



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

29<sup>th</sup> October 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 31AP(4) of the Planning and Development Act  
2000 (as amended) – Loughrea Local Area Plan 2024-2030**

A chara,

I am writing to you pursuant to section 31AP(4) of the Planning and Development Act 2000 (as amended) (the Act) in the context of the Loughrea Local Area Plan 2024-2030 (the Local Area Plan). In particular, I write arising from the consideration by this Office of the following:

- a) the Notice of Intent to issue a Direction issued to Galway County Council (the Planning Authority) by your office on 22<sup>nd</sup> August 2024, and
- b) the report of the Chief Executive of the Council issued to the Office on 9<sup>th</sup> October 2024 on the submissions and observations received by the Planning Authority (the CE's Report).

The Office has carefully considered the CE's Report and the submissions made therein.

The Office did not receive any submissions made directly by elected members of the Planning Authority to this Office.

**Draft Direction**

The draft Direction issued by the Minister contained a single part, as follows.

*The Planning Authority is hereby directed to take the following steps with regard to the Local Area Plan:*

*(a) Delete Material Alteration MA35 from the adopted Local Area Plan - i.e. the subject lands revert to unzoned from Community Facilities.*

## **Public Consultation on the Draft Direction**

The public consultation on the draft Direction took place from 29<sup>th</sup> August to 12<sup>th</sup> September 2024 inclusive. The CE's Report summarises the views of the elected members, members of the public, and prescribed authorities that made submissions to the Planning Authority.

The CE's Report states that eight (8) submissions were received in relation to the draft Direction during the statutory public consultation period as follows:

- Councillor Shane Curley on behalf of Loughrea Municipal District Members
- Councillor Geraldine Donohue
- Sean Canney TD
- Ciaran Cannon TD
- Colm O'Donnell on behalf of Community Group 'It's time for a public swimming pool in Loughrea'
- Loughrea Sports and Community Development Group (LSCDG)
- National Transport Authority (NTA)
- Transport Infrastructure Ireland (TII).

You might please note the following:

- the Office received no direct submissions from elected members of the Planning Authority during the statutory public consultation period;
- the submissions from Councillor Shane Curley on behalf of Loughrea Municipal District Members, Councillor Geraldine Donohue, Sean Canney TD, Ciaran Cannon TD, Colm O'Donnell on behalf of Community Group 'It's time for a public swimming pool in Loughrea' and LSCDG oppose the draft Direction.
- The submission from the NTA and TII support the draft Direction.

## **Chief Executive's Recommendation**

The CE's Report states that the Chief Executive has considered each of the eight (8) submissions made through the statutory public consultation. The Chief Executive's recommendation remains the same as that contained in the CE's Report on the Material Alterations to the draft Local Area Plan (the material alterations). The CE's Report states that, therefore, the draft Ministerial Direction should issue and revert to the draft Local Area Plan.

## **Consideration of Reasons**

The submissions received by the Planning Authority opposing the draft Direction provide very similar reasons to those given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Local Area Plan, and were detailed in the section 31AO(5) Notice Letter, received from the Planning Authority on 22<sup>nd</sup> July 2024, including:

- currently no sporting field facilities for anybody in the town, with the exception of the Loughrea Hurling Club pitch which caters exclusively for the local hurling and camogie club. All other sports groups use facilities which are far outside the town, and the local clubs travel and rely on the generosity of neighbouring parishes;
- Loughrea is lacking in sport and recreational facilities to cater for the town size and its rapidly growing population, thus hindering the towns' ability to ensure the sustainable future development of the town;
- an underpass under the N65 bypass would provide accessibility from Loughrea town to the proposed zoned site (MA35) for pedestrians and cyclists;
- there are two other access points to the subject land from local roads, thus protecting the integrity of the N65;
- the lack of sporting facilities in Loughrea town is resulting in thousands of weekly car journeys;

- retaining MA 35 would reduce car kilometres by 1.5 million per year and reduce annual carbon emissions by 600 metric tonnes making the behaviour of inhabitants of the town far more sustainable; and
- there is a lack of adequate lands to develop sport facilities within the proposed town boundary. The proposal to maintain the zoning of Community Facilities is the only way the town can advance its aim to provide sufficient sporting facilities accessible by residents in the town.

