



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

21<sup>st</sup> August 2024

Alan Dillon TD,  
Minister of State for Local Government and Planning,  
Department of Housing, Local Government and Heritage,  
Custom House,  
Dublin 1,  
D01 W6X0.

**BY HAND AND BY EMAIL**

**Re: Notice Pursuant to section 31AO(7) of the Planning and Development Act  
2000 (as amended) – Roscommon Town Local Area Plan 2024-2030**

A chara,

I am writing to you in relation to the recent adoption by the elected members of the Roscommon Town Local Area Plan 2024-2030 (the Local Area Plan) of Roscommon County Council (the Planning Authority).

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 31AO(7) of the Planning and Development Act 2000 (as amended) (the Act) to issue a Notice to you on the basis that, having considered the Local Area Plan, the Office is of the opinion that:

- a) the Local Area Plan has not been made in a manner consistent with recommendations of the Office, dated the 2<sup>nd</sup> February 2024 and the 13<sup>th</sup> June 2024, which required specific changes to the Local Area Plan:
  - i. to ensure consistency with the objectives of the Roscommon County Development Plan 2022 – 2028 (the County Development Plan), regional policy objectives (RPOs) of the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (RSES) for compact growth (County Development Plan Policy Objective CS 2.5, TV 4.18, and RPO 3.1 and RPO 3.2 of the RSES) and to support the regeneration of the town centre and brownfield/infill lands and the consolidation of the

urban area (County Development Plan Policy Objective CS 2.5 and TV 4.18), and having regard to the sequential approach to zoning (policy and objective under section 6.2.3 of the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines)).

Specifically, the Local Area Plan includes material alterations to extend the draft Local Area Plan settlement boundary and zone land for residential development in peripheral and/or non-sequential locations, and/or is located largely outside the CSO settlement boundary<sup>1</sup>;

- ii. to ensure consistency with the objectives of the County Development Plan, for the integration of transport and land use (County Development Plan Policy Objective CAEE 8.18) and the Climate Action Plan 2024 (Climate Action Plan) and the achievement of the greenhouse gas (GHG) emissions reduction targets of the Climate Action and Low Carbon Development Act 2015, as amended (the Climate Act) and flood risk management (RPO 3.10 of the RSES and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines)) and having regard to the requirement for clear evidence and rationale for zoning of employment land (section 6.2.5 of the Development Plans Guidelines) and to the sequential test and accessibility consideration for zoning of employment land (Appendix A, the Development Plans Guidelines).

Specifically, the Local Area Plan includes a material alteration to extend the draft Local Area Plan settlement boundary and zone land for employment development in a peripheral, non-sequential and unserved location outside the CSO settlement boundary and Local Area Plan settlement boundary for Roscommon Town, outside the 60 kph speed limit, where there is no footpath or cycle path infrastructure and no proposals provide same, where a large portion of the land is located

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<sup>1</sup> This means within the existing built-up footprint of all sizes of urban settlement, as defined by the CSO in line with UN criteria i.e. having a minimum of 50 occupied dwellings, with a maximum distance between any dwelling and the building closest to it of 100 metres, and where there is evidence of an urban centre (shop, school etc.).

within Flood Zone A and which zoning has not been supported by clear evidence and rationale for zoning of employment land and has not been supported by consideration of sequential zoning and accessibility;

- b) the decision of the Planning Authority results in the making of a local area plan in a manner that is inconsistent with the recommendations of the Office, and with the objectives of the development plan, its core strategy and the Regional Spatial and Economic Strategy contrary to the requirements of section 19(2) of the Act; and
- c) the use by you of your function to issue a direction under section 31 of the Act would be merited.

The reasons for the opinion of the Office are set out in further detail in section 2 of this letter. This letter is a Notice to you pursuant to section 31AO(7) of the Act.

## **1. Background**

### **1.1 Draft Roscommon Town Local Area Plan 2024-2030**

The draft Local Area Plan was on public display from the 15<sup>th</sup> December 2023 to 5<sup>th</sup> February 2024.

The Office made a submission on the draft Local Area Plan dated 2<sup>nd</sup> February 2024 containing eight (8) recommendations and four (4) observations. Specifically, issues related to the following:

- Recommendation 1 - Alignment with the RSES.
- Recommendation 2 - Residential land supply and housing yield.
- Recommendation 3 - Residential density.
- Recommendation 4 - White lands.
- Recommendation 5 – Zoning matrix.
- Recommendation 6 – Integration of transport and sustainable mobility.
- Recommendation 7 – Policy objectives for national roads.
- Recommendation 8 – Flood risk management.

Subsequently, the Planning Authority sent a notice letter from the Director of Services further to section 20(3) of the Act dated 14<sup>th</sup> May 2024 advising the Office of the proposed material alterations to the draft Local Area Plan (the Material Alterations).

## **1.2 Material Alterations to the Draft Roscommon Town Local Area Plan 2024-2030**

The elected members, having considered the draft Local Area Plan and the Chief Executive's Report (CE's Report draft stage) on the public consultation regarding the draft Local Area Plan, resolved to alter the draft Local Area Plan. The Material Alterations to the draft Local Area Plan were on public display from the 14<sup>th</sup> May 2024 to the 13<sup>th</sup> June 2024.

The Material Alterations included a series of individual material alterations relating to zoning objectives, and in particular included:

- proposed Material Alterations MA 30, MA 31, MA 43, MA 46 and MA 50 relating to the extensions of the draft Local Area Plan settlement boundary and the zoning of additional lands New Residential and associated changes to the text of the written statement;
- proposed Material Alterations MA 14 and MA 15 relating to the removal of two Opportunity Sites; and
- proposed Material Alteration MA 45 relating to the zoning of additional land Strategic Industrial / Enterprise Zones.

The Office made a submission dated 13<sup>th</sup> June 2024 on the Material Alterations containing three (3) recommendations:

- MA Recommendation 1 – Land Use Zoning for Residential Use
- MA Recommendation 2 – Regeneration Sites
- MA Recommendation 3 – Lands Zoned for Employment Uses

### **1.3 Adopted Roscommon Town Local Area Plan 2024-2030**

The elected members of the Planning Authority resolved to make the Local Area Plan at a special meeting on the 25<sup>th</sup> July 2024.

Subsequently, the Chief Executive sent a letter dated 1<sup>st</sup> August 2024 under section 31AO(5) of the Act, (the 31AO(5) notice letter) advising of the making of the Local Area Plan and specifying that the Planning Authority did not accept the recommendations of the Office in respect of MA Recommendation 1, MA Recommendation 2 and MA Recommendation 3.

