations.
- The site is well served by transport infrastructure.
- The relevant lands have been the subject of 3 no. planning applications (Refs: 17/295, 18/44 & 19/89) in recent years and these planning applications, have been subject to extensive ecological and environmental assessments.

Issues raised in submissions opposing the draft Direction in relation to Part 2(b) (x) Fig. 11.14 in the extended Roscam area, are as follows:

- Rosshill is not a peripheral location but is a transitional location on the periphery of the urban area which is within easy reach of educational, shopping, amenity and employment locations in the local area by car, bicycle and on foot and city bus.
- Planned infrastructure investment by Irish Water at Merlin Park will facilitate the servicing of lands at Rosshill in due course.
- An Bord Pleanála have granted planning permission in Rosshill for a Strategic Housing Development of 102 units (300m away) which provides for the upgrade of an existing pumping station which will facilitate the connection of existing and future residential developments in Rosshill.
- In its initial submission to the Draft City Development Plan, the OPR recommended that the SHD lands be dezoned notwithstanding the ABP decision and that this has not been included in the proposed direction.
- There is an existing public water main serving Rosshill.
- There is ongoing residential development in Rosshill under PI. Ref. No:

10/212 & 16/109 on a portion of the subject lands. 4 houses are under and an additional 5 houses can be accommodated under the R2 zoning and specific objective.

- The subject lands are located within the built up footprint which is defined by the NPF as lands located within the Central Statistics Office (CSO) settlement map. The development would facilitate the delivery of compact growth.
- The low-density zoning objective is appropriate for the area.
- There is a robust greenbelt around the built footprint of the neighbourhood.
- The zoning of the subject site will augment the housing supply in Galway city.

In respect of points raised in the submissions the Office notes the sites in question are situated in peripheral locations in an area without public services, including public footpath, public lighting and waste water treatment. Rosshill/ Roscam comprises a series of one-off dwelling houses clustered around the local road network which are served by septic tanks and individual wastewater treatment systems. Furthermore, there is no evidence provided that the area is likely to be serviced within the plan period. Moreover the sites are removed from public transportation.

The Office notes recent planning application history, however the making of a planning application does not in itself justify a zoning objective inconsistent with the national policy and Policy 1.4 of the adopted Plan. Furthermore, the planning permission referred to in respect of Figure 11.4 relates only to a small area of land on its western edge.

The Office remain of the view, therefore, that these zoning objectives in an unserviced area and peripheral location removed from public transportation in a piecemeal and non-sequential manner is inconsistent with compact growth and sustain pattern of development.

There is therefore no basis to amend the recommendation of this Office in respect of Part 2(b)(ix) and (x).

Recommendation

In light of the above and for the reasons given in our notice letter of 22nd December 2022, the Office remains of the view, as set out in the 31(AM)(8) Notice, that the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

Having regard to section 31AN(4)(a) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act to issue the Direction with minor amendments as identified in red in the attached proposed Direction.

Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or at plans@opr.ie.

Yours sincerely,



Niall Cussen
Planning Regulator



DIRECTION IN THE MATTER OF SECTION 31

OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Galway City Development Plan 2023 – 2029

“Development Plan” means the Galway City Development Plan 2023 – 2029

“Planning Authority” means Galway City Council

The Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (No.30 of 2000) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2023 (S.I. No. 116 of 2023), and consequent to a recommendation made to him by the Office of the Planning Regulator, hereby directs as follows: This Direction may be cited as the Planning and Development (Galway City Development Plan 2023 - 2029) Direction 2022.

(1) The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:

(a) Reinstate 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 16th 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.

(c) Omit the specific development objectives in Section 11.2.8 for the following lands as set out in the Chief Executive recommendations in the Chief Executive's Report dated 3rd March 2023:

- A.15 Quarry Road, Menlo.
- A.16 Ballindooley.
- A.19 Menlo Village.
- A.20 Quarry Road.
- A.23 Roscam.
- A.24 Menlo Village Extension.
- 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.

STATEMENT OF REASONS

I. Pursuant to section 31(1)(b), section 31(1)(ba)(i) and section 31(1)(c)

The Development Plan as made includes land zoned for residential development that individually and cumulatively are not consistent with the Core Strategy, national and regional planning policy, and the proper planning and sustainable development of the area, including:

- a. Land zoned for residential development that is not consistent with the Core Strategy in the adopted Plan.
- b. Land zoned for residential development in peripheral and unserved locations in a piecemeal and non-sequential manner inconsistent with the requirement for compact growth in NPO 3(a-c) and RPO 3.2 of the RSES and to strengthen the value of greenbelts and green spaces under NPO 62, the requirement under section 10(2)(n) for objectives of the Act to promote sustainable settlement and transport strategies to reduce energy use and to reduce GHG emissions, and fails to have regard to the sequential approach to development having regard to the policy and objective of the Development Plans Guidelines for Planning Authorities (2022) (“the Development Plan Guidelines”) regarding the sequential approach to zoning for residential development (section 6.2.3).