As set out in the section 31AO(7) Notice Letter (31AO(7) notice letter) dated 9<sup>th</sup> August 2024 to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act, and the Office adopts the same rationale as set out in the 31AO(7) notice letter in response to those similar points raised again in submissions.

The following additional or expanded reasons were also raised in submissions:

- the proposed new boundary moves/reduces the amount of land available for any development in the town, yet the new plan proposes increased population;
- community facilities are not expanding in parallel with projected population growth which would be inconsistent with section 31AO of the Act;
- it is an explicit objective of the Galway County Development Plan 2022-2028 (County Development Plan) that more sporting facilities are provided for the growing population of Loughrea to ensure the sustainable future development of the town;
- NPO 27 of the National Planning Framework (NPF) references integrating physical activity facilities for all ages;
- a public owned swimming pool should be provided in the Loughrea area;
- the access issue can be dealt with during the planning process stage;
- the road infrastructure has the potential and space to put in place active travel measures similar to what is in place throughout Dublin;

- future reduction of speed limits at this location will greatly assist with any active travel measures that promotes cycling and walking and linking the residential areas of Loughrea;
- the development of the subject lands would enhance accessibility for pedestrians and cyclists, offering physical activity facilities for individuals of all ages;
- the land at MA 35 is immediately adjacent to Loughrea town;
- the proposed lands are situated inside the current town boundary of the existing LAP which was previously approved by the Department of Housing, Local Government and Heritage;
- any expansion is impossible without extending beyond the N65 bypass. The only viable solution is to zone and develop the lands proposed in MA35; and
- the lands in question are subject to an options agreement between landowners and a community group who entered into this agreement. They have done so to address a major deficit in sporting facilities in the town and to provide such facilities for future generations.

The submissions from elected members and community groups set out clear rationale in support of the provision of sporting, community and recreational facilities in Loughrea, including a public swimming pool, to serve the existing and future population, which the Office fully accepts. Similarly, the Office acknowledges the legislative and policy support for such facilities, in principle, under the Act, and within the County Development Plan and the NPF.

The Office is of the opinion, however, that the location of these facilities on the far side of the N65 bypass (MA 35) is not suitable when considered in the wider policy context.

Specifically, that the location of such facilities on the subject lands is not consistent with the objectives of the Regional Spatial and Economic Strategy (RSES) and County Development Plan for sustainable growth which prioritises connectivity by way of safe, secure walking and cycling routes and public transport (RPO 6.30 of the RSES and County Development Plan Policy Objectives PM 4 and PM 6), and

supports the provision of pedestrian and cycling infrastructure for shorter local journeys (County Development Plan Policy Objectives GCTPS 4 and WC 4), and with RPO 6.5 of the RSES and Policy Objective NR 1 of the County Development Plan to protect the strategic capacity and safety of the national roads network and associated national road junctions, and to sections 2.4 and 2.7 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) (National Roads Guidelines) (which the Policy Objective NR 1 requires to be implemented).

In relation to the reason that the development of the subject lands would enhance accessibility for pedestrians and cyclists; that active travel measures could be put in place linking the residential areas of Loughrea; and that a future reduction in the speed limit applying to this location will greatly assist such measures, the 31AO(7) notice letter notes that no active travel connections are planned either as part of the Local Area Plan or the Local Transport Plan.

In relation to the location of the lands relative to the town, the lands are located on the far side of the N65 bypass and the only way to access the lands from housing within the town would be to cross the N65 national road, which is currently the subject of a 100 km/ph speed limit with no pedestrian or cycle crossing, representing a significant safety concern particularly given that a community or recreational use at this location is likely to generate travel demand from vulnerable users such as children.

While it is the case that speed limits across the road network are under review, pursuant to the Road Traffic Act 2024, and that as part of this review speed limits applying to national secondary roads will change from 100kph to 80kph, section 2.5 of the National Roads Guidelines, which Policy Objective NR1 requires to be implemented to protect the strategic transport function of national roads and associated national road junctions, refers to development on lands adjoining national roads to which speed limits greater than 60km/ph apply. Therefore, notwithstanding any future reduction from 100 km/ph to 80km/ph at this location, the speed limit applying will be greater than 60 km/ph.