In respect of MA Recommendation 1, the elected members made the Local Area Plan with MA 30, MA 31, MA 43, MA 46 and MA 50 which extend the draft Local Area Plan settlement boundary and zone additional lands New Residential. The 31AO(5) notice letter sets out the Chief Executive's reasons for not complying with the recommendation in respect of MA 30 and MA 31, but no reasons are provided for the elected members' decision not to comply in respect of MA 43, MA 46 and/or MA 50 contrary to the recommendation of the Chief Executive.

In respect of MA Recommendation 2, the elected members made the Local Area Plan with MA 14 and MA 15, which removed the designation of Opportunity Site no.3 and Opportunity Site no.4. The 31AO(5) notice letter provides no reasons for the elected members' decision not to comply with MA Recommendation 2 contrary to the recommendation of the Chief Executive. The Office notes, however, that the Local Area Plan retains two opportunity sites in the core and three in the outer core. Furthermore, the absence of an opportunity/regeneration designation does not prohibit the redevelopment of these sites for residential development to meet the targets for brownfield development under the core strategy. While the omission of the two sites may not be the optimum approach to regeneration, the Office does not consider that a direction is merited in respect of MA Recommendation 2.

In respect of MA Recommendation 3, the elected members made the Local Area Plan with MA 45 which extends the draft Local Area Plan settlement boundary and zones additional land Strategic Industrial / Enterprise Zones. The 31AO(5) notice letter provides no reasons for the elected members' decision not to comply with MA Recommendation 3 contrary to the recommendation of the Chief Executive.

The section 31AO(5) notice letter does not address the recommendations of the Office in its submission on the draft Local Area Plan, or identify the recommendations not complied with. Having reviewed the adopted Local Area Plan, the Office is of the opinion that Recommendation 8 Flood risk management has not been complied with in relation to the zoning of land under MA 45 (Strategic Industrial/ Enterprise Zones).

The Office is otherwise satisfied that the recommendations to the draft Local Area Plan have either been satisfactorily addressed or do not result in a material breach of the relevant planning policy context.

The outstanding matters are, therefore, confined to the matter of the boundary extensions and zoning objectives for New Residential (MA Recommendation 1) and Strategic Industrial / Employment Zones (MA Recommendation 3), and the associated flood risk management issues (Recommendation 8(iv)).

These outstanding matters are considered in more detail below.

#### **1.4 Flood risk management**

**Recommendation 8** of the Office's submission to the draft Local Area Plan required the Planning Authority to ensure that highly vulnerable (Flood Zone A and B) or less vulnerable (Flood Zone A) development is not facilitated under zoning objectives of the plan where the plan making justification test (Justification Test) had not been passed, or was otherwise not in accordance with the Flood Guidelines, stating:

#### **Recommendation 8 – Flood risk management**

Having regard to:

- Regional Policy Objective RPO 3.10 of the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly; and
- *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines) as amended by *Circular PL 2/2014*,

the planning authority is required to:

- (i) review the flood mapping in the Strategic Flood Risk Assessment (SFRA) to ensure that the correct flood extents have been used;
- (ii) carry out a Plan Making Justification Test for the lands zoned Strategic Industrial / Enterprise Zones on the N63;
- (iii) ensure consistency between the final land use zoning maps and the Justification Tests and mapping in the SFRA; and
- (iv) consequent to (i) to (iii) above, where lands at risk of flooding have not passed the Justification Test, or are otherwise not in accordance with the aforementioned Flood Guidelines, the zoning objectives in the plan should be amended to ensure that highly vulnerable (Flood Zone A and B) or less vulnerable (Flood Zone A) development are not facilitated under the zoning.

The planning authority should consult with the Office of Public Works regarding this recommendation.

The Planning Authority however proceeded to introduce Material Alterations for highly vulnerable residential development in Flood Zone A and B (MA 43 and MA 50) and less vulnerable uses (Strategic Industrial / Enterprise Zones) in Flood Zone A (MA 45), contrary to part (iv) of Recommendation 8.

This matter was subsequently raised again by the Office in its submission under MA Recommendation 1 and MA Recommendation 3 in respect of Material Alterations MA 43, MA 50 and MA 45.

### **1.5 Zoning for residential development**

**MA Recommendation 1** required the Planning Authority to make the Local Area Plan without a number of peripheral and non-sequential residential zonings considered contrary to the principles of compact and sustainable growth and, in the case of MA 43 and MA 50, on lands at risk of flooding, stating:

## MA Recommendation 1 – Land Use Zoning for Residential Use

Having regard to:

- Policy Objectives CS 2.4, CS 2.5, CS 2.6 and TV 4.18 of the Roscommon County Development Plan 2022-2028;
- RPO 3.1 and RPO 3.2 for compact growth;
- RPO 3.10 for Flood Risk Management and *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009);
- the peripheral location of the lands and the policy and objective for the sequential approach to zoning in the *Development Plans, Guidelines for Planning Authorities* (2022);
- RPO 6.5 and section 2.5 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012); and
- Policy Objective CS 2.4 of the Roscommon County Development Plan 2022-2028 for the co-ordination of land use zoning, infrastructure and services,

the planning authority is required to make the LAP without the following proposed material alterations:

- (i) Proposed Amendment – MA 30 – Amend Maps 1, 1A, 1B, 1C and 3 of the Draft Plan as follows:
  - a) Southernmost portion of land, Lisnamult: Zone the land as ‘New Residential’ instead of the ‘Unzoned’ identification in the Draft LAP;
  - b) In conjunction with the above amendment to land use zones, amend and update Table 11.1 Land Use Zoning Extents and Table 11.2 New Residential Lands on pages 64 and 65 respectively to reflect the altered land extents.
- (ii) Proposed Amendment – MA 31 – Amend Maps 1, 1A, 1B, 1C and 3 of the Draft Plan as follows:



- a) Hawthorn Drive: Zone the land as 'New Residential' instead of the 'Unzoned' identification in the Draft LAP;
- (iii) in conjunction with the above amendments to land use zones, amend and update Table 11.1 Land Use Zoning Extents and Table 11.2 New Residential Lands on pages 64 and 65 respectively to reflect the altered land extents;
- (iv) Proposed Amendment – MA 43 – Amend Map 1, Map 1A, Map 1B, Map 1C, Map 2 and Map 3 to (a) extend the Draft LAP boundary to the south at Ballinagard and (b) to zone the associated additional lands as New Residential;
- (v) Proposed Amendment – MA 46 – Amend Map 1, Map 1A, Map 1B, Map 1C, Map 2 and Map 3 to (a) extend the Draft LAP boundary to the north east at The Walk and Cloonybeirne and (b) to zone the associated additional lands as New Residential; and
- (vi) Proposed Amendment – MA 50 - Amend Map 1, Map 1A, Map 1B, Map 1C, Map 2 and Map 3 to (a) extend the Draft LAP boundary to the south at Ballinagard (Galway Road/N63) and (b) to zone the additional lands as New Residential.

