

10th April 2022

The Forward Planning Unit,
Planning Department,
1 Dublin Street,
Monaghan Town,
H18 X982.

Re: Material Alterations to the Draft Monaghan County Development Plan 2025-2031

A chara,

Thank you for your authority's work in preparing the Material Alterations (material alterations) to the draft Monaghan County Development Plan 2025-2031 (the County Development Plan).

As your authority will be aware, one of the key functions of the Office of the Planning Regulator (the Office) includes strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the material alterations under the provisions of sections 31AM(1) and 31AM(2) of the Planning and Development Act, 2000, as amended, (the Act) and within the context of the Office's earlier recommendations and observations.

Monaghan County Council (the Planning Authority) is advised that section 12(10) of the Act provides the members of the Planning Authority with scope to make a further modification to a material alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, planning authorities are requested to implement or address recommendation(s)

made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. Planning authorities are advised by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. Planning authorities are requested by the Office to give full consideration to the advice contained in a submission.

Overview

The Office recognises the significant work undertaken by the Planning Authority in preparing the material alterations and in responding positively to the issues raised by the Office through the recommendations and observations made in the Office's submission to the draft County Development Plan.

In particular, the Office acknowledges the positive response of the Planning Authority to Recommendation 1 of its submission to the draft County Development Plan (submission draft stage) through the review of the core strategy and the inclusion of revised housing targets to more closely align with the Housing Supply Target Methodology for Development Planning, Guidelines for Planning Authorities (2020), and welcomes the increased housing and population target growth to Tier 1 – 3 settlements supporting compact, proportionate and balanced growth across the county, and the regeneration and renewal of rural towns and villages.

While the Office welcomes the response to Recommendation 2 of its submission (draft stage) in relation to Tier 4 villages, the growth allocated to Clontibret North may not be capable of being accommodated during the plan period due to infrastructure constraints. The Planning Authority should therefore identify this constraint to ensure clarity and transparency for members of the public.

The Office notes the review of residential and employment zonings and that residential lands have been rezoned for an appropriate land use where they do not

support compact growth, follow a sequential approach and / or are in an area subject to flooding. The Office accepts and welcomes many of these amendments as reasonable and consistent with national and regional policy.

The Office has however identified a single material amendment to zone land in Clones for residential use which is inconsistent with national and regional objectives for compact and sustainable growth and the coordination of land-use zoning, infrastructure and services. This is addressed in MA Recommendation 1 below.

While the Office welcomes the response of the Planning Authority to Recommendation 11 of its submission (draft stage), MA: Chapter 9, No. 2 also introduces a new footnote at table 9.3 Land Use Zoning Matrix which facilitates retail development in an out of town location inconsistent with national and regional policy objectives to support the regeneration and renewal of towns and the compact and sequential approach. This is addressed in MA Recommendation 2 below.

The Office welcomes the response of the Planning Authority to Recommendation 14 of its submission (draft stage) which generally addresses the concerns of the Office in relation to flood risk management. However, a material amendment to land use zoning objectives entails the zoning of undeveloped lands within flood risk zone A/B when the Plan Making Justification Test (Justification Test) has not been passed. In addition, the Office considers that the revised Justification Tests contained in the Strategic Flood Risk Assessment (SFRA) should be strengthened to comply with The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines). This matter is addressed in MA Recommendation 3, below.

The Office welcomes proposed MA: Chapter 8, No. 7 which includes new objectives REO 10, REO 11 and REO 12 in relation to energy infrastructure and supply. However, the Office remains concerned regarding policies EGP 1 and EGP 2, which have the potential to impede the development of critical infrastructure of strategic national and regional importance. The Planning Authority will be aware of relevant national and regional objectives namely NSO 8, NPO 54 and NPO 55 of the National Planning Framework (NPF) and RPO 4.17 of the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly area , and its

obligations in accordance with the Government's energy security strategy, Energy Security in Ireland to 2030, and the requirements of Article 16(f) of the Renewable Energy Directive (EU) 2023/2413.

With the exception of the matters raised in this submission letter, the Office considers that the draft County Development Plan provides a sound basis for sustainable development within County Monaghan consistent with national and regional policy frameworks. The matters raised below are, however, important in terms of the statutory requirements for making a development plan and they require careful and meaningful consideration.

It is within this context the submission below sets out three (3) recommendations under the following three themes:

Key theme	MA Recommendation	MA Observation
Residential Land Use Zoning – Compact growth	MA Recommendation 1	-
Retail	MA Recommendation 2	-
Flood Risk Management	MA Recommendation 3	-

1. Residential Land Use Zoning – Compact growth

The Office recognises the considerable work the Planning Authority has undertaken to refine zoning for residential purposes reflecting the outcome of revisions to the core strategy and in general, the associated zoning objectives appropriately apply national and regional policy taking account of specific local considerations.

Notwithstanding, the Office considers that Map MA Ref: CDP1 No. 7 (Clones) which proposes to amend the land use zoning from Landscape Protection / Conservation to Proposed Residential B should be omitted from the County Development Plan as it is located outside the CSO boundary¹, is not identified in appendix 16 Infrastructure Assessment and Settlement Capacity Audit (Revised) and is inconsistent with

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.).

national and regional policy objectives promoting compact growth. Further, the lands that are the subject of Map MA Ref: CDP1 No.7 are not required to achieve the housing land requirement specified in the core strategy (MA: Chapter 2, No. 5) for Clones.

