



3 July 2025

For the Attention of: Mr. Robert Burns, Chief Executive

Monaghan County Council
The Glen
Monaghan
Co. Monaghan
H18 YT50

**Section 31 of the Planning and Development Act 2000 –
Notice of Intention to Issue a Direction to Monaghan County Council
regarding the Monaghan County Development Plan 2025-2031**

Dear Robert,

Consequent to a recommendation made to me as Minister by the Office of the Planning Regulator (the Office) on 20th June 2025 in connection with the *Monaghan County Development Plan 2025-2031* (the Development Plan) as adopted by the elected members of Monaghan County Council on 26th May 2025, and pursuant to section 31 of the Planning and Development Act 2000 (the Act), I write to give notice of my intention to issue a direction to Monaghan County Council to take account of certain measures specified in this notice.

Opinion

On consideration of the recommendation made to me by the Office, and on the basis of the information available to me, I have formed the opinion that:

- (i) Monaghan County Council, as planning authority, in making the Development Plan, has failed to implement recommendations made to it by the Office under section 31AM of the Act;
- (ii) The Development Plan is not consistent with national and regional policy objectives specified in the National Planning Framework First Revision (NPF) and the Regional Spatial and Economic Strategy for the Northern and Western Region (RSES);
- (iii) The Development Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area;
- (iv) The Development Plan, as made, is not in compliance with the requirements of the Act.

A draft of the Direction accompanies this notice and I request that you publish notice of this draft Direction, no later than two weeks after its receipt. The reasons for the Direction are set out in the Statement of Reasons incorporated in the attached draft Direction and further detail is provided in the Summary of Issues as set out below.



Process to Date

The draft Monaghan County Development Plan (the draft Plan) was on public display from 5th September 2024 to 14th November 2024. The Office of the Planning Regulator made a submission to the draft Plan on 14th November 2024, containing 15 recommendations which addressed a broad range of matters.

The elected members, having considered the draft Plan and the Chief Executive's report on submissions received, decided to amend the draft Plan. The proposed material alterations were on public display from 13th March 2025 to 10th April 2025. The Office made a submission on 10th April 2025 containing 3 recommendations. The Office's recommendations at the Material Alterations stage included, inter alia, *MA Recommendation 2 – Land Use Matrix and Monaghan Retail Park*, and *MA Recommendation 3 – Flood Risk Management*.

The elected members of Monaghan County Council adopted the *Monaghan County Development Plan 2025-2031* on 26th May 2025. Subsequently, the planning authority issued a notice letter to the Office advising of the making of the Development Plan and specifying the recommendations of the Office that were not complied with.

Having reviewed the Chief Executive's reports on the draft Plan and material alterations to the draft Plan, and the planning authority's section 31AM(6) notice letter, the Office has concluded that, with the exception of the items below, the recommendations of the Office have been responded to and/or have been addressed to its satisfaction, or are otherwise considered satisfactory within the legislative and policy context. The outstanding matters, therefore, relate to the following:

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

Summary of Issues

MA Recommendation 2 (Material Alteration Chapter 9, No. 2)

The planning authority was recommended to amend Material Alteration Chapter 9, No. 2 to omit the footnote inserted at Table 9.3 in relation to uses that are acceptable in principle at Monaghan Retail Park. The Office's submission had indicated that in order to minimise potential adverse impacts on central areas, it is important that the range of goods sold in retail parks is tightly controlled and limited to truly bulky household goods. The Office also cited the need to prioritise retail provision within the town core and to adopt a sequential approach to retail development as per the Retail Planning Guidelines for Planning Authorities.

The Office further cited objectives of the National Planning Framework and Regional Spatial and Economic Strategy in support of its position. This included specific objectives relating to the



regeneration of towns and supporting retail in town and village centres. The Office also referred to the need to be consistent with the National Strategic Outcomes of the National Planning Framework in respect of compact growth, sustainable mobility and transition to a low carbon and climate resilient society, in addition to specific statutory requirements.

The Elected Members proceeded to make the plan with the proposed material alteration contrary to the OPR's recommendation and against your advice as Chief Executive.

MA Recommendation 3 (Material Alteration MTDP1 No. 15)

Having regard to specific cited objectives of the National Planning Framework and the Regional Spatial and Economic Strategy for the Northern and Western Region, and the Ministerial Guidelines on the Planning System and Flood Risk Management, Monaghan County Council was recommended to make the Development Plan without Material Alteration MTDP1 No. 15.

The Elected Members rejected the Office's recommendation and proceeded, against your advice as Chief Executive, to zone the land subject of this particular Material Alteration for Industry / Enterprise / Employment, notwithstanding that the land is located in Flood Zone A and has not passed the plan-making justification test, such that it is known to be at elevated risk of flooding.

Decision

On review of the recommendation issued by the Office, corresponding documents and analysis, I, as Minister, am of the opinion to issue a draft Direction and in that regard, I refer you to the Statement of Reasons set out in the enclosed draft Direction and the considerations below.

I, as Minister, consider that the plan as made:

- is not consistent with objectives of the National Planning Framework First Revision (2025), in particular NPO 14 (Urban Regeneration), NPO 78 (Flood Risk Management) and NPO 107 (National Strategic Outcomes).
- is not consistent with objectives of the Regional Spatial and Economic Strategy for the Northern and Western Region, specifically RPO 3.10 (Flood Risk Management) and RPO 4.45 (Supporting Town Centres).
- is not in compliance with provisions of the Act including:
 - Section 10(1A), whereby the development objectives in the development plan must be consistent, as far as practicable, with the objectives of the National Planning Framework and the Regional Spatial and Economic Strategy.