### **1.5.1 MA 30 at Lisnamult and MA 31 at Hawthorn Drive**

The section 31AO(5) notice letter sets out the Chief Executive's reasons for making the Local Area Plan with MA 30 and MA 31. The Office accepts these reasons, and in particular notes the updated information regarding the water and wastewater network, and also notes that these lands are situated within the CSO settlement boundary consistent with objectives for compact growth under the County Development Plan and the RSES.

### **1.5.2 MA 43 at Ballinagard – opposite Meadowfield**

The section 31AO(5) notice letter states that the Chief Executive does not support MA 43 to extend the draft Local Area Plan settlement boundary and zone lands at Ballinagard New Residential (c. 2ha), and in agreement with the Office's recommendation, recommended to elected members that the Local Area Plan be

made without MA 43. At draft stage, the site was not zoned and was located outside of the draft Local Area Plan settlement boundary. For clarity, the site was also not zoned under the Roscommon Town Local Area Plan 2014-2020.

In respect of MA 43, the CE's Report on the Material Alterations (CE's report MA stage) states:

*it is inappropriate to zone the land for 'New Residential' development. The lands are (a) not required to satisfy residential land requirements and (b) the zoning of the lands would be contrary to The Planning System and Flood Risk Management – Guidelines for Planning Authorities....*

The NWRA submission to the Material Alterations (dated 6<sup>th</sup> June 2024) likewise recommends that proposed MA 43 not be made in order to comply with RPO 3.10 and RPO 3.11 of the RSES as the lands have been identified as being in/ partially in Flood Zone A.

The OPW submission to the Material Alterations (dated 7<sup>th</sup> June 2024) also states that MA 43 zones lands in flood risk areas but has not satisfied all criteria of the Justification Test.

However, in deciding to make the Local Area Plan with MA 43 the elected members made a modification to zone the lands within flood zone A and B as Green Belt (GB), thereby reducing the site area to c.1.5ha.

The GB lands are a constrained land use zone addressed by section 9.4 of the adopted Local Area Plan. Should any future access to the MA 43 lands be proposed to/from the public road through the lands in flood risk zone A (and B), it will be subject to Policy Objective RN 77, which seeks to:

*Ensure all development proposals within constrained land use zones are informed by Site Specific Flood Risk Assessments, carried out to the satisfaction of the Planning Authority and in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) or any subsequent updated Guidelines.*

Therefore, the Office is satisfied that the elected members, in making the Local Area Plan with MA 43, have had regard to and implemented the Flood Guidelines. The Office also notes that these lands are situated within the CSO settlement boundary consistent with objectives for compact growth under the County Development Plan and the RSES.

### **1.5.3 MA 46 at The Walk and Cloonybeirne**

The section 31AO(5) notice letter states that the Chief Executive did not support MA 46 to extend the draft Local Area Plan settlement boundary and zone lands at The Walk and Cloonybeirne New Residential (c.2.7ha), and in agreement with the Office's recommendation, recommended to the elected members that the Local Area Plan be made without MA 46. At draft stage, the site was not zoned and was located outside of the draft Local Area Plan settlement boundary. For clarity, the site was also not zoned under the Roscommon Town Local Area Plan 2014-2020.

In respect of MA 46, the CE's Report (MA stage) states:

*It remains the case that the lands which are the subject of Proposed Amendment MA 46 are not required to satisfy residential land requirements. The potential zoning of the lands would give rise to an inappropriate fragmented and dispersed pattern of development. It therefore remains the opinion of the Chief Executive, in agreement with the OPR recommendation, that it is inappropriate to zone the land for 'New Residential' development. The Roscommon Town LAP 2024-2030 should be made without this proposed Material Alteration 46.*

The elected members did not give any reasons for not accepting the Chief Executive's recommendation and made the Local Area Plan with MA 46.

The subject site is located in a peripheral location and the majority of the site is outside the CSO settlement boundary. The zoning is not sequential and leapfrogs extensive undeveloped, non-zoned land and zoned residential land closer to the centre of the town.

While the Office notes the pattern of single road-side housing in the area, the extent of the subject lands could accommodate a far higher level of housing.

The development of large scale housing at this location does not therefore contribute to the compact growth of Roscommon Town or support the regeneration of the town centre and brownfield/infill lands and consolidation of urban areas, inconsistent with Policy Objectives CS 2.5 and TV 4.18 of the County Development Plan, and objectives RPO 3.1 and RPO 3.2 of the RSES for compact growth.

The Material Alteration is also inconsistent with the Strategic Objective of the Development Plan for the future growth and development of Roscommon Town ‘*to ensure that the growth planned for the town up to 2030 and beyond occurs in a sustainable and sequential manner, while prioritising a low carbon, compact, consolidated and connected pattern of development.*’

Policy Objective CS 2.10 similarly supports the continued growth and sustainable development of Roscommon Town.

This policy framework applies, inter alia, the policy and objective of section 6.2.3 of the Development Plans Guidelines that

*planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently,*

which provide a sound basis for planning authorities to zone land for residential development.

No or no adequate reasons have been provided to explain why the Planning Authority decided to retain MA 46, when it is inconsistent with the Strategic Objective and Policy Objective CS 2.10 of the County Development Plan for the future growth and development of Roscommon Town, and with Policy Objectives CS 2.5 and TV 4.18 of the County Development Plan, and Objectives RPO 3.1 and RPO 3.2 of the RSES.

#### **1.5.4 MA 50 at Ballinagard (Galway Road/N63)**

The section 31AO(5) notice letter states that the Chief Executive did not support MA 50 to extend the draft Local Area Plan settlement boundary and zone lands at Ballinagard (Galway Road/N63) New Residential (c.4ha), and in agreement with the

Office's recommendation, recommended to the elected members that the Local Area Plan be made without MA 50. At draft stage, the site was not zoned and was located outside of the draft Local Area Plan settlement boundary.

The CE's Report (MA stage) states that the site is not required to satisfy residential land requirements.

The NRWA and OPW submissions to the Material Alterations also recommend against MA 50 on flood risk grounds.

In deciding to make the Local Area Plan with MA 50 the elected members addressed flood risk by way of a modification to zone lands within flood zone A/B as GB. The Office notes that access to these lands can be achieved without traversing flood risk zone A, and the Office is satisfied that the material alteration is now consistent with RPO 3.10 of the RSES and appropriately applies the Flood Guidelines.

