



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

20<sup>th</sup> June 2025

James Browne TD,  
Minister for Housing, Local Government and Heritage,  
Department of Housing, Local Government and Heritage,  
Custom House,  
Dublin 1,  
D01 W6X0.

**BY HAND AND BY EMAIL**

**Re: Notice Pursuant to section 31AM(8) of the Planning and Development Act  
2000 (as amended) – Monaghan County Development Plan 2025-2031**

A chara,

1. I am writing to you in relation to the recent adoption by the elected members of Monaghan County Council (the Planning Authority) of the Monaghan County Development Plan 2025-2031 (the County Development Plan).
2. In particular, I am writing to you in the context of the statutory duty of the Office of the Planning Regulator (the Office) pursuant to section 31AM(8) of the Planning and Development Act 2000, as amended (the Act) to issue a Notice to you on the basis that, having considered the County Development Plan, the Office is of the opinion that:
  - a) the County Development Plan has not been made in a manner consistent with recommendations of the Office, as set out in the letter to the Planning Authority issued on 10<sup>th</sup> April 2025<sup>1</sup>, which required specific changes to the County Development Plan to ensure consistency with NPO 6 to regenerate and rejuvenate towns and NPO 74 to support the delivery of the National

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<sup>1</sup> The submission of the Office on the Material Alterations to the Draft Monaghan County Development Plan 2025 – 2031 was dated 10<sup>th</sup> April 2022 in error, however, it was made on 10<sup>th</sup> April 2025.

Strategic Outcomes for compact growth, sustainable mobility and transition to a low carbon and climate resilient society of the National Planning Framework (2018) (former NPF), RPO 4.45 of the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (RSES) to support retail in town centres, and section 10(2)(n) of the Act for the promotion of sustainable settlement and transportation strategies.

Specifically, the County Development Plan includes a material alteration to insert a footnote at table 9.3 Land Use Zoning Matrix which states 'Retail (Convenience) and Retail (Comparison) are acceptable in principle at the Monaghan Retail Park'.

- b) the County Development Plan has not been made in a manner consistent with recommendations of the Office, as set out in the letter to the Planning Authority issued on 10<sup>th</sup> April 2025, which required specific changes to the plan to ensure consistency with NPO 57 of the former NPF which ensures that flood risk management informs 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 (Flood Guidelines), and RPO 3.10 of the RSES to ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding and to assess flood risk by implementing the recommendations of the Flood Guidelines.

Specifically, the County Development Plan includes a material alteration to zone land for Industry / Enterprise / Employment development in Flood Zone A;

- c) the County Development Plan has not been made in a manner consistent with the recommendations of the Office;
- d) the decision of the Planning Authority results in a development plan that fails to set out an overall strategy for the proper planning and sustainable development of the area concerned; and
- e) as a consequence, the use by you of your function to issue a direction under section 31 of the Act would be merited.

3. The reasons for the opinion of the Office are set out in further detail in this letter. This letter is a Notice to you pursuant to section 31AM(8) of the Act.
4. This notice letter is laid out under the following headings:
  1. [General Information](#)
  2. [Table of Recommendations](#)
  3. [Assessment and Evaluation of the Office](#)
    - 3.1 [Relevant recommendations at MA stage](#)
      - 3.1.1 [MA Recommendation 2 – Land Use Matrix and Monaghan Retail Park](#)
      - 3.1.2 [MA Recommendation 3 – Flood Risk Management](#)
      - 3.1.3 [Revised National Planning Framework](#)
    - 3.2 [Consideration of the Outstanding Matters](#)
      - 3.2.1 [MA: Chapter 9, No. 2](#)
      - 3.2.2 [MA: MTDP1 No. 15](#)
  4. [Opinion of the Office and Reasons](#)
  5. [Recommendation to the Minister](#)

## **1. General Information**

5. The public consultation on the draft County Development Plan ran from 5<sup>th</sup> September 2024 to 14<sup>th</sup> November 2024. The Office made 15 recommendations in its submission on 14<sup>th</sup> November 2024.
6. The public consultation on the material alterations ran from 13<sup>th</sup> March 2025 to 10<sup>th</sup> April 2025. The Office made three recommendations in its submission on 10<sup>th</sup> April 2025.
7. The County Development Plan was adopted by the Planning Authority on 26<sup>th</sup> May 2025.
8. The Planning Authority sent a section 31AM(6) notice letter dated 3<sup>rd</sup> June 2025 (31AM(6) notice letter) to the Office advising of the resolution of the Planning Authority to make the County Development Plan, specifying that the Planning Authority did not accept MA Recommendations 1, 2 and 3, setting out the elected members' reasons for not accepting the Office's recommendations, stating that the 31AM(6) notice letter should be read in conjunction with the

section 12(5)(aa) notice letter dated 20<sup>th</sup> March 2025 (12(5)(aa) notice letter) and advising that the Planning Authority did not comply with Recommendations 3(i), 3(ii), 4(iii), 6(i), 10(ii), 11, 12(i), 13(iii), 13(iv) and 14(i), setting out the elected members' reasons for not accepting the Office's recommendations.

9. The Office has assessed the adopted County Development Plan in light of the recommendations at draft stage and material alterations stage and has reviewed the Chief Executive's Reports (CE's Reports), the 12(5)(aa) notice letter and the 31AM(6) notice letter and accompanying report setting out the elected members' reasons.
10. The Office has concluded that, with the exception of the inclusion of a footnote at table 9.3 Land Use Zoning Matrix MA: Chapter 9, No. 2 (MA Recommendation 2) and Industry / Enterprise / Employment zoned lands MA: MTDP1 No.15 (MA Recommendation 3), as set out in the Table of Recommendations below, the recommendations of the Office have been responded to and/or have been addressed to the satisfaction of the Office, including where the Office accepts the reasons given by the Planning Authority, or are otherwise considered satisfactory within the legislative and policy context such that a recommendation to the Minister is not merited in respect of those matters.

## 2. Table of Recommendations

OPR Recommendation	Subject	Planning Authority Response and OPR's Conclusion	S.31 Recommendation
<b>Draft Stage</b>			
Recommendation 1	Core Strategy and Housing Supply Target	Satisfactorily addressed	No
Recommendation 2	Settlement Strategy	Satisfactorily addressed	No
Recommendation 3		(i) Satisfactorily addressed	No

OPR Recommendation	Subject	Planning Authority Response and OPR's Conclusion	S.31 Recommendation
	Strategic Residential Reserve	(ii) Not implemented but Direction not merited	No
Recommendation 4	Residential Land Supply	Satisfactorily addressed	No
Recommendation 5	Compact Growth and Regeneration	Satisfactorily addressed	No
Recommendation 6	Development Management Standards	Satisfactorily addressed	No
Recommendation 7	Traveller Accommodation	Satisfactorily addressed	No
Recommendation 8	Infrastructure capacity	Satisfactorily addressed	No
Recommendation 9	Rural Regeneration	Satisfactorily addressed	No
Recommendation 10	Employment Zoned Land	Satisfactorily addressed	No
Recommendation 11	Retail Warehousing	Satisfactorily addressed	No
Recommendation 12	Sustainable mobility	(i) Not implemented but Direction not merited	No
		(ii) Satisfactorily addressed	No
		(iii) Satisfactorily addressed	No
Recommendation 13	Renewable Energy Strategy and Infrastructure	(i) Satisfactorily addressed	No
		(ii) Satisfactorily addressed	No

OPR Recommendation	Subject	Planning Authority Response and OPR's Conclusion	S.31 Recommendation
		(iii) Not implemented but Direction not merited	No
		(iv) Not implemented but Direction not merited	No
Recommendation 14	Flood Risk Management	Satisfactorily addressed	No
Recommendation 15	Natura Impact Report	Satisfactorily addressed	No
<b>Material Alterations Stage</b>			
MA Recommendation 1	Zoning for Residential Use at Clones	Not implemented but Direction not merited	No
MA Recommendation 2	Land Use Matrix and Monaghan Retail Park	Not implemented	Yes
MA Recommendation 3	Flood Risk Management	(i) Not implemented	Yes
		(ii) Satisfactorily addressed	No

### 3. Assessment and Evaluation of the Office

11. The outstanding matters are, therefore, confined to the following:

- MA: Chapter 9, No. 2 - Inclusion of a footnote inserted at table 9.3, Land Use Zoning Matrix which states 'Retail (Convenience) and Retail (Comparison) are acceptable in principle at the Monaghan Retail Park' (MA Recommendation 2 Land Use Matrix and Monaghan Retail Park).
- MA: MTDP1 No. 15 - Land zoned Industrial / Enterprise / Employment at Coolshannagh, Monaghan (MA Recommendation 3 Flood Risk Management).

