

M.G.
SOI

Volume 2

Metropolitan
Settlements

Bealna

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WARD PLANNING

30 JUL 2021

GALWAY COUNTY COUNCIL
RECEIVED

Forward Planning Department
Galway County Council
Aras An Chontae
Prospect Hill
GALWAY

**RE: Our Clients: Ian Foley & Ruth McDonagh
Submission to Draft Galway County Development Plan 2022 - 2028**

Dear Sir/Madam,

We **enclose** herewith a copy of a Submission made by the Freeport Landowners (Peter O'Fegan, Frank Kelly & Tom Egan) regarding Policy Objective BMSP9. We note that this Submission has been sent directly to your goodselves and we are surprised that the Submission was acceptable due to the Map used in the Submission, being an Ordinance Survey Map that was surveyed in 1979, so does not even contain our clients' houses or indeed 6 houses that have been built since on Mag's Boreen.

We would have expected that MKO or Tuam Road Galway would have access to more up to date Maps and do not understand the reasoning behind same.

As this Submission was addressed to Forward Planning, we therefore **enclose** our clients' Submission to the County Development Plan to be also kept on file within the context of the Submission by the said Freeport Landowners.

We trust that you will note our clients' position accordingly.

Yours faithfully,

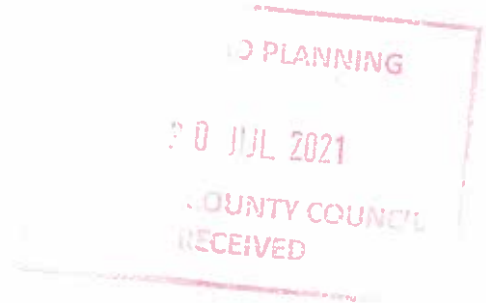
M.G. Ryan & Co. LLP

M.G. Ryan & Co. LLP Solicitors

Ian J. Foley | Ruth McDonagh | Keith O'Gorman

Helena J. McGrath | Aaron Reddington | Consultant: Michael G. Ryan





Forward Planning Department,
Galway County Council,
Áras an Chontae,
Prospect Hill,
Galway.