The Office also notes that MA 50 is within the CSO settlement boundary and is therefore consistent with objectives for compact growth in the County Development Plan and in the RSES. The site is also reasonably sequential and, having regard to the nature of the site as an unfinished housing estate and to the pedestrian footpaths and public lighting on the public road, it is reasonable to assume that the site is serviced or serviceable.

The Office does not therefore consider that a direction is merited in respect of MA 50.

## **1.6 Zoning for employment uses**

**MA Recommendation 3** required the Planning Authority to make the Local Area Plan without the 4ha Strategic Industrial / Enterprise Zones land use zoning objective included at Material Alteration stage under MA 45 and associated text, stating:

## MA Recommendation 3 – Lands Zoned for Employment Uses

Having regard to:

- an evidence-based rationale for both the requirement to zone lands and the location and type of employment in accordance with section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities (2022)* and the sequential approach to zoning for high intensity employment in accordance with Appendix A section 1.4;
- RPO 6.31 for integrating active travel to areas of high employment density;
- Policy objective CAEE 8.18 of the Roscommon County Development Plan 2022 – 2028, for the integration of transport and land use;
- the obligation under the Climate Action Plan and the Climate Action and Low Carbon Act 2015, as amended;
- the regeneration of towns under RPO 3.9 and *Town Centre First: A Policy Approach for Irish Towns (2022)*;
- RPO 3.10 for Flood Risk Management and *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*; and
- Policy Objective CS 2.4 of the Roscommon County Development Plan 2022-2028 for the co-ordination of land use zoning, infrastructure and services,

the planning authority is required to make the LAP without the following proposed material alteration:

- proposed amendment MA 45, which proposes to (a) revise the draft LAP boundary to the north east at Roxborough and (b) to zone the identified land portion as ‘Strategic Industrial / Enterprise Zones.’

### 1.6.1 MA 45 at Roxborough

The section 31AO(5) notice letter states that the Chief Executive did not support MA 45 to revise the draft Local Area Plan settlement boundary and zone land at

Roxborough Strategic Industrial / Enterprise Zones, and in agreement with the Office's recommendation, recommended to the elected members that the Local Area Plan be made without MA 45. At draft stage, the site was not zoned and was located outside of the draft Local Area Plan settlement boundary. For clarity, the site was also not zoned and was located outside the settlement boundary in the Roscommon Town Local Area Plan 2014 - 2020.

The CE's report (MA stage) agrees with the Office's recommendation and recommends that that the Local Area Plan be made without MA 45 for the following reasons:

- 53.5ha zoned strategic industry / enterprise, of which 28ha remains undeveloped;
- the lands are outside the boundary of the Roscommon Town LAP 2014 - 2020 and remain significantly outside the boundary of the draft Local Area Plan;
- Uisce Éireann states that an upgrade of 120m of small diameter water main would be required to facilitate the development, including a stream crossing; and
- the OPW states that the site 'has zoned undeveloped lands in Flood Zones A and B as less vulnerable Strategic Industrial/Enterprise Zone', and further confirms that 'Highly vulnerable development is not appropriate in Flood Zone A or B, and less vulnerable development is not appropriate in Flood Zone A unless all criteria of the plan making justification test have been satisfied'.

The Chief Executive is satisfied that there is sufficient land zoned Strategic Industry / Enterprise Zones without MA 45. In this regard the CE's Report (draft stage) recommends not to include this site as a material alteration, stating the following:

*The commitment of Roscommon County Council to facilitate industrial and enterprise related development within Roscommon is clearly demonstrated through the zoning of lands for 'Strategic Industrial/Enterprise' in more centrally located, serviced and accessible lands within the proposed LAP boundary, and supported by related text and policy objectives, principally set out in Chapter 6: Economic Development of the Draft LAP.*

The elected members did not give any reasons for not accepting the Chief Executive's recommendation and made the Local Area Plan with MA 45.

The NRWA submission to the Material Alterations also notes that the Planning Authority has estimated that 28 hectares of undeveloped lands are available for industrial / enterprise and considers that the inclusion of these lands in the Local Area Plan is not justified and should not be included.

The proposed 4ha site comprises an isolated parcel of land which is not contiguous to the main settlement boundary with undeveloped green fields between. The zoning is not supported by an evidence-based rationale for the need to zone these lands. It is therefore inconsistent with the County Development Plan's Strategic Objective for the future growth and development of Roscommon Town *'to ensure that the growth planned for the town up to 2030 and beyond occurs in a sustainable and sequential manner, while prioritising a low carbon, compact, consolidated and connected pattern of development'* and fails to have regard to section 6.2.5 of the Development Plans Guidelines, that *'the evidence and rationale underpinning the zoning of land for employment purposes must be clear and strategic in nature'*.

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. The sequential approach set out in the Flood Guidelines provides that where a Planning Authority is considering the future development of areas at a high or moderate risk of flooding, it must be satisfied that it can clearly demonstrate on a solid evidence base that the zoning or designation for development will satisfy the Justification Test.

Light and heavy industry uses are permitted in principle on land zoned Strategic Industrial / Enterprises Zoning, proposed under MA 45. Other employment generating uses are open for consideration. Under the Flood Guidelines buildings used for warehousing, commercial and industrial uses, are defined as a less vulnerable use, which are not appropriate in Flood Zone A unless the zoning satisfies all criteria of the Justification Test.



The OPW's submission states that the MA 45, has not satisfied all the criteria of the Justification Test, which test was carried out as part of the Strategic Flood Risk Assessment of the proposed Material Alterations (appended to the Strategic Environmental Assessment (SEA) Environmental Report).

Accordingly, MA 45 is inconsistent with RPO 3.10 of the RSES which, among other things, requires the implementation of the Flood Guidelines, stating:

*Ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding and ... Development plans should assess flood risk by implementing the recommendations of the Planning System and Flood Risk Assessment Guidelines for Planning Authorities (2009)...*

and fails to so implement the recommendations of the Flood Guidelines as outlined above.

The NWRA submission also recommends that proposed MA 45 not be made in order to comply with RPO 3.10 of the RSES on the basis that these lands have been identified as being in / partially in Flood Zone A.

No or no adequate reasons have been provided to explain why the Planning Authority has decided to retain MA 45 and to zone lands within Flood Zone A as Strategic Industrial / Enterprise Zones, when it is inconsistent with RPO 3.10 of the RSES in that it does not implement the recommendations of the Flood Guidelines.

This isolated site, remote from the settlement, is accessed via a narrow, rural road network without road demarcations (where the 80kph speed limit applies) and without public lighting or pedestrian pavements, and fails to consider the sequential test and accessibility for employment zonings under section 1.4 of Appendix A of the Development Plans Guidelines. These Guidelines provide that high intensity uses should be prioritised in central locations accessible by public transport, walking and cycling and that low intensity uses should be located with good access to the major road network.