### 3.1 Relevant Recommendations at MA Stage

12. The recommendations made by the Office to the Planning Authority that are now relevant to this recommendation to issue a draft direction under section 31 of the Act are as follows:

- MA Recommendation 2 Land Use Matrix and Monaghan Retail Park.
- MA Recommendation 3 Flood Risk Management.

#### 3.1.1 MA Recommendation 2 – Land Use Matrix and Monaghan Retail Park

13. MA Recommendation 2 (below) recommended that the Planning Authority omit the inclusion of a footnote inserted at table 9.3, Land Use Zoning Matrix which stated that ‘Retail (Convenience) and Retail (Comparison) are acceptable in principle at the Monaghan Retail Park’ and which was proposed at material alterations stage.

#### MA Recommendation 2 – Land Use Matrix and Monaghan Retail Park

Having regard to the need to prioritise retail provision within the town core, to adopt a sequential approach to development and the need to preserve the capacity of the national road network, and in particular to:

- NPO 6 of the NPF<sup>2</sup> for the regeneration of towns, and RPO 4.45 of the RSES, supporting retail in town and village centres;
- the sequential approach to development as set out in the Retail Planning Guidelines for Planning Authorities (2012);
- NPO 74 of the NPF and the National Strategic Outcomes for compact growth, sustainable mobility and transition to a low carbon and climate resilient society; and

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<sup>2</sup> As this recommendation was made prior to both Houses of the Oireachtas approving the First Revision to the National Planning Framework in April 2025, references to the NPF in this recommendation relate to the former NPF.

- section 10(2)(n) of the Planning and Development Act 2000, as amended, and the Climate Action Plan 2024 and the Climate Action and Low Carbon Development Act 2015, as amended,

the Planning Authority is recommended to amend MA: Chapter 9, No. 2 to omit the footnote inserted at table 9.3, Land Use Zoning Matrix in relation to Monaghan Retail Park.

### 3.1.2 MA Recommendation 3 – Flood Risk Management

14. MA Recommendation 3 (below) recommended that the Planning Authority make the County Development Plan without a rezoning change (MA: MTDP1 No. 15) having regard to flood risk management and with a review of Appendix F of the Strategic Flood Risk Assessment (SFRA) to ensure consistency with the Flood Guidelines.

#### MA Recommendation 3 – Flood Risk Management

Having regard to the need to manage flood risk and, in particular:

- NPO 57 of the NPF<sup>3</sup> requiring implementation of The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines) and integration of sustainable water management solutions; and
- RPO 3.10 of the RSES, flood risk management and integration of sustainable water management solutions,

the Planning Authority is recommended to:

- (i) make the Monaghan County Development Plan 2025-2031 without Map MA Ref: MTDP1 No. 15 (Monaghan Town); and
- (ii) review and amend the Strategic Flood Risk Assessment to ensure that appendix F Plan Making Justification Test (Justification Test) is fully consistent with the Flood Guidelines with respect to whether the

<sup>3</sup> As this recommendation was made prior to both Houses of the Oireachtas approving the First Revision to the National Planning Framework in April 2025, references to the NPF in this recommendation relate to the former NPF.



Justification Test criteria have been satisfied, and whether specified mitigation measures can effectively reduce the risks to an acceptable level while not exacerbating flood risk elsewhere.

The Planning Authority is advised to liaise with the Office of Public Works to address this recommendation.

15. In relation to MA Recommendation 3(ii), the Office is satisfied that the Planning Authority has liaised with the Office of Public Works (OPW) to review and amend the SFRA to ensure consistency with the Flood Guidelines.
16. The Office does not, therefore, consider that a recommendation to the Minister is merited in relation to MA Recommendation 3(ii).
17. In relation to MA Recommendation 3(i) – MA: MTDP1 No. 15 - the assessment has been undertaken in sections 3.2.1 and 3.2.2 below.

### **3.1.3 Revised National Planning Framework**

18. Subsequent to the Office's submissions to the County Development Plan at draft and material alterations stages, the First Revision to the National Planning Framework (2025) (the Revised NPF) was approved by both Houses of the Oireachtas (April 2025). The Revised NPF included changes to the national planning objectives (NPOs) relevant to the recommendations of the Office. The Office is of the view, however, that these changes do not affect the substance of the recommendations, such that would affect the use by you of your function to issue a direction under section 31 of the Act.
19. NPO 14 of the Revised NPF (NPO 6 of the former NPF) in relation to town centre regeneration now includes ensuring progress toward national achievement of the UN Sustainable Development Goals and NPO 107 (NPO 74 of the former NPF) remains largely unchanged.
20. The Revised NPF does include changes to NPO 57 of the former NPF in relation to flood risk management. The Revised NPF now includes NPO 78 which separates flood risk management from water quality and resource management,

and includes a provision to take account of the potential impacts of climate change on flooding and flood risk.

21. These changes are as follows:

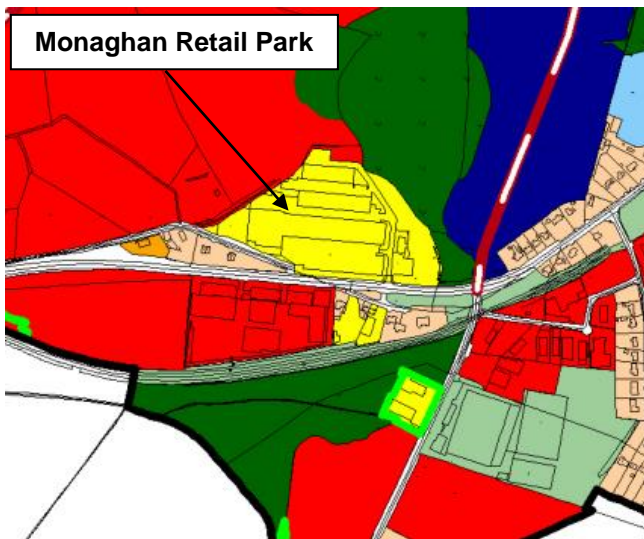
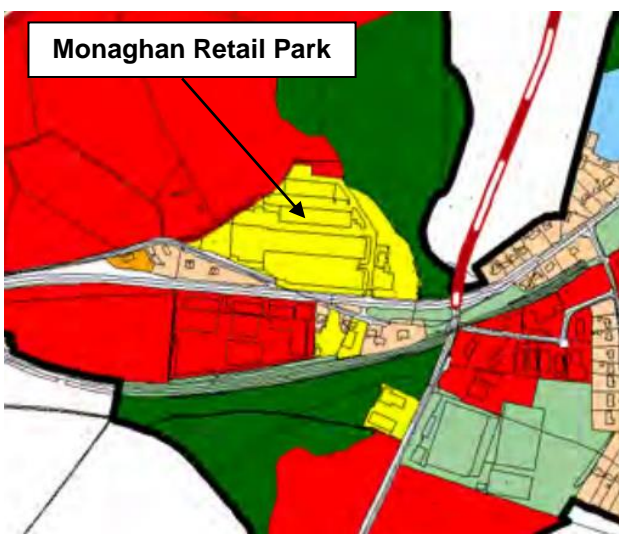
Former NPF	Revised NPF
<b>Town Centre Regeneration</b>	
<b>NPO 6</b>	<b>NPO 14</b>
<i>Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.</i>	<i>Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.</i>
<b>National Strategic Outcomes - Compact Growth, Sustainable Mobility and Transition to Low Carbon Economy</b>	
<b>NPO 74</b>	<b>NPO 107</b>
<i>Secure the alignment of the National Planning Framework and the National Development Plan through delivery of the National Strategic Outcomes.</i>	<i>Continue to ensure the alignment of the National Planning Framework and the National Development Plan through delivery of the National Strategic Outcomes.</i>
<b>Flood Risk Management</b>	
<b>NPO 57</b>	<b>NPO 78</b>
<i>Enhance water quality and resource management by:</i> <ul style="list-style-type: none"> <li>• <i>Ensuring flood risk management informs 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.</i></li> <li>• <i>Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process.</i></li> </ul>	<i>Promote sustainable development by ensuring flooding and flood risk management informs place-making by:</i> <ul style="list-style-type: none"> <li>• <i>Avoiding inappropriate development in areas at risk of flooding that do not pass the Justification Test, in accordance with the Guidelines on the Planning System and Flood Risk Management;</i></li> <li>• <i>Taking account of the potential impacts of climate change on flooding and flood risk, in line with</i></li> </ul>

