



3<sup>rd</sup> May 2023

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

Galway City Council  
City Hall  
College Road  
Galway  
H91 X4K8

**Section 31 of the Planning and Development Act 2000 (as amended)**  
**Decision to Issue a Direction to Galway City Council regarding the**  
**Galway City Development Plan 2023 – 2029**

Dear Brendan,

I am writing to inform you of the following in relation to the section 31 draft Direction that issued to Galway City Council on 13<sup>th</sup> January 2023, and the subsequent consideration by the Office of the Planning Regulator ('the Office') of your report and the submissions made directly to the Office in connection with the Galway City Development Plan 2023 – 2029, as adopted by the elected members of Galway City Council on 24<sup>th</sup> November 2022.

The Office notified the Minister pursuant to section 31AN(4) of the Planning and Development Act 2000 ('the Act') on 23<sup>rd</sup> March 2023 and recommended that I, as Minister, issue the Direction as attached to the *Notice of Intention to Issue a Direction*, with minor amendments.

The draft Direction contained the following parts:

- Part 2(a) - reinstate zoning objectives to that of the draft Plan in the case of fourteen (14) identified locations in Galway City;
- Part 2(b) - delete eleven (11) zoning objectives from the adopted Plan: i.e. the subject land is unzoned.



A copy of the notice letter and proposed final Direction was submitted to the Minister by the Office along with supporting documentation, which included the following:

- Galway City Council Chief Executive's Report issued under section 31(8) of the Act;
- A copy of submissions received by the Office pursuant to section 31(10) of the Act.

Having reviewed and considered the Office's notification letter under section 31AN(4), your report on the draft Direction and submissions received, and the submissions made directly by elected members of the Council to the Office, I am of the opinion that the Direction should be issued in line with the recommendations of the Office (with minor renumbering to address a typographical issue), and in that regard I refer you to the Statement of Reasons set out in the enclosed Direction.

Having noted your recommendations as Chief Executive under section 31(9) of the Act in relation to the best manner in which to give effect to the draft Direction, I am in agreement with the Office's recommendation to also omit identified specific development objectives from the plan that correspond to individual land use zonings included in the Direction and in this regard you will note the insertion of Part 2(c) in the final Direction as issued.

In relation to your recommendation to consider the insertion of appropriate alternative land use zoning objectives on certain identified lands, I am of the opinion that should the planning authority consider alternative zoning objectives are necessary, this is a matter that would be most appropriately determined by the elected members of Galway City Council in exercise of their reserved function to vary the development plan pursuant to section 13 of the Act. This process would be informed by environmental assessment, as well as public consultation, and would provide an opportunity for further engagement with the Office. In relation to specific matters raised in submissions relating to the development of land which previously had the benefit of a grant of permission, I am specifically precluded by section 30 of the Planning and Development Act 2000 (as amended) from exercising any power or control in relation to any particular case



with which a planning authority is or may be concerned. I am of the opinion that matters relating to such lands are most appropriately dealt with at the local level by the City Council as planning authority.

Accordingly, Galway City Council should **TAKE NOTICE** that on the 3<sup>rd</sup> day of May, 2023 I have issued a Direction pursuant to section 31 of the Planning and Development Act 2000 (as amended). Pursuant to section 31(17) of the Act this Direction is deemed to have immediate effect and its terms are considered to be incorporated into the plan. A copy of this Direction is enclosed.

In light of the foregoing, Galway City Council is required, pursuant to section 31(2) of the Planning and Development Act 2000 to comply with this Direction so as to rectify the matter in a manner that, in my opinion, will ensure that the Galway City Development Plan 2023 – 2029 sets out an overall strategy for proper planning and sustainable development and meets the requirements of the Act.

The Council should ensure that the Direction is available for inspection at its offices and on its website.

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

Yours sincerely,

Kieran O'Donnell TD

Minister of State for Local Government and Planning

Copied to:



- Cathaoirleach, Galway City Council, City Hall, College Road, Galway, H91 X4K8
- Office of the Planning Regulator, Fourth Floor (West Wing) Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWV4.
- Director, Northern and Western Regional Assembly, The Square, Ballaghaderreen, County Roscommon F45 W674.

## **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 under section 31AN(4) of the Act, hereby directs as follows:

(1) This Direction may be cited as the Planning and Development (Galway City Development Plan 2023 – 2029) Direction 2023.

(2) 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 Ballindoooley – 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 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.

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

- A.15 Quarry Road, Menlo.
- A.16 Ballindooley.
- A.19 Menlo Village Extension.
- 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 16<sup>th</sup> 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-b) of the NPF 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) of the Act for objectives to promote sustainable settlement and transport strategies to reduce energy use and to reduce greenhouse gas 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)(ba)(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-b) of the NPF, and inconsistent with NPO 62 to strengthen the value of greenbelts and green spaces at a city level.

**III. Pursuant to section 31(1)(ba)(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) of the Act for objectives to promote sustainable settlement and transport strategies to reduce energy use and to reduce greenhouse gas 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)(ba)(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 31AM of the Act.

GIVEN under my hand,



---

Kieran O'Donnell TD  
Minister of State for Local Government and Planning

3 May, 2023