Further, there are also no proposals in the Local Area Plan to upgrade the local road and to extend the proposed walking and cycling network to the site. In this regard the CE's report (draft stage), in recommending not to accept MA 45, stated the following:

*The draft Roscommon Town LAP, informed by the RTAMS<sup>2</sup>, has been developed with the aim of ensuring sustainable transport alternatives are available to access these Strategic Industrial / Enterprise Zones. The draft LAP support initiatives to facilitate sustainable transport links throughout the town and to centres of employment. Therefore, it is essential that more centralized sites are identified, over peripheral sites in the rural hinterland.*

It is therefore not evident that the site is suitable for either high or for low intensity employment use under the sequential test and accessibility considerations.

Further, the zoning of these lands does not accommodate access by active or sustainable transport modes, does not represent an integrated approach to land use and transportation and is inconsistent with CAEE 8.18 of the County Development Plan to ensure that land use and transport infrastructure are integrated to develop more sustainable settlements. MA 45 does not therefore contribute to the reduction target for vehicular-kilometres travelled per annum under the Climate Action Plan and conflicts with the GHG emissions reduction targets under the Climate Act.

However, no infrastructure assessment has supported the rationale in relation to the proposed rezoning of the lands and the Office notes the constraints regarding connecting to the wastewater network identified in Uisce Éireann's submission, and the consequent limited capacity of the subject site for sustainable development consistent with the strategic objective.

The Uisce Éireann submission to the Material Alterations states that the site is currently served by a small diameter water main and it is likely that an upgrade of 120m would be required to facilitate development, which would include a stream crossing. The submission also notes that several sites are within / adjacent to flood zones and cautions that development on such lands may increase the level of complexity and cost of servicing the sites. MA 45 is therefore inconsistent with Policy

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<sup>2</sup> Roscommon Town Access and Movement Strategy.

Objective CS 2.10 which seeks to support the continued growth and sustainable development of Roscommon Town.

No or no adequate reasons have been provided to explain why the Planning Authority decided to retain MA 45, when it is inconsistent with the Strategic Objective and Policy Objective CS 2.10 of the County Development Plan for the future growth and development of Roscommon Town, inconsistent with Policy Objective CAEE 8.18 of the County Development Plan and is not, in so far as possible, made in a manner consistent with *among others* the Climate Action Plan<sup>3</sup> and the achievement of the GHG emissions reduction targets of the Climate Act, is inconsistent with RPO 3.10 of the RSES and does not implement the recommendations of the Flood Guidelines, and fails to have regard to the Development Plans Guidelines section 6.2.5 and Appendix A section 1.4.

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

Having considered the Local Area Plan as adopted, under section 31AO(6) of the Act, the Office is of the opinion that the said Local Area Plan has not been made in a manner consistent with the recommendations of the Office.

Further, no or no adequate reasons have been given for not implementing the Office's recommendations in the 31AO(5) notice letter to justify the failure to implement those recommendations or explain how, notwithstanding that failure, the Local Area Plan as made is consistent with the objectives of the County Development Plan.

As you will be aware, the Office has various functions in respect of evaluating and assessing local area plans, summarised as follows:

- under section 31AO(1) of the Act, the Office has a statutory duty to evaluate and assess at least at a strategic level Planning Authority notices of proposals to make, amend or revoke local area plans or material alterations thereof;

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<sup>3</sup> Which does not vary in any substantive manner from the Climate Action Plan 2023 in respect of the reduction of GHG emissions from the transport sector.

- under section 31AO(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 31AO(3)(a), in making observations or submissions in respect of any local area plan evaluation or assessment, the Office shall make, to the relevant Planning Authority, such recommendations in relation to the Office's evaluation and assessments as it considers necessary 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 31AO(6), the Office shall consider whether or not the local area plan as made, amended or revoked 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 must, under section 31P(3) of the Act, take account of the objective for contributing to proper planning and sustainable development and the optimal functioning of planning under the Act; and
- under section 31S, the Office must, 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 competent authorities for the purposes of those acts.

Accordingly, having considered the Local Area Plan in light of the above statutory functions and the notice from the Planning Authority received on the 2<sup>nd</sup> August 2024 issued under section 31AO(5), the Office is of the opinion that the Local Area Plan has not been made in a manner consistent with the recommendations of the Office.

In particular:

- the Local Area Plan includes a material alteration to extend the draft Local Area Plan settlement boundary and zone additional New Residential land at The Walk and Cloonybeirne which is located in a peripheral and non-sequential location, the majority of which is located outside the CSO settlement boundary of Roscommon Town, inconsistent with the Strategic Objective and Policy Objective CS 2.10 of the County Development Plan for the future growth and development of Roscommon Town to ensure that growth occurs in a sustainable and sequential manner while prioritizing a low carbon, compact, consolidated and connected pattern of development, and with Policy Objectives CS 2.5 and TV 4.18 of the County Development Plan for the compact growth of Roscommon Town and to support the regeneration and consolidation of the town centre and brownfield/infill lands and the consolidation of the urban area, and with objectives RPO 3.1 and RPO 3.2 of the RSES for compact growth, and fails to have regard to the policy and objective for the sequential approach to zoning under section 6.2.3 of the Development Plans Guidelines;

- the Local Area Plan includes a material alteration to revise the draft Local Area Plan settlement boundary and zone additional land Strategic Industrial / Enterprise Zones at Roxborough which is located in a peripheral, non-sequential and unserviced location outside the CSO settlement boundary and Local Area Plan settlement boundary for Roscommon Town, and where a large portion of the land is located within Flood Zone A. The material alteration is therefore inconsistent with the Strategic Objective and Policy Objective CS 2.10 of the Development Plan for the future growth and development of Roscommon Town to ensure that growth occurs in a sustainable and sequential manner while prioritizing a low carbon, compact, consolidated and connected pattern of development, and with Policy Objective CAEE 8.18 of the County Development Plan to ensure that land use and transport infrastructure are integrated to develop more sustainable settlements and, is not made, in so far as possible, in a manner consistent with inter alia the Climate Action Plan and the achievement of the GHG emissions reduction targets of the Climate Act, and RPO 3.10 of the RSES to avoid inappropriate development in areas at risk of flooding in accordance with the Flood Guidelines, and does not implement the recommendations of the Flood Guidelines as required by RPO 3.10 of the RSES, and fails to have regard to section 6.2.5 of the Development Plans Guidelines that the evidence and rationale underpinning the zoning of land for employment purposes must be clear and strategic in nature, and fails to consider the sequential test and accessibility under section 1.4 of Appendix A of the Development Plans Guidelines.