<ul style="list-style-type: none"> <li>Integrating sustainable water management solutions, such as Sustainable Urban Drainage (SUDS), non-porous surfacing and green roofs, to create safe places.</li> </ul>	national policy regarding climate adaptation.
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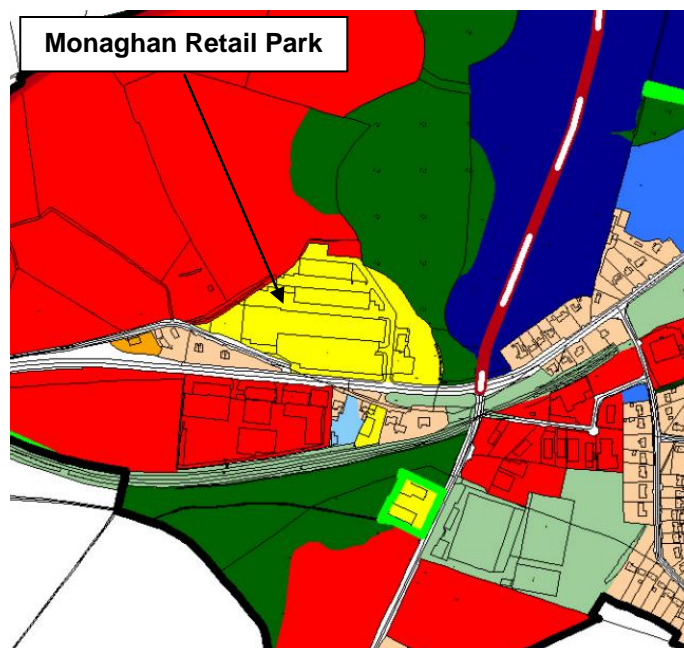
## 3.2 Consideration of the Outstanding Matters

22. The two outstanding matters identified at paragraph 11 above are assessed in detail below.

### 3.2.1 MA: Chapter 9, No. 2

<p><b>[1] Material Alteration: Chapter 9, No. 2</b></p> <p><b>MA: Chapter 9, No. 2</b> Insert a footnote at table 9.3, Land Use Zoning Matrix which states 'Retail (Convenience) and Retail (Comparison) are acceptable in principle at the Monaghan Retail Park'.</p>	
<b>[2a] Approximate Site Area</b>	c. 5ha.
<b>[2b] CSO Boundary</b>	Outside CSO 2016 boundary. Outside 2022 boundary.
<p><b>[3a] Zoning map extract of the land at draft stage</b></p>  <p>Zoned Existing Commercial</p>	<p><b>[3b] Zoning map extract of the land at material alterations stage</b></p>  <p>Zoned Existing Commercial</p>

**[4a] Zoning map extract of the land from the Monaghan County Development Plan 2019-2025**



The lands were zoned Existing Commercial in the Monaghan County Development Plan 2019-2025.

**[4b] Link to Aerial Imagery**

[Aerial photography of the site and its surrounds.](#)

**[5] Specific Site Constraints or Designations**

N/A.

**[6] Servicing Tier & Infrastructure Status**

Serviced site.

**[7] Chief Executive's Recommendation**

The [CE's Report \(MA stage\)](#) agreed with the Office's MA Recommendation 2 and recommended that the County Development Plan be made without MA: Chapter 9, No. 2 for the following reasons:

- the submission in relation to the site at draft stage included the planning history relating to the site. Of particular note, are planning references 05/978, 04/112, 02/571 which restricted the use of the floorspace of the units in the park to the retail sale and ancillary storage of bulky goods only;

- also of note are five applications received between 2009 and 2024 which related to a change of use of some of the units within the park to discount food / convenience retailing;
- the 2024 planning application is currently subject to a further information request by the Planning Authority. The remaining four applications were refused planning permission by the Planning Authority for reasons relating to, inter alia, being contrary to national and local retail planning policy, sequential approach justification<sup>4</sup>, and impact on vitality and viability of Monaghan town centre;
- two of these applications were refused on appeal by An Bord Pleanála, and a summary of planning applications of note relating to discount food / convenience retailing is provided:
  - 09/320 Aldi (change of use of units 9 & 10 to licensed discount food store). Refused by the Planning Authority - excessive level of convenience retailing, contrary to retail hierarchy of Retail Strategy; no justification in terms of sequential approach, adverse impact on vitality and viability of town centre; insufficient parking.
  - 10/36 Aldi (change of use of units 9 & 10 to licensed discount food store). Refused by the Planning Authority - excessive level of convenience retailing, contrary to retail hierarchy of Retail Strategy; no justification in terms of sequential approach, adverse impact on vitality and viability of town centre; insufficient parking.
  - 10/425 Aldi & cinema (change of use unit 1 to leisure complex & amalgamation of units 9 and 10 with building modifications, increase parking) Planning permission granted on appeal by An Bord Pleanála (reference PL18.238810) for leisure complex (unit 1) and refused for (units 9 & 10) as discount food store - contrary to retail policies, sequential approach justification, impact viability and vitality of town centre.

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<sup>4</sup> In the interests of clarity, the references to 'sequential approach' in relation to retail development should be understood in the context of the Retail Planning Guidelines. This is a separate matter to the sequential approach to flood risk management which is dealt with in the Flood Guidelines.

- 20/296 Iceland (change of use of unit 2 to convenience retail). Refused by the Planning Authority and An Bord Pleanála (reference PL18.308410 - contrary to retail policies / strategy, zoning objectives, sequential approach test not demonstrated, detract from vitality and viability of town centre.
- a planning application (reference 24/60318) has been lodged with the Planning Authority for the retention of convenience goods and non-bulky comparison goods for units 9 and 10 (amalgamated) in non-conformity with condition no. 10 of 05/978;
- further information was requested by the Planning Authority in respect of a number of matters on 24 October 2024, but as of 11 February 2025 this had not been responded to by the applicant;
- in its recommendation to the draft County Development Plan the Office refers to the need to prioritise retail provision in the town core, to adopt a sequential approach to development and the need to preserve the capacity of the national road network, and in particular to:
  - NPO 6 of the former NPF for the regeneration of towns, and RPO 4.45 of the RSES, supporting retail in town and village centres.
  - The sequential approach to development as set out in the Retail Planning Guidelines for Planning Authorities (2012).
  - NPO 74 of the former NPF and NSOs for compact growth, sustainable mobility and transition to a low carbon and climate resilient society.
  - Section 10(2)(n) of the Act, the Climate Action Plan 2024 and the Climate Action and Low Carbon Development Act 2015, as amended.
- the planning decisions by the Planning Authority and An Bord Pleanála affirm the importance of the retail hierarchy and the need to protect the viability and vitality of the town centre;
- the Office's recommendation reaffirms the need to prioritise retail provision in the town core, and comply with national policy provisions and guidelines, to support regeneration, compact growth, sustainable mobility and a transition to a low carbon and climate resilient society;

- the policies contained in the current Retail Strategy reflect the most up-to-date Retail Planning Guidelines for Planning Authorities (2012) which states that there should be a general presumption against large out-of-town retail centres. It references those located adjacent or close to existing, new or planned national roads / motorways. The need to enhance the vitality and viability of city and town centres in all their functions through sequential development is an overarching objective in both documents; and
- it is considered reasonable that the County Development Plan should set out a timeframe for the preparation of a new Retail Strategy to commence. As such it is recommended that Retail Objective RTO 1 be amended to commence the preparation of a new Retail Strategy for the County within the first two years following the adoption of the County Development Plan. Retail Policy RTP 1 of the draft County Development Plan provides for retail development to comply with the County Monaghan Retail Strategy 2016-2022.

The Chief Executive recommended to amend MA: Chapter 9, No. 2 to omit the footnote inserted at table 9.3, Land Use Zoning Matrix in relation to Monaghan Retail Park.

#### **[8] Prescribed Bodies**

N/A

#### **[9] Elected Members' Reasons**

The elected members did not accept the Chief Executive's recommendation and made the County Development Plan with MA: Chapter 9, No. 2, for the following reasons:

- the Northern and Western Regional Assembly (NWRA) identifies Monaghan as a Key Town. As a Key Town the population target for Monaghan Town is to grow by 2040 by 30% and to a population of at least 10,000. However, the census figures and the current growth rate do not reflect this trajectory;
- Monaghan Town has been negatively impacted by way of an almost static growth in population as indicated in the census statistics covering the 2016-2022 period. Over that timescale there was only a 1% increase in population, an additional 101 people. Current and previous planning applications since 2022 indicates considerable

population growth, which should be complimented by the provision of additional retail offering beyond the core town area such as a neighbourhood retail centre;

- there is no availability of retail space available in said core area for any business seeking 5,000 square feet or more to accommodate a medium to large scale retail offering. There is nothing about the town of a suitable size / fit for anything beyond a small restaurant, boutique, menswear, salon etc.;
- for the population to increase we should support efforts to live in the Town to reach the target set by the NPF / NWRA RSES;
- in order to align with the NPF and the NWRA the correlation between the retail offering and that which is delivered at a neighbour level must be recognised. For this reason, we should support the expansion of retail opportunities that exist in the Town; and
- the vacancy rate at Monaghan Retail Park is currently at 45% and declining. Failure to support this Retail Park and its need to provide neighbourhood services may result in a 100% vacant rate; and
- the changes to the retail matrix will provide much needed support and choice to an existing retail enterprise in Monaghan Town.