In this regard, section 2.5 of the National Roads Guidelines states that the policy of the planning authority will be to avoid the creation of any additional access point from

new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/mh apply.

Furthermore, the TII submission confirms support for the draft Direction relating to MA 35, and that TII's observations remain as set out in the submission on the material alterations in relation to MA 35 (3<sup>rd</sup> May 2024) and detailed in the 31AO(7) notice letter to your office.

The NTA submission also confirms support for the draft Direction and also outlines its previous submission on the material alterations (13<sup>th</sup> May 2024) which stated that the proposed zoning (MA 35) is not supported by transport networks or access arrangements, in particular for active travel, to serve the zoning of lands at this location for Community Facilities and as such any subsequent development is likely to be car dependent.

The Office does not, therefore, consider that these matters can reasonably be deferred to consideration by way of a planning application.

The Office accepts that the subject lands were largely located within the boundary of the previous Local Area Plan which extended to the far side of the N65 bypass. However, the previous Local Area Plan related to a very different planning policy framework, predating the NPF and RSES. The adopted Local Area Plan amended the plan boundary, excluding any significant areas of land on the far side of the N65 bypass, with the exception of the MA 35 lands, and consistent with the policy framework for the compact and sustainable growth of the town.

In relation to the reason that there is an options agreement between landowners and a community group who entered into this agreement, the Office again acknowledges the commitment of the local community in seeking to provide sporting and community facilities in the town. However, the ownership of the land does not in itself justify the zoning of these lands contrary to the objectives of the RSES and County Development Plan to prioritise sustainable connectivity and to protect the strategic capacity and safety of the national roads network and associated national road junctions.

Following consideration of the CE's Report, there is no planning or policy basis to amend the recommendation of this Office in respect of the draft Direction in relation

to MA 35. However, further to the above, the Office recommends a minor amendment to the draft Direction Statement of Reasons – Point II to remove “have regard” and insert reference to Policy Objective NR1 of the County Development Plan.

### **Recommendation**

In light of the above and for the reasons given in our 31AO(7) notice letter, the Office remains of the view, as set out in this notice letter, that the Local Area Plan has been made in a manner that is inconsistent with the recommendations of the Office, inconsistent with the County Development Plan, and as a consequence the use by the Minister of his or her functions to issue a direction under section 31 would be merited to ensure that the Local Area Plan sets out an overall strategy for proper planning and sustainable development.

Having regard to section 31AP(4)(a) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act to issue the Direction with minor amendments identified in red text as per the attached proposed final Direction.

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



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

**Loughrea Local Area Plan 2024-2030**

“Local Area Plan” means the Loughrea Local Area Plan 2024-2030.

“Planning Authority” means Galway County Council.

“County Development Plan” means Galway 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) (as amended) (“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 (Loughrea Local Area Plan 2024-2030) Direction 2024.
  
- (2) The Planning Authority is hereby directed to take the following step with regards to the Local Area Plan:
  - (a) Delete Material Alteration MA35 from the adopted Local Area Plan - i.e. the subject lands revert to unzoned from Community Facilities.

**STATEMENT OF REASONS**

- I. The Local Area Plan includes a material alteration to the draft Local Area Plan to zone land as Community Facilities located on the far side of the N65 national road with no existing or planned access by walking, cycling or public transport from Loughrea, inconsistent with the objectives of the RSES and County Development Plan for sustainable growth which prioritises connectivity by way of safe, secure walking and cycling routes and public transport (RPO 6.30 of

the RSES and County Development Plan Policy Objectives PM 4 and PM 6), and supports the provision of pedestrian and cycling infrastructure for shorter local journeys (County Development Plan Policy Objectives GCTPS 4 and WC 4).

- II. The Local Area Plan includes a material alteration to zone land as Community Facilities adjoining the N65 national road which is inconsistent with RPO 6.5 of the RSES and Policy Objective NR 1 of the County Development Plan to protect the strategic capacity and safety of the national roads network and associated national road junctions, and ~~fails to have regard to sections 2.4 and 2.7 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) (which the Policy Objective NR 1 requires to be implemented)~~.
- 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 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 Objective 27 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 Official Seal

Minister for Housing, Local Government and Heritage

[Day] of [Month], [Year]