MA Recommendation 1 – Zoning for Residential Use at Clones

Having regard to the provision of a sufficient supply of zoned lands to support compact and sustainable growth and the co-ordination of land-use zoning, infrastructure and services, and in particular to:

- the core strategy of the draft Monaghan County Development Plan 2025-2031 (County Development Plan);
- NPO 3c of the NPF and RPO 3.1 and RPO 3.2c of the RSES for compact growth;
- NPO 18a and NPO 33 of the NPF for balanced, proportionate and sustainable growth, regeneration and renewal and the alignment of investment in infrastructure, employment and supporting amenities and services;
- NPO 72a-c of the NPF for the tiered approach to zoning and the co-ordination of land use zoning, infrastructure and services; and
- the Development Plans, Guidelines for Planning Authorities (2022) including section 4.4 The Core Strategy and Zoning for Residential Use, the policy and objective for a sequential approach to zoning, and the policy and objective for zoned land to be informed by a Settlement Capacity Audit,

the Office recommends that the Planning Authority make the County Development Plan without Map MA Ref: CDP1 No. 7 (Clones).

2. Retail

The Office welcomes the significant work undertaken by the Planning Authority in prioritising a town centre first approach to regeneration and the identification of development opportunities in Monaghan Town.

While the Office recognises the Planning Authority's objective to support new retail at Monaghan Retail Park (MA: Chapter 10, No. 4), the inclusion of a footnote (MA: Chapter 9, No. 2) inserted at table 9.3, Land Use Zoning Matrix which states 'Retail (Convenience) and Retail (Comparison) are acceptable in principle at the Monaghan Retail Park' is inconsistent with national and regional policy objectives to support the regeneration and renewal of towns and the compact and sequential approach.

In accordance with the Retail Planning Guidelines for Planning Authorities (2012) to minimise potential adverse impacts on central areas, it is important that the range of goods sold in both existing and any future retail parks is tightly controlled and limited to truly bulky household goods or goods which are not portable by customers travelling by foot, cycle, or bus. In this regard, the Office considers that retail (convenience) and retail (comparison) should not be accepted in principle in Monaghan Retail Park, and the footnote proposed to be inserted at table 9.3 Land Use Zoning Matrix, should be omitted.

MA Recommendation 2 – Land Use Matrix and Monaghan Retail Park

Having regard to the need to prioritise retail provision within the town core, to adopt a sequential approach to development and the need to preserve the capacity of the national road network, and in particular to:

- NPO 6 of the NPF for the regeneration of towns, and RPO 4.45 of the RSES, supporting retail in town and village centres;
- the sequential approach to development as set out in the Retail Planning Guidelines for Planning Authorities (2012);
- NPO 74 of the NPF and the National Strategic Outcomes for compact growth, sustainable mobility and transition to a low carbon and climate resilient society; and

- section 10(2)(n) of the Planning and Development Act 2000, as amended, and the Climate Action Plan 2024 and the Climate Action and Low Carbon Development Act 2015, as amended,

the Planning Authority is recommended to amend MA: Chapter 9, No. 2 to omit the footnote inserted at table 9.3, Land Use Zoning Matrix in relation to Monaghan Retail Park.

3. Flood Risk Management

In general, the Office welcomes the response of the Planning Authority to its recommendation on flood risk management issues in its submission (draft stage), however the material alterations include amendment Map MA Ref: MTDP1 No. 15 to zone lands in Flood Zone A for employment uses that are vulnerable to flooding, where the Justification Test has not been passed.

As previously pointed out, in Recommendation 14 of our submission (draft stage), any undeveloped lands in Flood Zone A should be zoned for water compatible development, unless all criteria of the Justification Test can be satisfied. The subject amendments are therefore inconsistent with NPO 57 of the NPF and RPO 3.10 of the RSES which require the implementation of Flood Guidelines.

The Office welcomes the inclusion of Justification Tests in appendix F to the SFRA, which enhance the assessment of the suitability of specific developments located in areas identified as having moderate or high flood risk, as detailed in section 3.7 of the Flood Guidelines.

However, no clear conclusion is provided as to whether the Justification Test criteria have been satisfied. Similarly, no determination is provided on whether specified mitigation measures can effectively reduce the risks to an acceptable level while not exacerbating flood risk elsewhere. The Office therefore recommends that the issues are addressed by way of minor modification to provide clarity and consistency with the Flood Guidelines.

MA Recommendation 3 – Flood Risk Management

Having regard to the need to manage flood risk and, in particular:

- NPO 57 of the NPF requiring implementation of The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines) and integration of sustainable water management solutions; and
- RPO 3.10 of the RSES, flood risk management and integration of sustainable water management solutions,

the Planning Authority is recommended to:

- (i) make the Monaghan County Development Plan 2025-2031 without Map MA Ref: MTDP1 No. 15 (Monaghan Town); and
- (ii) review and amend the Strategic Flood Risk Assessment to ensure that appendix F Plan Making Justification Test (Justification Test) is fully consistent with the Flood Guidelines with respect to whether the Justification Test criteria have been satisfied, and whether specified mitigation measures can effectively reduce the risks to an acceptable level while not exacerbating flood risk elsewhere.

The Planning Authority is advised to liaise with the Office of Public Works to address this recommendation.

Summary

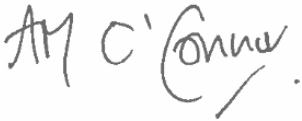
The Office requests that your authority addresses the recommendations outlined above. As you are aware, the report of the Chief Executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within **five working days** of the decision of the Planning Authority in relation to the material alterations. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the County Development Plan in such a manner as to be inconsistent with the recommendations of the Office, the Chief Executive must

inform the Office accordingly and state the reasons for the decision of the Planning Authority.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluation

Designated Public Official under the Regulation of Lobbying Act 2015