#### **[10] Environmental Assessments**

The Environmental Report (ER) prepared as part of the Strategic Environmental Assessment (SEA) by the Planning Authority states that MA: Chapter 9, No. 2 is screened out for SEA as it constitutes a minor amendment and will not support / promote development not previously considered that may result in adverse effects on the environment.

#### **Appropriate Assessment Stage 1 Screening Report**

The Appropriate Assessment (AA) Stage 1 screening report prepared by the Planning Authority found that no Stage 2 assessment was required in relation to MA: Chapter 9, No. 2 as it constitutes a minor amendment and will not support / promote development not previously considered that may result in adverse effects on the environment.



## [11] Evaluation and Assessment

Monaghan Retail Park comprises a bulky goods retail warehouse park located at the western approach to Monaghan Town, and accessed from the N54. The retail park is located in an out-of-centre location, outside of the CSO 2022 settlement boundary and approximately 1.5 km from the town centre.

Monaghan Retail Park was zoned for Existing Commercial uses in the Monaghan County Development Plan 2019-2025 and the associated land use zoned matrix provided for retail (convenience) and retail (comparison) as open for consideration within the Existing Commercial zoning, with no footnote related to Monaghan Retail Park.

The CE's Report (MA stage) highlights planning permissions granted by the Planning Authority which established the retail warehousing use at Monaghan Retail Park (reference 05/978, 04/112 and 02/571) all of which include a condition related to the retail warehousing use, as follows:

*The floor space comprised in the retail warehousing shall be used only for the retail sale and ancillary storage of bulky goods as detailed in Retail Planning Guidelines for Planning Authorities (DOELG December 2000) i.e. goods that are of such a size that they would normally be taken away by car and not be manageable by customers travelling by foot, cycle or bus, or that large floor areas would be required to display them, or, if not large individually, part of a collective purchase which would be bulky. The retail warehousing units shall be used only for the retail sale and ancillary storage of the items listed hereunder and for no other purposes without a prior grant of permission from the Planning Authority*

- i) DIY materials, products and equipment;*
- ii) Garden materials, plant and equipment;*
- iii) Furniture and soft furnishings, carpets and floor coverings;*
- iv) Electrical goods;*
- v) Such other items as may be determined in writing by the Planning Authority as generally falling within the category of "bulky goods".*

The Office considers the reasons for these restrictions were consistent with the policy framework to promote greater vitality and viability in town centres, and to promote a sequential approach to retail development where the overall preferred location for retail development is within town centres and only in exceptional circumstances, where it can be demonstrated that there are no sites or potential sites available either within the centre or on the edge of these centres should an out-of-centre site be considered.

This policy framework is similarly relevant to the adopted County Development Plan and indeed has been strengthened by the NPF and RSES, specifically NPO 14 and RPO 4.45. In addition, the increased policy requirements in respect of compact growth, sustainable mobility and transition to a carbon neutral and climate resilient society also now apply to the consideration of the subject material alteration which facilitates retail development in out-of-centre locations which would not facilitate linked trips and would generate car-based rather than pedestrian or cycle trips for convenience and comparison retailing.

Further, the CE's Report (MA stage) highlights An Bord Pleanála's reasons for refusal for convenience retail uses at Monaghan Retail Park (reference PL18.308410 and PL18.238810). These reasons for refusal state that the proposed development would detract from the vitality and viability of the town centre, would not serve local need and that the permitting of a convenience retail unit of the scale proposed in an out-of-town centre location would be contrary to the objectives of the Monaghan County Development Plan 2019-2025.

The national and regional policy framework to support the vitality and vibrancy of town centres is clearly established by NPO 14 of the Revised NPF (NPO 6 of the former NPF) to regenerate and rejuvenate towns and villages and RPO 4.45 of the RSES to support retail in town centres through the sequential approach, as provided within the Retail Planning Guidelines for Planning Authorities (2012) (Retail Planning Guidelines). In addition, NPO 107 of the Revised NPF (NPO 74 of the former NPF) requires the delivery of the National Strategic Outcomes (NSOs) for compact growth, sustainable mobility and transition to a carbon neutral and climate resilient society, and section 10(2)(n) of the Act requires the inclusion of objectives for the promotion of sustainable settlement and transportation strategies.

The Office notes that the CE's Report (MA stage) refers to planning application reference 24/60318, which was since refused permission by the Planning Authority on 8<sup>th</sup> May 2025, and the applicant has lodged an appeal to An Bord Pleanála (reference PL18.322684).

The Office notes the significant level of work undertaken by the Planning Authority in prioritising a town centre first approach to regeneration and the identification of development opportunities in Monaghan Town. The Office considers that the location of the Monaghan Retail Park at a distance of approximately 1.5 km from the core retail area and outside the CSO boundary does not support the regeneration or rejuvenation of the town centre or the location of retail in town centres, and does not facilitate linked trips but rather, due to its location, will likely attract car-based rather than pedestrian or cycle trips for convenience and comparison retailing.

Having regard to the above, the Office is of the opinion that the insertion of a footnote at table 9.3 Land Use Zoning Matrix to provide for convenience and comparison retailing as acceptable in principle at the Monaghan Retail Park (MA: Chapter 9, No. 2), is inconsistent with NPO 14 (NPO 6 of the former NPF) to regenerate and rejuvenate towns and NPO 107 (NPO 74 of the former NPF) for the delivery of the National Strategic Outcomes of the Revised NPF for compact growth, sustainable mobility and the transition to a carbon neutral and climate resilient society, RPO 4.45 of the RSES to support retail in town centres, and section 10(2)(n) of the Act for the promotion of sustainable settlement and transportation strategies.

#### **[13] Consideration of Elected Members' Reasons**

In relation to the reasons that a neighbourhood retail centre is required to support population growth to meet NPF and RSES targets, to recognise the correlation between the retail offering and that which is delivered at a neighbour level, to expand retail opportunities and to support population growth since 2022 experienced in Monaghan Town, based on current and previous planning applications, the Office notes that no evidence has been provided to demonstrate a requirement for a neighbourhood retail centre nor that Monaghan Retail Park is an appropriate location for a neighbourhood retail centre to support current and future population growth.

The Office notes that the Retail Planning Guidelines defines a local centre or neighbourhood centre as typically comprising a newsagent, small supermarket / general

grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment population. The Office considers that the distance of the retail park to a small, localised catchment do not demonstrate that MA: Chapter 9, No. 2 is required to meet local neighbourhood needs.

In addition, the CE's Report (MA stage) highlights the restriction on the use of the floorspace in the units in the park to retail sale and ancillary storage of bulk goods only (planning references 05/978, 04/112, 02/571), for the reasons that convenience and comparison retailing at the Monaghan Retail Park would be contrary to national and local planning policy, failure to carry out a sequential test to justify the acceptability of convenience and non-bulky comparison retailing at this location and impact on vitality and viability of Monaghan town centre.

In relation to the reason that there is no availability of retail space available in the core area for any business seeking 5,000 square feet or more to accommodate a medium to large scale retail offering, there is no evidence-based justification provided for this. The Office notes that the Planning Authority will commence the preparation of a new Retail Strategy for the county within the first two years following the adoption of the County Development Plan (Retail Objective RTO 1 of the County Development Plan) which will provide an evidence-base of retail space availability and floorspace requirements.

In relation to the vacancy rate at Monaghan Retail Park, the Office acknowledges the concerns of the elected members but does not consider they provide a reasonable basis for making the County Development Plan with MA: Chapter 9, No. 2 inconsistent with national and regional policy objectives to support the regeneration and rejuvenation of towns, compact growth and sustainable mobility.

No or no adequate reasons have therefore been provided to explain why the Planning Authority has decided to retain MA: Chapter 9, No. 2 when it is inconsistent with NPO 14 (NPO 6 of the former NPF) and NPO 107 (NPO 74 of the former NPF) of the Revised NPF, RPO 4.45 of the RSES, and section 10(2)(n) of the Act for the promotion of sustainable settlement and transportation strategies.

