



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

14th November 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) – Roscommon Town 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 Roscommon Town 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 Roscommon County Council (the Planning Authority) by your office on 4th September 2024, and
- b) the report of the Chief Executive of the Council issued to the Office on 25th 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 (draft Direction) 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 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.

Public Consultation on the Draft Direction

The public consultation on the draft Direction took place from 13th to 27th 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 Gareth Scahill
- Councillor Larry Brennan
- Councillor Anthony Waldron
- Councillor Marty McDermott

- Councillor Nigel Dineen
- Collins Boyd Engineering and Architects on behalf of Sean Leydon
- Seamus Hayden
- Northern and Western Regional Assembly (NWRA)

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 Gareth Scahill, Councillor Larry Brennan, Councillor Anthony Waldron, Councillor Marty McDermott, and Councillor Nigel Dineen oppose the draft Direction in respect of MA 45 and MA 46;
- the submission from Collins Boyd Engineering and Architects on behalf of Sean Leydon opposes the draft Direction in respect of MA 45;
- the submission from Seamus Hayden opposes the draft Direction in respect of MA 46; and
- the CE's Report summarises the submission from NWRA and states that the views of the executive remain unchanged from the position of the Regional Assembly in its submission to the Material Alterations to the draft Local Area Plan (the material alterations), i.e. the Assembly supports the draft Direction in respect of the deletion of MA 45 and MA 46. The submission also outlines the decision of the elected members of the Assembly not to endorse the report of the NWRA executive on the draft Direction. No reasons are given for the decision of the elected members not to endorse the position of the Regional Assembly in its submission to the material alterations.

Chief Executive's Recommendation

The CE's Report states that the Chief Executive has considered each of the submissions and the contents therein. The Chief Executive concludes that having regard to the draft Direction, the expressed intention of the Minister in relation to both material alterations (MA 45 and MA 46) reflects the same position as previously expressed in the CE's Report on the Material Alterations (CE's Report MA stage). The Chief Executive's view remains as previously expressed, that the zoning of the

lands is inappropriate. The CE's Report states that the Chief Executive is therefore in agreement with the intent of the draft Direction in respect of MA 45 and MA 46.

It is also recommended to apply all necessary consequential updates to the text of the Local Area Plan consistent with the material alterations as set out in the draft direction.

Consideration of Reasons

In respect of MA 45

As set out in the section 31AO(7) Notice Letter (31AO(7) notice letter) dated 21st August 2024 to your office, 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 following matters were raised in the submissions to the Chief Executive and summarised in the CE's Report:

- Roscommon is a key town and it is acceptable to zone lands due to this;
- need for an ample supply of lands available for commercial / industrial development which is essential for the town;
- existing undeveloped lands (zoned Strategic-Industrial / Enterprise) on the Racecourse Road and south of the N60 are unsuitable / difficult to develop and have not delivered positive outcomes;
- suitability of other zoned lands as Strategic Industrial / Enterprise Zones questioned;
- the site adjoins lands where successful businesses exist and the zoning of the subject lands would complement the existing development in the area;
- the subject lands are serviced with sewerage and the owner wishes to see them developed;
- the Local Area Plan did not have a Local Transport Plan (LTP), which may have identified necessary road upgrades and public transport provision in the vicinity of the subject lands;

- the lands are not subject to flooding;
- impact on Roscommon Town if democratic decisions are set aside and without consultation with landowners or public representatives;and
- the landowner will be seriously disadvantaged economically unless the draft Direction is changed.

The Office notes that the submission by Collins Boyd Engineering and Architects on behalf of Sean Leydon also references matters which the Chief Executive considers do not relate to the subject of the draft Direction and, with the exception of those issues detailed above, the Office concurs with the view of the Chief Executive in this respect.

In relation to the role of Roscommon Town as a Key Town, and the need for an ample supply of Industrial / Commercial / Employment zoned land, the Office fully supports the growth and development of Roscommon Town in accordance with the Strategic Objective and Policy Objective CS 2.10 of the Roscommon County Development Plan 2022-2028 (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.

The Office remains of the opinion, however, that the location of these lands in a peripheral, non-sequential and unserviced location outside the CSO settlement boundary¹ and Local Area Plan settlement boundary, is not consistent with this strategy for the proper planning and sustainable development of the town.

In relation to problems with the suitability and/or deliverability of other zoned land in the town, this was a matter for elected members to consider when zoning these lands for development, and is not a reasonable basis for zoning the MA 45 lands contrary to the policy objectives for the proper planning and sustainable development of the area.