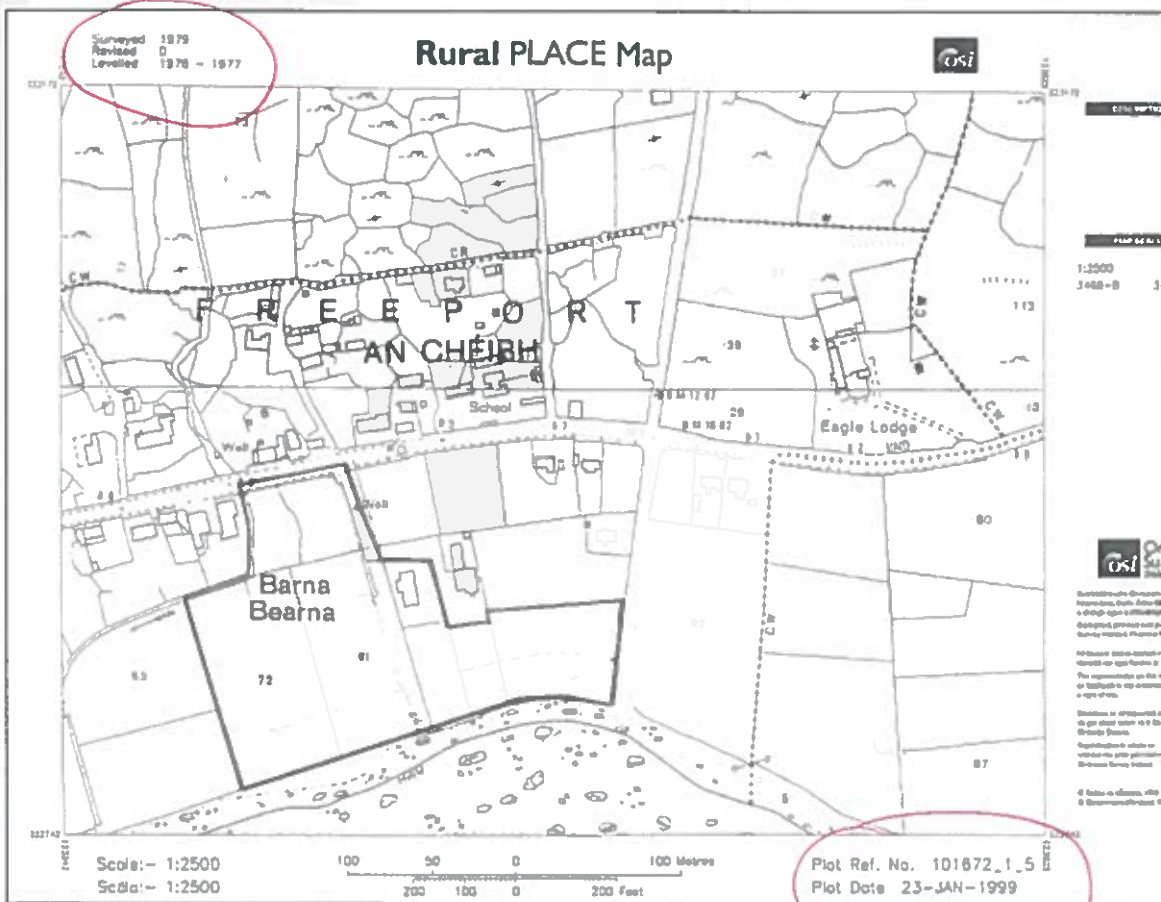
Our Ref: 210634
Your Ref: N/A

26th July 2021

Re: Submission to the Draft Galway County Development Plan 2022-2028 regarding Policy Objective BMSP 9

Dear Sir/Madam,

We wish to make the following submission on behalf of the Freeport Landowners (Peter O’Fegan, Frank Kelly, and Tom Egan) to the Draft Galway County Development Plan 2022-2028 regarding Policy Objective BMSP 9 – Coastal Setback. This submission relates to the family’s lands (outlined in red below) situated in the townland of Freeport (an Cheibh), Bearna Co. Galway.



Coastal Setback: There is agreement that there should be a coastal set back along the properties between Mags Boreen and the Pier Road to facilitate the establishment of a seaside promenade and to facilitate open access to the water's edge as is the case in many established coastal towns/villages including Salthill, Dingle and Kinsale. Taking Salthill as an example, the Salthill promenade for the most part is 5m wide and is utilised by a much larger footfall than a proposed seaside promenade in Bearna.

The 30m setback from the site boundary for the linear amenity park between Mags Boreen and the pier (**Policy Objectives BMSP 9 Coastal Setback** in the draft CDP 2022-2028) is excessive and will not provide the type of environment which is tried and tested and is successful in other seaside locations, in fact as mooted it will enforce a no-man's land between the site edge and the seaside.

A 15m setback for such a linear park would be more realistic proposition. This 15m setback combined with the area between the site boundary and the HWM is more than sufficient to allow for all types of amenity/community development including the amenity park, seaside promenade, water-based activities, public carparking, tourism enterprise activity, full access to beach/waterfront etc.

It is proposed that Policy Objectives BMSP 9 Coastal Setback should read:

BMSP 9 Coastal Setback

*"Ensure a general building setback of **15m** from the foreshore field boundary line to allow for the development of the coastal amenity park and a seaside promenade, cycleway, children's playground(s), landscaped amenity space and improved access routes to the local beaches, Bearna Pier and water-based activities".*

We respectfully request that the Planning Authority give due consideration to these matters in the preparation of the forthcoming plan. If you require any further detail or discussion relating to the information outlined within this submission, please do not hesitate to get in contact with MKO at the details outlined in the footnote below.

Yours sincerely,



Lucy Hammond,
Planner,
MKO.

On behalf of: Freeport Landowners; Peter O'Fegan, Frank Kelly, Tom Egan

Signed by the Freeport Landowners, and on behalf of their family members listed in the Appendix 1 overleaf.



Appendix 1 – Family Members of the Freeport Landowners

Seóna, Nicholas, Alice, Eleanor, and Grace O’Fegan.
Maura, Sean, Maria, Kathleen, and Tina Egan.
Vincent and Margaret Kelly.



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Ruth McDonagh and Ian Foley submission

**Proposed Town Centre/Infill Residential Zone in
Bearna**

**A submission to the review of the Galway
County Development Plan 2022 - 2028**

27th. July 2021

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1 INTRODUCTION

I have been commissioned by Ruth McDonagh and Ian Foley [REDACTED], to assess a proposed land use zoning in Bearna, which is a part of the draft Galway County Development Plan 2022-2028. My clients are strongly opposed to the proposal and this submission substantiates their opposition. I am a planning consultant with masters' degrees in town planning and environmental science and with more than forty years of professional experience.