No or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why the Planning Authority has decided to retain the material alterations which the Office recommended removing from the draft Local Area Plan, and which are inconsistent with the objectives of the County Development Plan and the RSES.

In making the Local Area Plan with the material alterations, and not implementing Recommendation 8 of the Office's submission to the draft Local Area Plan and MA Recommendation 1 and MA Recommendation 3 of the Office's submission to the Material Alterations, the Planning Authority has made the Local Area Plan contrary to

the requirements of section 19(2) of the Act which requires local area plans be consistent with the objectives of the county development plan, its core strategy, and any regional spatial and economic strategy that applies to the area of the plan.

The factors that the Office has taken into account in forming this opinion are as follows:

- (i) The core strategy and the policy objectives of the County Development Plan, including the **Strategic Objectives for the future growth and development of Roscommon town**:

*To ensure that the growth planned for the town up to 2030 and beyond occurs in a sustainable and sequential manner, while prioritising a low carbon, compact, consolidated and connected pattern of development.*

And policy objectives CS 2.5, CS 2.10, TV 4.18 and CAEE 8.18, which state:

#### **Policy Objective CS 2.5**

*Support the regeneration of town centre and brownfield/infill lands along with the delivery of existing zoned and serviced lands to facilitate population growth and achieve sustainable compact growth targets of 30% of all new housing to be built within the existing urban footprint of targeted settlements in the county. At least 40% of all new housing will be targeted within the the existing built-up footprint of the Regional Growth Centre of Athlone (Monksland/Bellanamullia).*

#### **Policy Objective CS 2.10**

*Support the continued growth and sustainable development of Roscommon, to act as a growth driver in the region and to fulfil its role as a Key Town and to function as the County Town.*

#### **Policy Objective TV 4.18**

*Promote development at sustainable densities that support compact growth and the consolidation of urban areas (with particular emphasis on Town Cores), and which are also appropriate to the local context and enhance the local environment in which it is located*

### **Policy Objective CAEE 8.18**

*Ensure that land use and transportation infrastructure are integrated as part of settlement strategies in order to develop more sustainable and compact settlements which are well served by public transport.*

- (ii) Regional Policy Objectives RPO 3.1, RPO 3.2, and RPO 3.10, which state:

#### **RPO 3.1**

*Develop urban places of regional-scale through:*

- *Delivering on the population targets for the Metropolitan and Regional Growth Centres through compact growth:*
- *Delivering significant compact growth in Key Towns; and*
- *Developing derelict and underutilised sites, with an initial focus within town cores.*

#### **RPO 3.2**

*a) Deliver at least 50% of all new city homes targeted in the Galway MASP, within the existing built-up footprint of Galway City and suburbs.*

*(b) Deliver at least 40% of all new housing targeted in the Regional Growth Centres, within the existing built-up footprint.*

*(c) Deliver at least 30% of all new homes that are targeted in settlements with a population of at least 1,500 (other than the Galway MASP and the Regional Growth Centres), within the existing built-up footprints.*

#### **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).*

- (iii) The Flood Guidelines which *'require the planning system at national, regional and local levels to:*

*Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere;*

*Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk.*

- (iv) The *Development Plans Guidelines*, which state inter alia:

Section 6.2.3 - Sequential Approach to Zoning for Residential Development:

*In undertaking the zoning function for new residential development at individual settlement scale, planning authorities are required to adopt a sequential approach which reflects the compact growth, utilisation of existing infrastructure and town regeneration national policy objectives of the NPF, further developing the Tiered Approach.*

*It is a policy and objective of these Guidelines that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.*

Section 6.2.5 – Zoning for Employment Uses:

*Ensuring that the economic or employment strategy of the development plan is translated into the appropriate land-use zoning proposals is an important consideration in the plan preparation process. The evidence and rationale*

*underpinning the zoning of land for employment purposes must be clear and strategic in nature.*

Appendix A Section 1.4 – Enterprise & Employment Zoning:

*Sequential Test and Accessibility:*

*Accessibility is a central consideration in selecting employment zonings and the transport provision of potential locations for development needs to be strategically considered:*

*Low intensity employment uses such as distribution, warehouse, storage and logistics facilities will require good access to the major road network;*

*High intensity employment uses such as offices will require the highest level of accessibility by public transport, walking and cycling. The sequential approach to land-use zoning will also apply, with lands contiguous to existing development within a settlement being prioritised for high-intensity employment zoning ahead of lands located further on the periphery of the settlement.*

- (v) The CE's Report (draft stage), the CE's Report (MA stage) and the section 31AO(5) notice letter;
- (vi) Matters generally within the scope of section 19 of the Act;
- (vii) The Office's statutory obligations under the Act; and
- (viii) Section 15 of the Climate Act.

In light of the above, the Office is, therefore, of the opinion that the Local Area Plan has not been made in a manner consistent with its recommendations as set out in the submissions dated 2<sup>nd</sup> February 2024 and 13<sup>th</sup> June 2024, and that the decision of the Planning Authority results in the making of a Local Area Plan in a manner that is inconsistent with the objectives of the County Development Plan of the area concerned, its core strategy and the RSES, and as a consequence the use by the Minister of his or her functions to issue a direction under section 31 would be merited.

### 3. Recommendation to the Minister

Having regard to section 31AO(7) 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 local area plan 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, i.e.:

Delete the following material alterations from the adopted Local Area Plan such that the Local Area Plan settlement boundary and subject lands revert to as indicated in the draft Local Area Plan:

- (i) Material Amendment MA 45 – i.e. the Local Area Plan settlement boundary (Map 1, Map 1A, Map 1B, Map 1C, Map 2 and Map 3) reverts to the draft Local Area Plan to the north east at Roxborough, and the subject lands reverts to not zoned and outside the Local Area Plan boundary from Strategic Industrial / Enterprise Zones inside the Local Area Plan settlement boundary; and
- (ii) Material Amendment MA 46 – i.e. the Local Area Plan settlement boundary (Map 1, Map 1A, Map 1B, Map 1C, Map 2 and Map 3) reverts to the draft Local Area Plan to the north east at The Walk and Cloonybeirne, and the subject lands reverts to not zoned and outside the Local Area Plan settlement boundary from New Residential inside the Local Area Plan settlement boundary.

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,



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**Niall Cussen**

Planning Regulator

**DRAFT DIRECTION IN THE MATTER OF SECTION 31  
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)  
Roscommon Town Local Area Plan 2024-2030**

“Local Area Plan” means the Roscommon Town Local Area Plan 2024-2030.

“Planning Authority” means Roscommon County Council.