¹ 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.).

In relation to the submission that the subject lands are serviced and ready to be developed, the Uisce Éireann submission on 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, and notes that the location adjacent to flood zones may increase the complexity and cost of servicing.

Furthermore, these lands are remotely located on a narrow, rural road network without road demarcations (where the 80kph speed limit applies) and without public lighting or pedestrian pavements.

In relation to the point that the Local Area Plan did not have an LTP which could have identified road upgrades and public transport to serve the subject land, the Office notes that a Roscommon Town Approaches and Movement Study (RTAMS) was prepared for the town, and the Local Area Plan states that this study has been taken into account in the preparation of the Local Area Plan². This study identifies measures aimed at improving the mobility network for all modes of transport, with a primary focus on sustainable modes of travel³. As set out in the 31AO(7) notice letter, there are no proposals to upgrade the existing road or mobility network to serve the subject lands which are located outside of the settlement and Local Area Plan boundary (LAP boundary).

The Office further notes that objective RN 35 of the Local Area Plan commits to commencing the preparation of an LTP within six months of the adoption of the Local Area Plan to further support the existing RTAMS and promote the principles of sustainable mobility and effective integrated land use and transport planning. There is no evidence to support a presumption that the LTP will include measures to identify road upgrades and public transport to serve the subject land which is located outside the settlement and LAP boundary.

Matters relating to the availability of infrastructure to service these lands 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 issues now raised in submissions.

² Section 7.4 of the adopted Local Area Plan.

³ Section 2.8.1 of the adopted Local Area Plan.

In relation to the matter of flood risk, the Office accepts that in deciding to make the Local Area Plan with MA 45, the elected members made a modification to not zone the lands at risk of flooding. The Office notes and agrees with the Statement of Reasons set out in the draft Direction which does not include any matters relating to flood risk.

In relation to the submission that the site adjoins lands where successful businesses exist, the Office is of the view that any historical development in the wider area outside of the town predates the current planning policy context and does not provide a justification for the zoning of these peripheral and unserviced lands, inconsistent with the objectives of the County Development Plan and the Regional Spatial and Economic Strategy (RSES).

In respect of the assertion that the democratic decisions for Roscommon Town have been set aside and without consultation with landowners or public representatives, the Office is satisfied that the relevant statutory provisions have been fully satisfied, and particularly notes the public consultation process carried out by the Chief Executive and detailed in this notice letter.

The economic implications for the landowner are not a matter within the scope of the statutory or policy framework, and are not relevant considerations in respect of the proper planning and sustainable development of the area.

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 45.

In respect of MA 46

As set out in the 31AO(7) notice letter to your office, 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 following matters were raised in the submissions to the Chief Executive and summarised in the CE's Report:

- Roscommon is a key town and it is acceptable to zone lands due to this;

- need for residential zoned lands / essential for future development of Roscommon Town;
- elected members have local knowledge of the housing crisis and the growth in population;
- core strategy and the Housing Needs Demand Assessment (HNDA) will have to be updated to reflect population growth rates in the 2022 census following review of the National Planning Framework (NPF);
- owner intends to develop lands;
- the material alterations removed significant Opportunity Sites for high density residential development;
- contests the assertion that the site is outside the CSO settlement boundary, and reference is made to the Built up Urban Area (BUA) for Roscommon Town (defined by the CSO and Tailte Ireland). Graphics / screen images for CSO Urban Areas - National Statistical Boundaries (2022) are included in the Seamus Hayden submission;
- MA 46 provides a serviced greenfield site with access and frontage onto the L1807, and represents sustainable development adjacent to Roscommon Town;
- the lands are in proximity to significant housing (situated between two existing housing developments), a continuation of this type of development is in the best interest of the town;
- historical un-zoned status of this land should not be used as a contextual basis for lands not being zoned now;
- the land was previously zoned for residential development; and
- impact on Roscommon Town if democratic decisions are set aside and without consultation with landowners or public representatives.

In relation to the role of Roscommon Town as a Key Town, the Office reiterates the point above that it fully supports the growth and development of Roscommon Town in accordance 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.

Similarly, the Office remains of the opinion that the location of these lands in a peripheral and non-sequential location, the majority of which is located outside the CSO settlement boundary of Roscommon Town, is not consistent with this strategy for the proper planning and sustainable development of the town.