### **[13] Conclusion**

The Office is of the opinion that the County Development Plan has not been made in a manner consistent with the following recommendation of the Office:

- MA Recommendation 2

The County Development Plan includes a material alteration to the draft County Development Plan to insert a footnote at table 9.3, Land Use Zoning Matrix which states 'Retail (Convenience) and Retail (Comparison) are acceptable in principle at the Monaghan Retail Park' inconsistent with the following objectives of the Revised NPF and the RSES:

- NPO 14
- NPO 107
- RPO 4.45

and inconsistent with section 10(2)(n) of the Act.

### 3.2.2 MA: MTDP1 No. 15

#### [1] Material Alteration: MTDP1 No. 15

**MA: MTDP1 No. 15** Rezone lands from Landscape Protection / Conservation and Existing Commercial to Industry / Enterprise / Employment.

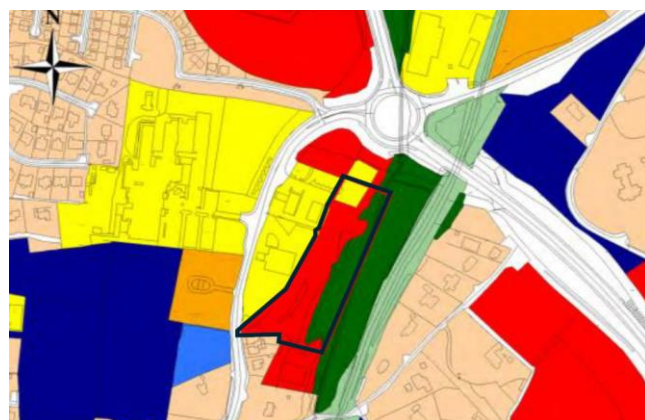
#### [2a] Approximate Site Area

c.1.5 ha.

#### [2b] CSO Boundary

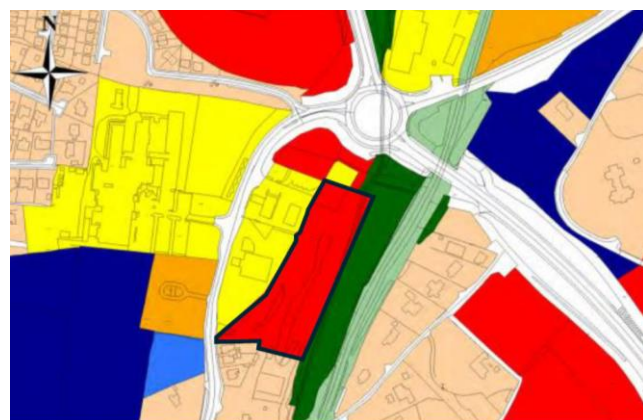
Within CSO 2016 boundary.  
Within CSO 2022 boundary.

#### [3a] Zoning map extract of the land at draft stage



Zoned Existing Commercial, Industry / Enterprise / Employment and Landscape Protection / Conservation.

#### [3b] Zoning map extract of the land at material alterations stage

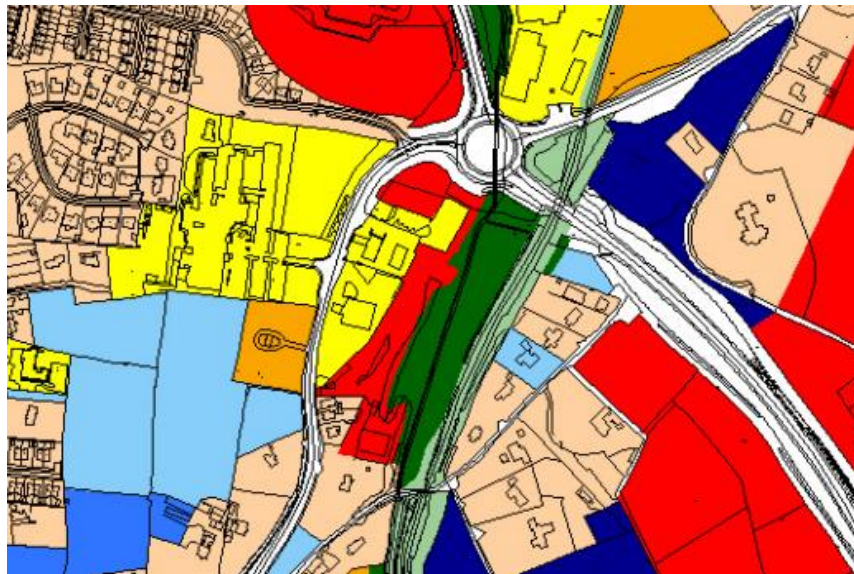


MA: MTDP1 No.15 – zoning changed to Industry / Enterprise / Employment.

**[3c] Flood Risk map extract from Strategic Flood Risk Assessment for the Monaghan County Development Plan 2025-2031 Appendix A Flood Zone Maps – Monaghan Flood Zone Map (February 2025)**



**[4a] Zoning map extract of the land from the Monaghan County Development Plan 2019-2025**



The lands were zoned Existing Commercial, Industry / Enterprise / Employment and Landscape Protection / Conservation in the Monaghan County Development Plan 2019-2025.

**[4b] Link to Aerial Imagery**

[Aerial photography of the site and its surrounds.](#)

**[5] Specific Site Constraints or Designations**

Flood Zone A and B.

**[6] Servicing Tier & Infrastructure Status**

Serviced site.

**[7] Chief Executive's Recommendation**

The [CE's Report \(MA stage\)](#) agrees with the Office's MA Recommendation 3(i) and recommends that the County Development Plan be made without MA: MTDP1 No. 15 for the following reasons:

- these lands were zoned for a variety of uses in the Monaghan County Development Plan 2019-2025, which reflected the existing uses and their potential for flood risk. The same zoning classes have been recommended within the draft County Development Plan:
  - Lands under commercial uses have an Existing Commercial zoning.
  - Undeveloped lands, located outside any flood risk area, have been zoned Industry / Enterprise / Employment.
  - Lands identified as being at flood risk have been zoned as Landscape Protection / Conservation.
- it must be noted that a portion of the subject lands are located within Flood Zone A and Flood Zone B (i.e. being lands that are at flood risk). The Planning Authority's hydrological consultants have confirmed that this assessment is based on OPW CFRAM data and as such is 'the highest degree of confidence of any flood data used';
- the flood risk assessment lodged with the submission to the draft County Development Plan on behalf of the landowner also acknowledges that a portion of the site is a flood risk (Flood Risk Assessment, FJ Coyle & Associates, November 2018);



- the draft County Development Plan proposes zoning those portions of the subject lands which are at flood risk as Landscape Protection / Conservation, the objective of which is to 'protect important landscape features ... from development that would detrimentally impact on the amenity of the landscape, on the natural setting of the towns, or the natural attenuation offered by flood plains' (Zoning objective LUO10);
- the Flood Guidelines introduced mechanisms for the incorporation of flood risk identification, assessment and management into the planning process. As part of the broader guidance contained within it, it states: 'Planning authorities will ensure that development is not permitted in areas at flood risk, particularly floodplains, except where there are no alternative sites available in areas of lower risk';
- the zoning of that portion of the subject lands, which are at acknowledged flood risk, for Industry / Enterprise / Employment uses would be inconsistent with the provisions of the above referenced guidelines. It should be noted that the zoning of these lands for Industry/ Enterprise/ Employment, failed the justification test as set out in the SFRA; and
- the Office in its submission to the draft County Development Plan, specifically referenced the need to manage flood risk and directed the Planning Authority to NPO 57 of the former NPF which requires the implementation of the above referenced guidelines.

The Chief Executive recommended to make the County Development Plan without MA: MTDP1 No. 15 (Monaghan Town) and revert to draft County Development Plan zoning.