“County Development Plan” means Roscommon County Development Plan 2022-2028

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

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) (“the Act”) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2024 (S.I. No. 234 of 2024), 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 Roscommon Town Local Area Plan 2024-2030 Direction 2024.
- 2) The Planning Authority is hereby directed to take the following steps with regard to the Local Area Plan:
  - (a) Delete the following Material Alterations from the adopted Local Area Plan such that the Local Area Plan boundary and subject lands revert to as indicated in the draft Local Area Plan:

- (i) Material Amendment MA 45 – i.e. the Local Area Plan boundary (Map 1, Map 1A, Map 1B, Map 1C, Map 2 and Map 3) reverts to the draft Local Area Plan to the north east at Roxborough, and the subject lands reverts to not zoned and outside the Local Area Plan boundary from Strategic Industrial / Enterprise Zones inside the Local Area Plan boundary; and
- (ii) Material Amendment MA 46 – i.e. the Local Area Plan boundary (Map 1, Map 1A, Map 1B, Map 1C, Map 2 and Map 3) reverts to the draft Local Area Plan to the north east at The Walk and Cloonybeirne, and the subject lands reverts to not zoned and outside the Local Area Plan settlement boundary from New Residential inside the Local Area Plan settlement boundary.

## **STATEMENT OF REASONS**

- I. The Local Area Plan includes a material alteration to extend the draft Local Area Plan boundary and zone additional New Residential land at The Walk and Cloonybeirne which is located in a peripheral and non-sequential location, the majority of which is located outside the CSO settlement boundary of Roscommon Town, inconsistent with the Strategic Objective and Policy Objective CS 2.10 of the County Development Plan for the future growth and development of Roscommon Town to ensure that growth occurs in a sustainable and sequential manner while prioritizing a low carbon, compact, consolidated and connected pattern of development, and with Policy Objectives CS 2.5 and TV 4.18 of the County Development Plan for the compact growth of Roscommon Town and to support the regeneration of the town centre and brownfield/infill lands and the consolidation of the urban area, and with objectives RPO 3.1 and RPO 3.2 of the RSES for compact growth, and fails to have regard to the policy and objective for the sequential approach to zoning under section 6.2.3 of the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines).
- II. the Local Area Plan includes a material alteration to revise the draft Local Area Plan boundary and zone additional land as Strategic Industrial / Enterprise Zones at Roxborough, which is located in a peripheral, non-

sequential and unserviced location outside the CSO settlement boundary and Local Area Plan settlement boundary for Roscommon Town, and where a large portion of the land is located within Flood Zone A. The material alteration is therefore inconsistent with the Strategic Objective and Policy Objective CS 2.10 of the Development Plan for the future growth and development of Roscommon Town to ensure that growth occurs in a sustainable and sequential manner while prioritizing a low carbon, compact, consolidated and connected pattern of development, and with Policy Objective CAEE 8.18 of the County Development Plan to ensure that land use and transport infrastructure are integrated to develop more sustainable settlements and is not made, in so far as possible, in a manner consistent with *inter alia* the Climate Action Plan 2024 and the achievement of the GHG emissions reduction targets of the Climate Action and Low Carbon Development Act 2015, as amended, and with RPO 3.10 of the RSES to avoid inappropriate development in areas at risk of flooding in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines) and does not implement the recommendations of the Flood Guidelines as required by RPO 3.10 of the RSES, and fails to have regard to section 6.2.5 of the Development Plans Guidelines that the evidence and rationale underpinning the zoning of land for employment purposes must be clear and strategic in nature, and fails to consider the sequential test and accessibility under section 1.4 of Appendix A of the Development Plans Guidelines.

- III. The Local Area 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 AO of the Act.
- IV. The Minister is of the opinion that the Local Area Plan as made is inconsistent with the objectives of the Development Plan of the area, which is a requirement of the Act.
- V. The Local Area 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.

