



04<sup>th</sup> September 2024

For the Attention of: Mr. Shane Tiernan, Chief Executive

Roscommon County Council  
Áras an Chontae  
Roscommon  
F42 VR98

**Section 31 of the Planning and Development Act 2000 –  
Notice of Intention to Issue a Direction to Roscommon County Council  
regarding the Roscommon Town Local Area Plan 2024-2030**

Dear Shane,

Consequent to a recommendation made to me as Minister by the Office of the Planning Regulator (the Office) on 21<sup>st</sup> August 2024 in connection with the *Roscommon Town Local Area Plan 2024-2030* (the Local Area Plan) as adopted by the elected members of Roscommon County Council on 25<sup>th</sup> July 2024, 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 Roscommon 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) Roscommon County Council, as planning authority, in making the Local Area Plan, has failed to implement recommendations made to it by the Office under section 31AO of the Act;
- (ii) The Local Area Plan is not consistent with national and regional policy objectives specified in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Northern and Western Region (RSES);
- (iii) The Local Area Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area;
- (iv) The Local Area 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 Roscommon Town Local Area Plan 2024-2030 (the draft Plan) was on public display from 15<sup>th</sup> December 2023 to 5<sup>th</sup> February 2024. The Office of the Planning Regulator made a submission to the draft Plan on 2<sup>nd</sup> February 2024, containing 8 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 14<sup>th</sup> May 2024 to 13<sup>th</sup> June 2024. The Office made a submission on 13<sup>th</sup> June 2024 containing 3 recommendations. The Office's recommendations at the Material Alterations stage included, inter alia, *MA Recommendation 1 – Land Use Zoning for Residential Use* and *MA Recommendation 3 – Lands Zoned for Employment Uses*.

The elected members of Roscommon County Council adopted the *Roscommon Town Local Area Plan 2024-2030* on 25<sup>th</sup> July 2024. Subsequently, the planning authority issued a notice letter to the Office advising of the making of the Local Area 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 section 31AO(5) 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 the satisfaction of the Office, or are otherwise considered satisfactory within the legislative and policy context. The outstanding matters, therefore, relates to the following:

- MA Recommendation 1 – Land Use Zoning for Residential Use (*Material Amendment MA 46*)
- MA Recommendation 3 – Lands Zoned for Employment Uses (*Material Amendment MA 45*)
- Recommendation 8 – Flood Risk Management



## **Summary of Issues**

### *MA Recommendation 1 – Material Amendment MA 46*

Having regard to specific cited objectives of the Roscommon County Development Plan, the Regional Spatial and Economic Strategy for the Northern and Western Region, and Ministerial Guidelines issued under section 28 of the Act, Roscommon County Council was recommended to make the Local Area Plan without material amendment MA 46. This material amendment proposed to zone land for New Residential development in a peripheral location at Cloonybeirne which the Office has advised would not contribute to the compact or sustainable growth of the town and is not required to satisfy the plan's residential land requirements. In addition, the Office has indicated that this land use zoning objective is not sequential, and leapfrogs extensive areas of undeveloped zoned and non-zoned land located closer to the centre of the town, and as such would facilitate an inappropriate dispersed pattern of development.

### *MA Recommendation 3 – Material Amendment MA 45*

This recommendation concerned Material Amendment MA 45 which proposed to zone a significant quantum of land at Roxborough as Strategic Industrial / Enterprise Zones. This land is located in an isolated location at significant remove from Roscommon Town and was zoned despite your advice as Chief Executive that there is no strategic need to zone land at this location given the plan already makes significant provision for enterprise related land uses. The Office has advised that the land is inadequately serviced, fails to integrate land use and transportation, and does not ensure that growth occurs in a sustainable and sequential manner while prioritising a low carbon, compact, consolidated and connected pattern of development. The Office has therefore concluded that this zoning objective is inconsistent with the planning authority's statutory obligations, as detailed in its recommendation to me, as Minister, under section 31AO(7) of the Act, and reflected in the reasons set out in the draft Direction.