#### **[8] Prescribed Bodies**

##### **OPW**

The [OPW's submission on the material alterations to the draft County Development Plan](#), dated 4<sup>th</sup> April 2024, states

*In the justification tests included at material alteration stage, conclusions as to whether or not the Justification Test has been passed have not been provided and none of the zonings assessed have been noted as not having passed.*



*A zoning can only be described as having passed the justification test when it can be shown, for the specific zoning in question that the following applies:*

- The settlement has been targeted for growth*
- The zoning in question is essential facilitate regeneration and/or expansion of the **centre** of the urban settlement*
- The zoning in question comprises significant previously developed and/or under utilised lands*
- The zoning in question is located within or adjoining the core (defined as the core area of a city, town or village which acts as a centre for a broad range of employment, retail, community, residential, and transport functions: a description which effectively only applies to lands zoned town centre in the context of county Monaghan) of an established or designated urban settlement*
- Compact and sustainable urban growth in the settlement cannot be achieved without zoning the specific area under assessment for usage which would be inappropriate to the level of flood risk identified*
- There are no suitable alternative lands for the particular use or development type in areas at lower risk of flooding within or adjoining the core of the urban settlement*
- It has been demonstrated at the forward planning stage that the identified risk can be mitigated sufficiently to justify development in an area which would otherwise be inappropriate*

Rather than assessing whether each of the above criteria have been satisfied for each zoning and concluding on that basis whether the Justification Test has or has not been passed, the approach has been to include text setting out a justification for retaining each zoning, in some cases referencing the criteria of the Justification Test where they can be shown to have been satisfied. Any zonings described as follows cannot satisfy criterion 2 (iii) of the Justification Test:

- the affected lands are located on the edge of the built-up area of the town; and*
- the affected lands are at the edge of the settlement.*

In relation to MA: MTDP1 No. 15 which rezones an area of land in Flood Zone A from Landscape Protection/Conservation to less vulnerable Industry / Enterprise / Employment, the Justification Test for these lands, identified as site MT939 in Appendix F of the SFRA, describes the lands as 'located on the edge of the built up footprint of the town'. This description is not consistent with the requirement for a zoning to be located within or adjoining the core (defined as the core area of a city, town or village which acts as a centre for a broad range of employment, retail, community, residential, and transport functions: a description which effectively only applies to lands zoned Town Centre in the context of Monaghan) of an established or designated urban settlement.

#### **[9] Elected Members' Reasons**

The elected members did not accept the Chief Executive's recommendation and made the County Development Plan with MA: MTDP1 No. 15, for the following reasons:

- an Industrial Development Authority (IDA) Report highlighted a number of imbalances across the northwest region specifically in relation to ready to go industrial / commercial properties. The zoning changes proposed in respect of these subject lands will enable additional industrial lands to be ready to be developed. This will provide much needed jobs in Monaghan Town and to the wider area, which in turn will grow our third level skill base such as apprenticeships;
- the subject lands are conveniently located adjacent to the existing public roads, offering direct access to the National Road network which has adequate capacity for any traffic generated from commercial uses. It is a strategically well-located site;
- there are no landscape qualities or natural heritage features existing on these lands;
- a risk of flooding does not preclude the development of lands;
- a significant portion of the land is not exposed to flood risk as the ground levels rise significantly above the river and flood plain levels; and
- the majority of the lands can be developed outside of a flood plain and for the portions of the site that remain within the flood plain a design solution can be found.

## **[10] Environmental Assessments**

### **SEA ER**

The ER prepared as part of the SEA by the Planning Authority concludes that the environmental mitigation measures integrated into the draft County Development Plan will prevent, reduce and fully offset potential negative environmental effects due to the implementation of the draft County Development Plan and all amendments.

### **Stage 2 AA**

The Stage 2 AA prepared by the Planning Authority assessed that the environmental mitigation measures integrated into the draft County Development Plan will prevent, reduce and fully offset potential negative environmental effects due to the implementation of the draft County Development Plan and all amendments. Having incorporated mitigation measures, the Stage 2 AA concluded that the amendments are not foreseen to give rise to any adverse effects on designated European sites, alone or in combination with other plans or projects. The evaluation was made in view of the conservation objectives of the habitats or species, for which these sites have been designated.

## **[11] Evaluation and Assessment**

The material alteration relates to a parcel of lands at the northern approach to the town, to the south of the Coolshannagh Roundabout. The CE's Report (MA stage) clearly sets out the rationale informing the zoning of these lands, which was to zone undeveloped lands located outside any flood risk area as Industry / Enterprise / Employment, and the lands identified as being at flood risk as Landscape Protection / Conservation. These lands were also previously zoned Landscape Protection / Conservation in the Monaghan County Development Plan 2019-2025.

A small area in the northwest corner, also outside the flood risk area, was zoned Existing Commercial.

The material alteration relates to a parcel of lands at the northern approach to the town, to the south of the Coolshannagh Roundabout. The western part of the lands were zoned Industry / Enterprise / Employment in the draft County Development Plan, a small area in the north west corner was zoned Existing Commercial, and the eastern part was zoned as Landscape Protection / Conservation. The Landscape Protection / Conservation zoning

largely reflected the extent of Flood Zone A as identified in the SFRA, thus avoiding inappropriate development in areas at risk of flooding. These lands were also previously zoned Landscape Protection / Conservation in the Monaghan County Development Plan 2019-2025.

MA: MTDP1 No. 15 rezoned the Existing Commercial and the Landscape Protection / Conservation zonings as Industry / Enterprise / Employment. In the interests of clarity, the Office has no objection to the change to that part of the land zoned Existing Commercial in the draft County Development Plan as this lies outside of Flood Zone A.

However, with the exception of a very small area in the northeastern part of the lands, the majority of the lands zoned Landscape Protection / Conservation in the draft County Development Plan are located in Flood Zone A.

The Revised NPF and the RSES provide a clear policy framework to ensure that inappropriate land use zonings in areas at risk of flooding and / or which have the potential to adversely affect water quality and water systems are avoided.

In relation to flood risk, this includes NPO 78 of the Revised NPF (NPO 57 of the former NPF) which requires the planning authority to avoid inappropriate development in areas at risk of flooding that do not pass the Justification Test in accordance with the Flood Guidelines, and RPO 3.10 of the RSES which requires the planning authority to avoid inappropriate development in areas at risk of flooding and integrate sustainable water management solutions, and to assess flood risk by implementing the recommendations of the Flood Guidelines.

The Flood Guidelines provide a sound basis for planning authorities to identify, assess and take appropriate steps to manage flood risk in a sustainable manner within their area. The key message of the Flood Guidelines is to avoid development in areas at risk of flooding and to adopt a sequential approach to flood risk management.

Under the Flood Guidelines, development such as Industry / Enterprise / Employment uses are not appropriate in Flood Zone A unless it can be clearly demonstrated on a solid evidence-base that the zoning or designation for development will satisfy all criteria of the plan making justification test (Justification Test).

The updated SFRA (Appendix 19 of the County Development Plan (February 2025) – Appendix F) does not conclude that the Justification Test has been passed. Furthermore, the OPW submission states that the description of the location of the MT939 site in the Justification Test as ‘located on the edge of the built up footprint of the town’ is not consistent with the requirement for a zoning to be located within or adjoining the core. In this respect, the Office notes that criteria 2 (iii) of the Justification Test for development plans (Box 4.1, Flood Guidelines) requires that a zoning ‘Is within or adjoining the core of an established or designated urban settlement’.

The Office is therefore satisfied that the SFRA prepared in respect of the material alteration has not concluded that the Justification Test has been passed. Furthermore, the OPW submission states that MT939 site is not consistent with the Justification Test requirement for a zoning to be located within or adjoining the core.

The Office considers therefore that the zoning of land at risk of flooding that do not pass the Justification Test in accordance with the Flood Guidelines is inconsistent with NPO 78 of the Revised NPF (former NPO 57) to avoid inappropriate development in areas at risk of flooding that do not pass the Justification Test in accordance with the Flood Guidelines, and RPO 3.10 of the RSES to ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding and to assess flood risk by implementing the recommendations of the Flood Guidelines.

The Office recommends, therefore that the area of the MA: MTDP1 No. 15 lands within Flood Zone A - as shown on the Flood Zone Maps of the SFRA for the County Development Plan, Appendix A Flood Zone Maps – Monaghan Flood Zone Map (February 2025) - revert to the zoning objective in the draft Plan i.e. Landscape Protection / Conservation.

#### **[12] Consideration of Elected Members’ Reasons**

In relation to the reason that MA: MTDP1 No. 15 will enable additional industrial lands to be ready to be developed which will provide jobs in Monaghan Town and to the wider area, which in turn will grow the third level skill base such as apprenticeships, the Office acknowledges the aims of the elected members and supports the Industry / Enterprise / Employment zoning objective on the lands that are not location in Flood Zone A. This reason does not, however, provide a reasonable basis for the Industry / Enterprise /

Employment zoning of the lands in Flood Zone A inconsistent with the objectives of the Revised NPF and RSES to avoid development in areas at risk of flooding.

In relation to the location of the lands offering direct access to the National Road Network, and that there are no landscape qualities or natural heritage features existing on these lands, these matters were not raised by the Office in its recommendation. These site characteristics are not a basis for making the County Development Plan inconsistent with national and regional policy objectives to protect people, property and the environment from the impacts of flooding.