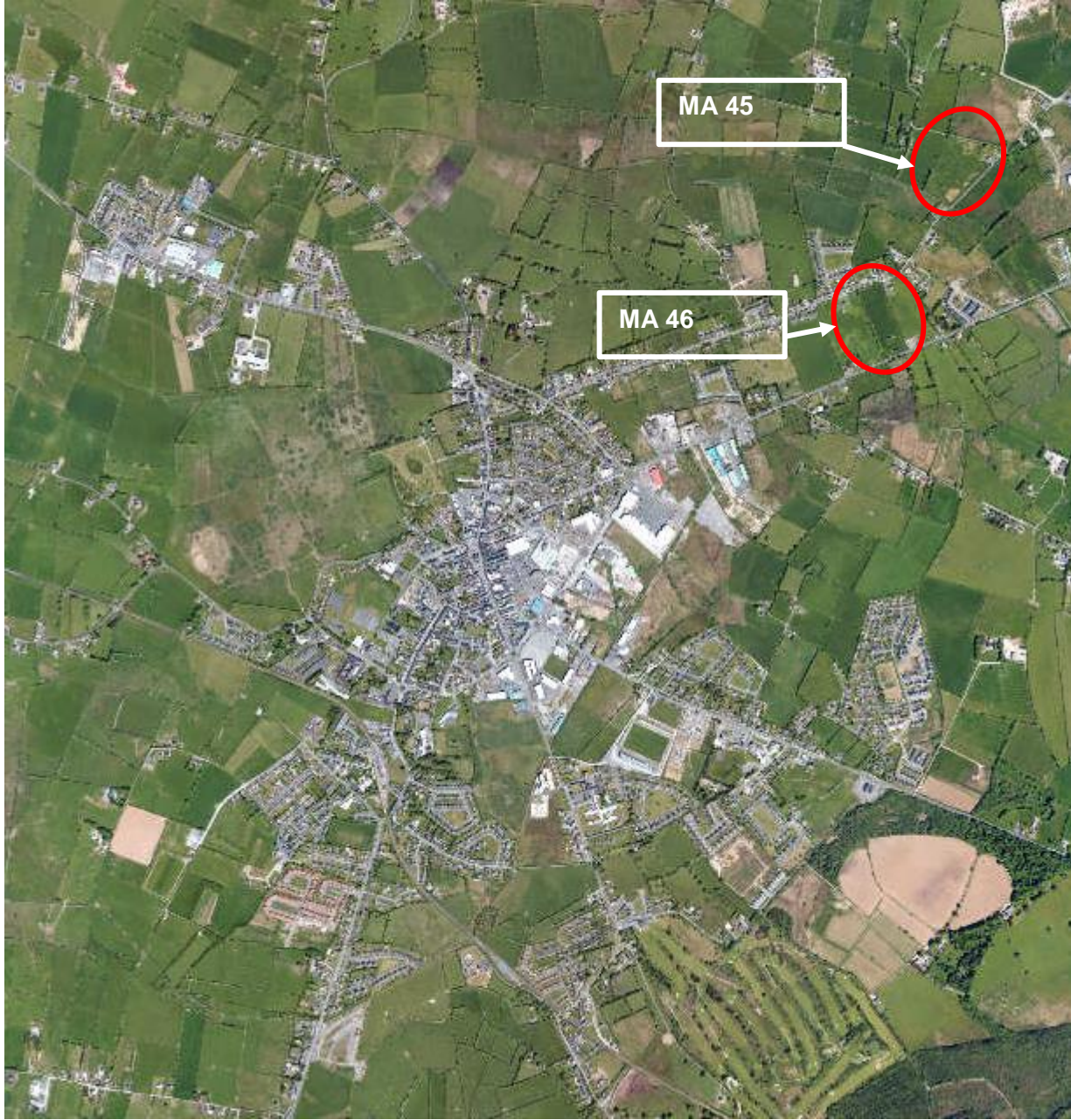


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Planning Regulator

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

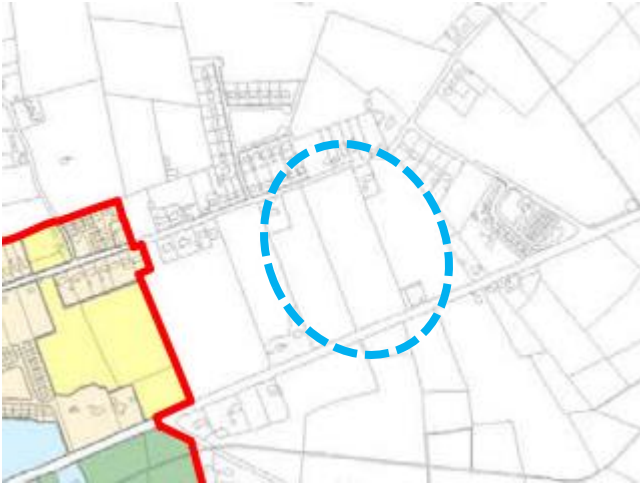


**Aerial View of Roscommon Town with general location of subject sites indicated in red**

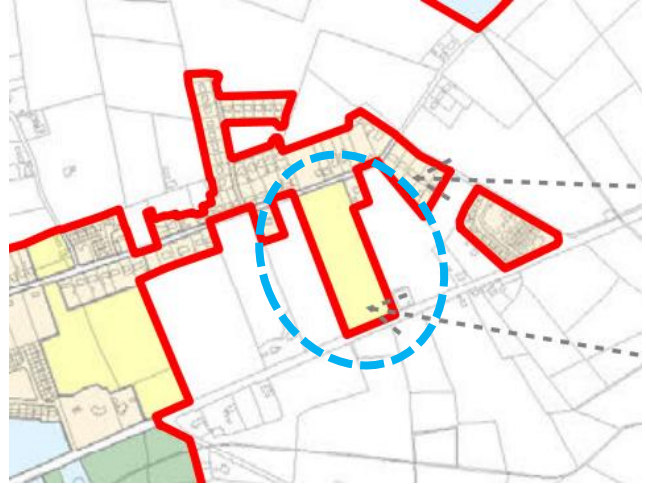


**New Residential MA 46 (encircled blue dash) – i.e. not zoned and located outside LAP boundary in Draft LAP; zoned New Residential within LAP boundary in the Material Alteration**

**Draft Plan: Not zoned**



**Material Alterations: New Residential**





### Aerial Photo

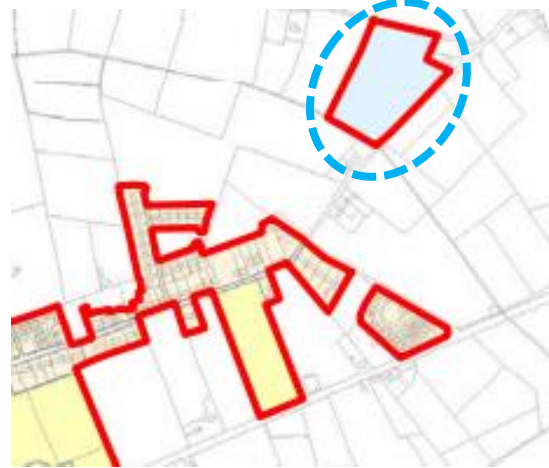


**Strategic Industrial / Enterprise Zones MA 45 (encircled blue dash) – i.e. not zoned and located outside LAP boundary in Draft LAP; zoned Strategic Industrial / Enterprise Zone within LAP boundary in the Material Alteration**

**Draft Plan: Not zoned**



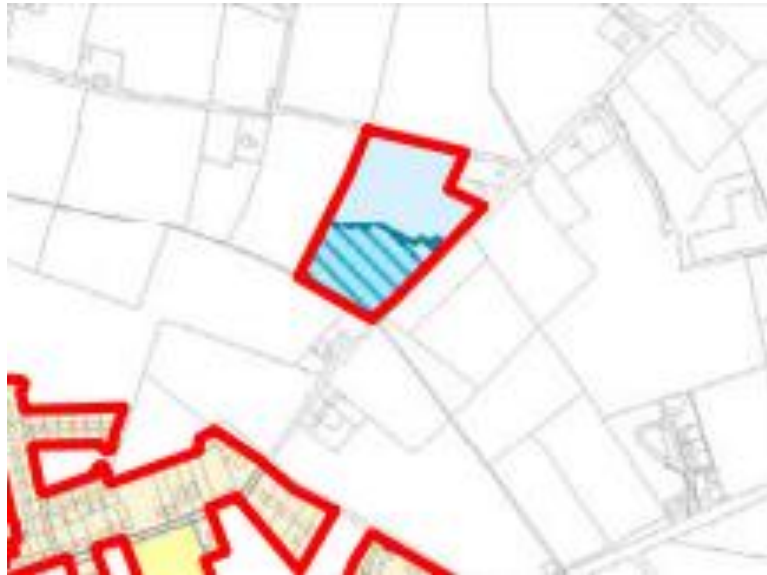
**Material Alterations: Strategic Industrial / Enterprise Zone**



**Aerial Photo**



### Flood Risk Zones A & B overlay



**Legend**

 Plan Boundary	 Agriculture	 Strategic Industrial / Enterprise Zones
 Constrained Land Use Zones - Flood Zone A	 Existing Residential	 Green Belt
 Constrained Land Use Zones - Flood Zone B	 Un-zoned	 Community Infrastructure
 Residential Opportunity Sites	 Town Core	
 New Residential	 Outer Core	