### *Recommendation 8 – Flood Risk Management*

The Office raised concerns in relation to Flood Risk Management in Recommendation 8 of its submission on the draft Plan and elaborated upon these concerns in respect of individual proposed material amendments in its subsequent submission to your authority in June 2024. Material Amendment MA 45, at Roxborough, was among the lands identified by the Office to be at known risk





of flooding, and the Office cited flood risk as one of the reasons for recommending that I issue a draft Direction in respect of Material Amendment MA 45.

Having carefully examined this matter, I am cognisant that your notification letter of 1<sup>st</sup> August to the Office states that the Elected Members resolved to make the Plan with MA 45 but, in relation to the extent of the lands which are identified as being in Flood Zone A and B, the Members resolved to omit these parts of the lands from the zoning objective within the Plan. On this basis I am declining to include flood risk among the reasons for issuing a draft Direction in respect of MA 45. Notwithstanding the foregoing, I agree with the Office's overall recommendation in respect of this material amendment and consider that a draft Direction is warranted on the basis of the other reasons put forward by the Office, thereby satisfying the requirements of section 31(1) of the Act.

### **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 in compliance with the provisions of the Act including:
  - Section 19(2), which requires that the Local Area Plan shall be consistent with the objectives of the County Development Plan and any regional spatial and economic strategy that applies to the area of the plan.
  - Section 27(1), which states a planning authority shall ensure, when making a local area plan, that the plan is consistent with any regional spatial and economic strategy in force for its area.
  - Section 28(1), which requires planning authorities to have regard to ministerial guidelines in the performance of their functions.
  
- is not consistent with the objectives of the National Planning Framework and Regional Spatial and Economic Strategy for the Northern and Western Region, including NPO 11, NPO 33, RPO 3.1 and RPO 3.2.



- fails to have regard to Ministerial Guidelines issued under section 28 of the Act, specifically:
  - Development Plans Guidelines for Planning Authorities (2022).

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

Having regard to the matters set out above both individually and cumulatively, the Local Area 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 Roscommon County Council with regard to the *Roscommon Town Local Area Plan 2024-2030*.

In accordance with section 31AP(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 but provide additional clarity to aid its interpretation.

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

- (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 as indicated in the draft Local Area Plan, and the subject land to the north east at Roxborough 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 as indicated in the draft Local Area Plan, and the subject land to the north east at The Walk and Cloonybeirne reverts to not zoned and outside the Local Area Plan boundary, from New Residential inside the Local Area Plan boundary.

and 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 Local Area 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,

**Alan Dillon TD**

**Minister of State for Local Government and Planning**

Copied to:

- Cathaoirleach, Roscommon County Council, Áras an Chontae, Roscommon, F42 VR98
- Director, Northern and Western Regional Assembly, The Square, Ballaghaderreen, Co. Roscommon, F45 W674.
- Office of the Planning Regulator, Fourth Floor, Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWV4.

**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 as indicated in the draft Local Area Plan, and the subject land to the north east at Roxborough 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 as indicated in the draft Local Area Plan, and the subject land to the north east at The Walk and Cloonybeirne reverts to not zoned and outside the Local Area Plan boundary, from New Residential inside the Local Area Plan boundary,

and apply all necessary consequential updates to the text of the plan consistent with the foregoing.



## 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 prioritising 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 boundary for Roscommon Town. The material alteration is therefore 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 prioritising 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 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, recommendations of the Office of the Planning Regulator made under section 31AO 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 section 19(2) of the Act.
- V. The Minister is of the opinion that the Local Area Plan as made is not consistent with the objectives of the RSES, contrary to section 19(2) and section 27(1) of the Act.
- VI. The Minister is of the opinion that the Local Area Plan as made is not consistent with National Policy Objectives 11 and 33 of the National Planning Framework.
- VII. The Minister is of the opinion that the Local Area Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VIII. The Local Area Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister of State for Local Government and Planning

Day of Month, Year.