In relation to the reasons that a significant portion of the lands are not exposed to flood risk as the ground levels rise significantly above the river and flood plain levels, and the majority of the lands can be developed outside of a flood plain the Office reiterates that no objection has been raised to the lands located outside of the area at risk of flooding.

In relation to the reasons that a risk of flooding does not preclude the development of lands, and for the portions of the site that remain within the flood plain a design solution can be found, the sequential approach to flood risk management set out in the Flood Guidelines is to avoid flood risk to people and property in the first instance through the development plan process. Although the guidelines provide for exceptional circumstances where the Justification test is passed, as set out above the Justification Test has not been passed in this instance.

No or no adequate reasons have therefore been provided to explain why the Planning Authority has decided to retain the portion of lands within Flood Zone A as part of MA: MTDP1 No. 15 when it is inconsistent with NPO 78 of the Revised NPF (NPO 57 of the former NPF) and RPO 3.10 of the RSES.

#### **[14] Conclusion**

The Office is of the opinion that the County Development Plan has not been made in a manner consistent with the following recommendation of the Office:

- MA Recommendation 3 (i)

The County Development Plan includes a material alteration to the draft County Development Plan to change the zoning of the land from Landscape Protection / Conservation to Industry / Enterprise / Employment inconsistent with the following objectives of the Revised NPF and RSES:

- NPO 78
- RPO 3.10

#### **4. Opinion of the Office and Reasons**

23. Having considered the County Development Plan as adopted, under section 31AM(7) of the Act, the Office is of the opinion that the said County Development Plan has not been made in a manner consistent with the recommendations of the Office.
24. Further, the Office does not accept that the reasons given for not implementing the Office's recommendations in the 31AM(6) notice letter received by the Office on 3<sup>rd</sup> June 2025 adequately justify the failure to implement those recommendations or explain how, notwithstanding that failure, the County Development Plan sets out an overall strategy for the proper planning and sustainable development of the area.
25. As you will be aware, under section 31AM(1)(a-f) of the Act, the Office has a statutory duty to evaluate and assess at least at a strategic level local authority reviews, drafts, material amendments and variations of development plans and the Office may make such observations or submissions for the purposes of the relevant provision.
26. The following provisions of the Act are relevant in terms of the evaluation and assessment of local authority development plans such as this County Development Plan:
- under section 31AM(2) the Office shall endeavour to ensure that where appropriate it addresses the legislative and policy matters set out at (a) to (e) therein;
  - under section 31AM(3)(a), in making observations or submissions in respect of any evaluation or assessment of a County Development Plan the Office shall make, to the relevant planning authority, such recommendations in relation to the Office's evaluation and assessments as it considers necessary in order to ensure effective co-ordination of national,

regional and local planning requirements by the relevant planning authority in the discharge of its development planning functions;

- under section 31AM(7), the Office shall consider whether or not the development plan as made by the planning authority is, in the opinion of the Office, consistent with any recommendations made by the Office;
- in performing its functions, the Office shall, under section 31P(3) of the Act, take account of the objective of contributing to proper planning and sustainable development and the optimal functioning of planning under the Act; and
- under section 31S, the Office shall, in performing its functions, have regard to:
  - a) the policies and objectives for the time being of the Government, a State authority (including Ministerial guidelines, policy directives and directions issued under *Chapter IV of Part II*), planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns, villages or other areas, whether urban or rural,
  - b) the public interest and any effect the performance of the Office's functions may have on issues of strategic, economic or social importance to the State,
  - c) the National Planning Framework (or, where appropriate, the National Spatial Strategy) and any regional spatial and economic strategy for the time being in force, and
  - d) the requirements of relevant acts of the European Union, in particular, those relating to —
    - (i) the Environmental Impact Assessment Directive,
    - (ii) Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment,
    - (iii) the Habitats Directive, and



(iv) the Birds Directives,

in so far as those requirements relate to planning authorities by virtue of being designated as competent authorities for the purposes of those acts.

27. Accordingly, having considered the County Development Plan in light of the above statutory functions and the letter from the Planning Authority received on 3<sup>rd</sup> June 2025 issued under section 31AM(6), the Office is of the opinion that the County Development Plan has not been made in a manner consistent with the recommendations of the Office. In particular:

- I. The County Development Plan includes a material alteration to the draft County Development Plan to insert a footnote at table 9.3, Land Use Zoning Matrix which states 'Retail (Convenience) and Retail (Comparison) are acceptable in principle at the Monaghan Retail Park'. The location of the Monaghan Retail Park at a distance of approximately 1.5 km from the core retail area and outside the CSO boundary does not support the regeneration and rejuvenation of the town centre or the location of retail in town centres, and does not facilitate linked trips but rather, due to its location, will likely attract car-based rather than pedestrian or cycle trips for convenience and comparison retailing.

The material alteration is therefore inconsistent with NPO 14 of the Revised NPF to regenerate and rejuvenate towns, NPO 107 to support the delivery of the National Strategic Outcomes of the Revised NPF for compact growth, sustainable mobility and the transition to a carbon neutral and climate resilient society, RPO 4.45 of the RSES to support retail in town centres, and section 10(2)(n) of the Act for the promotion of sustainable settlement and transportation strategies.

- II. The County Development Plan includes a material alteration to the draft County Development Plan to change the zoning of land located in Flood Zone A from Landscape Protection / Conservation to Industry / Enterprise / Employment where the Flood Guidelines, issued under section 28 of the Act, indicate that such uses are not appropriate unless a Justification Test is passed.

As the portion of lands included in the material alteration which changed the zoning of the land from Landscape Protection / Conservation to Industry / Enterprise / Employment has not passed the Justification Test, the rezoning is therefore inconsistent with: NPO 78 of the Revised NPF which requires the planning authority to avoid inappropriate development in areas at risk of flooding that do not pass the Justification Test in accordance with the Flood Guidelines; and RPO 3.10 of the RSES to ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding and to assess flood risk by implementing the recommendations of the Flood Guidelines.

28. No or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why it was not practicable for the Planning Authority to implement the objectives of the NPF and the RSES, or how, notwithstanding this inconsistency with the NPF and RSES, the County Development Plan sets out an overall strategy for the proper and sustainable development of the area.
29. The factors that the Office has taken into account in forming this opinion are as follows:
  - (i) Revised National Planning Framework (NPF):

NPO 14 Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.

NPO 78 Promote sustainable development by ensuring flooding and flood risk management informs place-making by:

- Avoiding inappropriate development in areas at risk of flooding that do not pass the Justification Test, in accordance with the Guidelines on the Planning System and Flood Risk Management;
- Taking account of the potential impacts of climate change on flooding and flood risk, in line with national policy regarding climate adaptation.

NPO 107 Continue to ensure the alignment of the National Planning Framework and the National Development Plan through delivery of the National Strategic Outcomes.

(ii) Northern and Western Regional Assembly, Regional Spatial and Economic Strategy (RSES):

RPO 3.10 Ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding and integrate sustainable water management solutions (such as SUDS, non-porous surfacing and green roofs) to create safe places. Development plans should assess flood risk by implementing the recommendations of the Planning System and Flood Risk Assessment Guidelines for Planning Authorities (2009) and Circular PL02/2014 (August 2014).

RPO 4.45 To support retail in town and village centres through the sequential approach, as provided within the Retail Guidelines, and to encourage appropriate development formats within the town and village centres.

(iii) the CE's Reports at draft and material alteration stages, and the section 31AM(6) notice letter;

(iv) matters generally within the scope of section 10 and 12 of the Act;

(v) the Office's statutory obligations under the Act; and

(vi) the matters listed at section 15(1)(a) - (e) of the Climate Action and Low Carbon Development Act 2015 (as amended by the Climate Action and Low Carbon Development Act 2021).

30. In light of the above, the Office is, therefore, of the opinion that the County Development Plan has not been made in a manner consistent with its recommendations set out in the Office's submission issued on 10<sup>th</sup> April 2025, and that the decision of the Planning Authority results in the making of a County Development Plan in a manner that fails to set out an overall strategy for the proper planning and sustainable development of the area, and as a consequence the use by the Minister of his functions to issue a direction under section 31 would be merited.

## **5. Recommendation to the Minister**

31. Having regard to section 31AM(8) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act taking such steps as to rectify the matter in a manner that, in the opinion of the Office, will ensure that the County Development Plan as varied by the Planning Authority sets out an overall strategy for proper planning and sustainable development as set out in the draft direction to the Planning Authority accompanying this notice letter, which are that the Planning Authority is directed to take the following steps with regard to the Development Plan:

(a) Delete the following Material Alterations from the adopted County Development Plan:

(i) **MA: Chapter 9, No. 2** - i.e. the footnote at table 9.3 Land Use Zoning Matrix which states 'Retail (Convenience) and Retail (Comparison) are acceptable in principle at the Monaghan Retail Park' is deleted.