II. Pursuant to section 31(1)(b)(i) and section 31(1)(c)

The Development Plan as made includes extensive areas of land zoned Residential R2 in a piecemeal manner in unserviced and peripheral and/ or isolated locations, and more often in areas otherwise zoned Agriculture or Agriculture and High Amenity, that would undermine the potential of the city to deliver its 50% compact growth target in NPO 3(a-c), and inconsistent with NPO 62 to strengthen the value of greenbelts and green spaces at a city level.

III. Pursuant to section 31(1)(b)(i) and section 31(1)(c)

Land zoned for Enterprise, Light Industry and Commercial (CI) at an unserviced and remote location at Coolagh Road (material amendment A.4) inconsistent with the tiered approach to zoning under NPO 72 (a-c) of the NPF, the requirement under section 10(2)(n) for objectives of the Act to promote sustainable settlement and transport strategies to reduce energy use and to reduce GHG emissions, and fails to have regard to 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.

IV Pursuant to section 31(1)(b)(i) and section 31(1)(c)

Land zoned for residential development in areas known to be at risk of flooding inconsistent with NPO 57 of the NPF, which seeks to avoid inappropriate development in areas at risk of flooding in accordance with Ministerial Guidelines issued under Section 28 of the Act, The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009) ("the Flood Guidelines").

V Pursuant to section 31(1)(c)

No adequate reasons nor explanations relating to the proper planning and sustainable development of the area have been provided to explain why lands have been zoned in such a way and how this approach (involving a failure to zone lands having regard to the Development Plan Guidelines and Flood Guidelines) is consistent with an overall strategy for the proper and sustainable development of the area.

VI Pursuant to section 31(1)(a)(i)(II)

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 of the Act.

GIVEN under my hand,

Minister for Housing, Local Government and Heritage

day of Month, year

**Appendix to s. 31AN(4) Notice Letter – Schedule of Specific Development
Objectives**

The relevant specific development objectives in Section 11.2.8, pertaining to Part 2(a) of draft direction are as follows:

A.15 Quarry Road, Menlo - R2 lands at Quarry Road, Menlo. Any residential development on this site (0.63 ha, which corresponds with the site the subject of Pl. Ref. 17/217) shall be reserved for the use of immediate family members of the landowner.

A.16 Ballindooley R2 lands at Ballindooley located on local road ref L-51517. Any residential development on this site (0.75 ha) shall be reserved for the use of immediate family members of the landowner.

A.19 Menlo Village Extension R2 lands adjoining Menlo Village to the south. Residential development on this site (1 ha) shall be reserved for the use of immediate family members of the landowner.

A.20 Quarry Road R2 lands on the western side of Quarry Road. Any residential development on this site (0.35 ha) shall be reserved for the use of immediate family members of the landowner.

A.23 Roscam R2 lands at Roscam (comprising of approximately 0.9 ha) adjoining and to the south west of Pl. Ref.16/187. Any development shall be limited to one house only reserved for the use of immediate family members of the landowner.

A.24 Menlo Village Extension R2 lands adjoining Menlo Village to the west. Any residential development on this site (0.16ha) shall be reserved for the use of immediate family members of the landowner.

The relevant specific development objectives in Section 11.2.8, pertaining to Part 2(b) of draft direction are as follows:

2(b)(i) Lands at Cappagh R2 lands comprising of 4.68 hectares at Cappagh Road, Cappagh. Development of these lands shall generally have a maximum density of 2.5 houses to the hectare.

Fig. 11.26 Coolagh R2 lands at Coolagh adjoining and to the north of Carraig Ban. Development shall generally have a maximum density of 2.5 houses to the hectare. Any development of these lands shall include protection of the masspath together with the original pre famine stone boundary walls and shall integrate this masspath into any development layout while preserving its historical integrity.

Fig. 11.31 in the Coolagh area, R2 lands west of Coolagh Road opposite Carraig Ban. Development shall be restricted to one house only, reserved for the use of immediate family members of the landowner

Fig. 11.29 Quarry Road, Menlo R2 lands east of Quarry Road, Menlo. Development shall be restricted to one house only, reserved for the use of immediate family members of the landowner

Fig. 11.27 in the Castlegar area R2 lands east of Castlegar National School. Development shall generally have a maximum density of 5 houses to the hectare. Any development shall be consistent with the N6 GCRR Strategic Road.

Fig. 11.28 in the Castlegar area, R2 lands at Castlegar to the north west of Castlegar National School. Development shall be restricted to 5 houses only, reserved for the use of immediate family members of the landowner. Any development shall be consistent with the N6 GCRR Strategic Road.

Fig. 11.30 in the Roscame area,

R2 lands at Roscam Village. Family lands defined as site A and site B in details submitted in planning application reference 18/44. Development shall be restricted to two houses only, reserved for the use of immediate family members of the landowner.

R2 lands at Roscam Village. Lands defined by planning application reference 20/345 and the adjoining Residential R2 lands to the north. Development shall be restricted to two houses only, reserved for the use of immediate family members of the landowner.

Fig. 11.14 in the extended Roscam area.

R2 lands at Roscam. Lands adjoining and to the south of Ros Odhrain comprising 1.1 hectare. Development shall have a density of 12 houses per hectare subject to a connection to public wastewater treatment plant being present.