- Section 10(2)(n), which requires objectives (*which the planning authority has a general duty to secure under section 15 of the Act*) for the promotion of sustainable settlement and transportation strategies, including the promotion of specific measures having regard to the location of development.
- Section 12(11) and (18), which relate to the planning authority's statutory obligations in plan-making.
- Section 27(1), which states a planning authority shall ensure, when making a development plan, that the plan is consistent with any regional spatial and economic strategy in force for its area.

The Development Plan has also not been made in a manner consistent with, and has failed to implement, recommendations of the Office made under section 31AM of the Act.

Having regard to the matters set out above both individually and cumulatively, the Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area and is not in compliance with the requirements of the Act.

Measures to be taken – Draft Direction

Accordingly, having considered the recommendation of the Office, I am issuing a draft Direction pursuant to section 31 of the Planning and Development Act 2000 (as amended), to direct Monaghan County Council with regard to the *Monaghan County Development Plan 2025-2031*.

In accordance with section 31AN(1) of the Act, having considered and taken account of the proposed draft direction submitted by the Office, the draft Direction as issued incorporates minor descriptive amendments which are not material in nature and do not alter the substance of the Office's recommended draft direction.

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

(a) Delete the following Material Alterations from the adopted 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'.

(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.

Please note that in accordance with section 31(4)(c) and section 31(6) of the Act, those parts of the Development Plan referred to in this notice shall be taken not to have come into effect, been made or amended.

Next Steps – Procedural requirements

I wish to draw your attention to the public consultation obligations under section 31 of the Planning and Development Act 2000 (as amended), and the initial requirement as Chief Executive, under section 31(7) to publish notice of the draft Direction no later than 2 weeks after receipt of this notice, stating that the draft Direction may be inspected as specified in the notice, for a period of not more than 2 weeks. The notice must also state that written submissions or observations in respect of the draft Direction may be made to the planning authority during the consultation period.

Further, in line with statutory requirements, a Chief Executive's report is to be prepared on the public consultation period under section 31(8), and must be furnished to the Office, the elected members and the Minister, no later than 4 weeks after the public consultation process is completed, for further consideration.

In accordance with section 31(9) of the Act, the report of the Chief Executive must:

- (a) summarise the views of any person who made submissions or observations to the planning authority;
- (b) summarise the views of and recommendations (if any) made by the elected members of the planning authority;
- (c) summarise the views of and recommendations (if any) made by the regional assembly, and;
- (d) make recommendations in relation to the best manner in which to give effect to the draft Direction.

In addition, the elected members of the planning authority may make a submission to the Office of the Planning Regulator at any time up to the conclusion of the 2 week public consultation period referred to above and must send a copy of any such submission to me, as Minister.

The Office will then consider the Chief Executive's report together with any submissions made and will make a further recommendation to me, as Minister, regarding whether the Direction is to be issued with or without minor amendments, or not issued.

Where the Office is of the opinion that a material amendment to the draft Direction is required, or further investigation is necessary, or it is necessary for any other reason, then the Office may appoint



an inspector no later than 3 weeks after receipt of the Chief Executive's report, prior to making a final recommendation to me.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James Browne', is written over a horizontal line.

James Browne TD

Minister for Housing, Local Government and Heritage

Copied to:

- Cathaoirleach, Monaghan County Council, The Glen, Monaghan, Co. Monaghan, H18 YT50
- Director, Northern and Western Regional Assembly, Dillon House, Ballaghaderreen, Co. Roscommon, F45 WY26.
- Office of the Planning Regulator, Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWW4.

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

Monaghan County Development Plan 2025-2031

“Development Plan” means the Monaghan County Development Plan 2025-2031 (as made).

“Planning Authority” means Monaghan County Council.

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

“NPF” means the National Planning Framework First Revision (2025).

The Minister for 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) ("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 Development Plan:

(a) Delete the following Material Alterations from the adopted 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’.

(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 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 generate additional car-based rather than pedestrian or cycle trips for convenience and comparison retailing. The material alteration is therefore inconsistent with NPO 14 of the NPF to regenerate and rejuvenate towns, NPO 107 to support the delivery of the National Strategic Outcomes of the NPF relating to 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 which requires objectives (which the planning authority has a general duty to secure under section 15 of the Act) for the promotion of sustainable settlement and transportation strategies, including the promotion of specific measures having regard to the location of development.

- II. The Development Plan includes a material alteration (MA: MTDP1 No.15) to the draft County Development Plan to amend the zoning objective of land located in Flood Zone A from Landscape Protection / Conservation to Industry / Enterprise / Employment in circumstances 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 Justification Test has not been passed, the material alteration is therefore inconsistent with NPO 78 of the 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 Development Plan sets out an overall strategy for the proper and sustainable development of the area.

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

V. The Minister is of the opinion that the Development Plan is not consistent with the above-mentioned objectives of the NPF and the RSES, and fails to set out an overall strategy for the proper planning and sustainable development of the area.

VII. The Development Plan is not in compliance with the requirements of the Act.

GIVEN under my Official Seal,

Minister for Housing, Local Government and Heritage

Day of Month, Year.