In relation to the need for Residential zoned lands, the elected members' local knowledge of the housing crisis and the growth in population, and the owner's intention to develop the subject lands, the Office notes that the core strategy of the County Development Plan adopted by the elected members on 8th March 2022 identifies a requirement for 17.15 ha of Residential zoned land to meet the housing supply targets (600 new units). Excluding the MA 46 lands (c.2.7 ha), the adopted Local Area Plan provides 23.87 ha⁴ of New Residential zoned land, in excess of the identified requirement.

Similarly, in relation to the argument that the material alterations removed significant Opportunity Sites for high density residential development thus creating a need for this zoning objective, the decision to omit the preferably located Opportunity Sites within the designated Town Core which would have contributed to the renewal and regeneration of the town, was a decision of the elected members. The Office does not accept that this is a reasonable basis upon which to zone these peripheral and non-sequential lands which leapfrog the Opportunity Sites referred to.

The Office, therefore, agrees with the CE's Report MA stage that '*...the lands which are the subject of Proposed Amendment MA 46 are not required to satisfy residential land requirements.*'

Furthermore, any future amendments to the core strategy and HNDA are premature at this point in time and will be determined and implemented through the proper statutory processes. Under section 19 of the Act, the Local Area Plan is required to be consistent with *inter alia* the core strategy of the adopted County Development Plan.

⁴ Table 11.1 Zoning Use Zoning Extents in the Roscommon Town Local Area Plan 2024-2030.

Notwithstanding, the Office does not consider that any future changes in this respect justify the current zoning of land in a peripheral and non-sequential location which leapfrogs extensive undeveloped, non-zoned land and zoned residential land closer to the centre of the town.

The submissions contest the consideration of the site as largely outside the CSO settlement boundary, arguing that the lands are within the 2022 BUA for Roscommon Town (defined by the CSO and Tailte Ireland). However, as set out in the 31AO(7) notice letter (footnote 1, page 2), the consideration of this matter was based on the boundaries as defined in accordance with footnote 17 of the NPF which relates to NPO 3a-c, concerning the delivery of new homes 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.). This methodology was used in the definition of the 2016 CSO settlement boundaries upon which the NPF relied, and the objectives of the RSES and the County Development Plan should be consistent in accordance with the intention of the Act. The 2022 Boundaries are not so defined and are, as such, not considered as the relevant determinant for the boundaries in the NPF, the RSES or County Development Plan.

Notwithstanding, the lands are located in a peripheral and non-sequential location, leapfrogging undeveloped and sequentially preferable locations for housing, inconsistent with the objectives of the County Development Plan that future growth occurs in a sustainable and sequential manner while prioritising a low carbon, compact, consolidated and connected pattern of development (CS 2.10), and to support the regeneration and consolidation of the town centre and brownfield / infill lands and the consolidation of the urban area (CS 2.5 and TV 4.18).

In relation to the submission that the lands provide a serviced greenfield site with access and frontage onto the L1807, this is not disputed nor was it otherwise stated in the 31AO(7) notice letter. However, the lands were not previously zoned and the policy and objective of the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines) to not dezone previously zoned and serviced lands, does not therefore apply.

In relation to the submission that the MA 46 lands are proximate to existing housing (situated between two existing housing developments), these developments predated the current planning policy context and do not, in themselves, provide a justification for continued development outwards inconsistent with the strategic objective of the County Development Plan for Roscommon Town that future growth and development occurs in a sustainable and sequential manner, prioritising a low carbon, compact, consolidated and connected pattern of development (Policy Objective CS 2.10).

In this respect, the submissions argue that land was both previously zoned for residential development, and that the historical un-zoned status of this land should not be used as a contextual basis for the lands not being zoned now.

As set out in the 31AO(7) notice letter, the MA 46 lands were located outside the LAP boundary of the Roscommon Local Area Plan 2014-2020, and the land was unzoned. This fact was clearly referenced by way of providing clarity. The Office then proceeded to set out its reasons that the material alteration was 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, Policy Objectives CS 2.5 and TV 4.18 of the County Development Plan, and Regional Policy Objectives RPO 3.1 and RPO 3.2 of the RSES, 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.

In respect of the assertion that the democratic decisions for Roscommon Town have been set aside and without consultation with landowners or public representatives, the Office reiterates the response to this issue set out in respect of MA 45 above.

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 46.

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 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.

Yours sincerely,



Niall Cussen

Planning Regulator

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, the 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 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 for Housing, Local Government and Heritage

day of Month, year.