(ii) **MA: MTDP1 No. 15** - i.e. that portion of the subject lands within Flood Zone A reverts to the zoning objective in the draft Plan i.e. from Industry / Enterprise / Employment to Landscape Protection / Conservation.

(b) Apply all necessary consequential updates to the text of the plan consistent with the foregoing.

32. 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](mailto:plans@opr.ie).

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Niall Cussen', is shown within a light gray rectangular box.

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**Niall Cussen**

Planning Regulator

Designated Public Official under the Regulation of Lobbying Act 2015

**DRAFT DIRECTION IN THE MATTER OF SECTION 31  
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**Monaghan County Development Plan 2025-2031**

“County Development Plan” means the Monaghan County Development Plan 2025-2031.

“Planning Authority” means Monaghan County Council.

“RSES” means the Regional Spatial and Economic Strategy for the Northern and Western Region

“Revised NPF” means the means the Revised National Planning Framework 2025.

The Minister 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) (as amended) ("the Act") and consequent to a recommendation made to him by the Office of the Planning Regulator, hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Monaghan County Development Plan 2025-2031) Direction 2025.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the County Development Plan:
  - (a) Delete the following Material Alterations from the adopted County Development Plan:
    - (i) **MA: Chapter 9, No.2** - i.e. the footnote at table 9.3 Land Use Zoning Matrix which states ‘Retail (Convenience) and Retail (Comparison) are acceptable in principle at the Monaghan Retail Park’ is deleted.
    - (ii) **MA: MTDP1 No.15** - i.e. that portion of the subject lands within Flood Zone A reverts to the zoning objective in the draft Plan i.e. from Industry / Enterprise / Employment to Landscape Protection / Conservation.

- (b) Apply all necessary consequential updates to the text of the plan consistent with the foregoing.

## **STATEMENT OF REASONS**

- I. The County Development Plan includes a material alteration to the draft County Development Plan to insert a footnote at table 9.3, Land Use Zoning Matrix which states 'Retail (Convenience) and Retail (Comparison) are acceptable in principle at the Monaghan Retail Park'. The location of the Monaghan Retail Park at a distance of approximately 1.5 km from the core retail area and outside the CSO boundary does not support the regeneration and rejuvenation of the town centre or the location of retail in town centres, and does not facilitate linked trips but rather, due to its location, will likely attract car-based rather than pedestrian or cycle trips for convenience and comparison retailing.

The material alteration is therefore inconsistent with NPO 14 of the Revised NPF to regenerate and rejuvenate towns, NPO 107 to support the delivery of the National Strategic Outcomes of the Revised NPF for compact growth, sustainable mobility and the transition to a carbon neutral and climate resilient society, RPO 4.45 of the RSES to support retail in town centres, and section 10(2)(n) of the Act for the promotion of sustainable settlement and transportation strategies.

- II. The County Development Plan includes a material alteration to the draft County Development Plan to change the zoning of the land located in Flood Zone A from Landscape Protection / Conservation to Industry / Enterprise / Employment where the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines), issued under section 28 of the Act, indicate that such uses are not appropriate unless a Justification Test is passed.

As the portion of lands included in the material alteration which changed the zoning of the land from Landscape Protection / Conservation to Industry / Enterprise / Employment has not passed the Justification Test, the rezoning is therefore inconsistent with: NPO 78 of the Revised NPF which requires the planning authority to avoid inappropriate development in areas at risk of

flooding that do not pass the Justification Test in accordance with the Flood Guidelines; and RPO 3.10 of the RSES to ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding and to assess flood risk by implementing the recommendations of the Flood Guidelines.

- III. No or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why it was not practicable for the Planning Authority to implement the objectives of the NPF and the RSES, or how, notwithstanding this inconsistency with the NPF and RSES, the County Development Plan sets out an overall strategy for the proper and sustainable development of the area.
- IV. The County 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.
- V. The Minister is of the opinion that the County Development Plan is not consistent with the above-mentioned objectives of the Revised NPF and the RSES, and fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VI. The County Development Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister for Housing, Local Government and Heritage

day of Month, year.





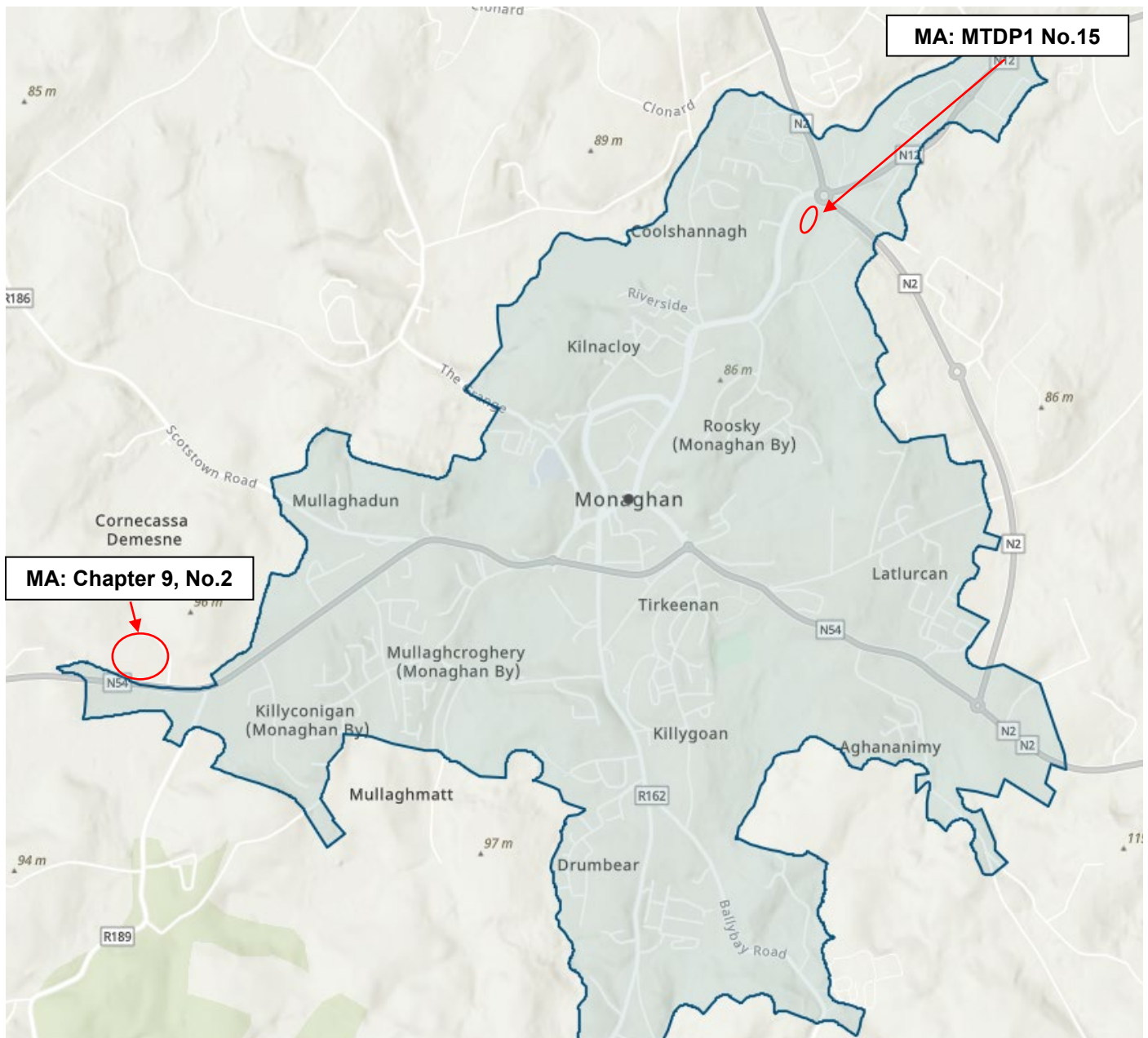
Oifig an  
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Planning Regulator

## **Appendix 1: Mapping of Sites Identified in Draft Direction**

## Aerial View of Monaghan Town with subject sites outlined in red



### Monaghan Town with 2022 CSO boundary and general location of subject sites





## Aerial view of MA Chapter 9, No.2 outlined in red



**Aerial view of MA: MTDP1 No.15 with general location outlined in red**