1.1 The proposed rezoning

The proposed rezoning concerns the Bearna Plan in Volume 2 of the Draft Plan. The rezone area is part of a block of grazing land within the Bearna settlement, comprising three fields beside the shore of Galway Bay, near the centre of the village (See figs. 1-4). The land has an area of approximately 1.10 hectares



Figure 1. Location of proposed zoning 'TC1- Town Centre Infill/Residential'. The numbers are the figure numbers of photographs in this submission. The photographs illustrate the area and its wider physical context. Note that the pale green colour on the sea side of the field boundaries represents sand, pebbles and scrub, as depicted in the fig. 4 photograph (base map sourced from myplan.ie)

1.2 Current local planning policy

The lands are part of a sizeable block of zoned land (approximately 17 hectares), either side of the R336, which is currently zoned 'Village Centre'. The Bearna Plan was incorporated into the current county development plan in 2015 as Variation 2a. In many respects the Plan closely follows the policies and zoning approach of the Bearna Local Area Plan which was adopted in 2007 and amended in 2012. However, the current Village Centre zoning area is about 50% greater than the Village Centre zone of the local area plan.



Fig 2 View of eastern end of proposed rezoning area from Mags Boreen (L53481), July 2021



Fig 3 Google Street View image from the end of Mags Boreen, looking towards Bearna Pier



Fig 4 View eastward across proposed rezoning area from Bearna Pier, July 2021. Note that the line of the proposed 30m setback (see fig 7) extends from behind the wall of the bridge.

2 Reasons why the proposed rezoning should not be adopted

2.1 Introduction

There appears to be no planning rationale for the proposed zoning and there are several reasons why the proposal is undesirable.

- It is not compatible with the Galway Metropolitan Area Strategic Plan,
- It appears to facilitate a standalone residential development, contrary to proper planning and sustainable development,
- The zoning is inadequately described, and
- The proposed lands are prone to coastal flooding.

These matters are elaborated below.

2.2 The proposal is not compatible with the planned pattern of residential development set out in the Galway Metropolitan Area Strategic Plan (MASP)

The Galway MASP, in the Northern and Western Regional Spatial and Economic Strategy (RSES) provides the strategic framework for drawing up the new county development plan¹. The MASP anticipates the Galway Metropolitan Area to grow by 27,500 by 2026 and a further 14,500 by 2031. This growth is to be concentrated in 8 localities within the metropolitan area. Five of the localities are partly or wholly within Galway City. Three areas, Baile Chlair, Bearna and Oranmore are in the county.

The MASP states, in respect of Bearna, that *'future growth should have a focus that includes the consolidation of built-up areas of the village and the provision of supporting community infrastructure..... And that there is currently circa 14ha. of residential phase 1 lands that can accommodate growth in the short/medium term...'*

The proposed zoning under consideration in this submission is problematical in respect of the MASP in key respects. First, the proposed Town Centre and Town Centre Infill/Residential zones are residential zonings that are additional to the residential phase 1 lands referenced by the MASP². Taking into account these zones, the draft zoning for residential development in Bearna is very considerably in excess of the quantum specified in the MASP. There is approximately 7 hectares of developable land in the south-east sector of the Town Centre zone, including the proposed Town Centre Infill/ Residential zone, which is equivalent to some 50% more land than the MASP allocation.

Second, the development of the Town Centre Infill/ Residential zone cannot be described 'as consolidation of built-up areas of the village. This block of land, bordered by the Pier Road in the west, Mags Boreen (L53841 in the east), The R336 in the north and Galway Bay in the south, is not a built-up area of Bearna village. To describe the proposed zoning as 'infill' is a complete misnomer (Refer to the aerial photo in fig 5). 'Infill development' polices are defined in the Bearna Local Area Plan as follows:-

*[They] 'apply to areas that are largely built up and where the proposal is not of such a scale that it represents a major addition to, or redevelopment of, the existing physical fabric.'*³

¹ Northern and Western Regional Assembly (2020) Regional Spatial and Economic Strategy

² In the current plan, apartment development is 'permitted in principle' in the village centre zone

³ Draft county development plan, v2, under policy objectives for Bearna



Figure 5. A recent aerial photograph of Bearna with the proposed zoning outlined. It is not credible to describe this zoning as 'infill' or that its development would represent a 'consolidation of built-up areas of the village' as recommended in the Galway MASP (aerial photo sourced from myplan.ie)

2.3 The proposal, which appears to facilitate a standalone residential development, is contrary to the proper planning and sustainable development of Bearna

The proposed zoning is contrary to the design strategy of the original local area plan for the village. The plan envisaged a densely developed, mixed-use village core, with an attractive public realm, including a new village street and a coastal amenity park (See fig 6). That plan has been superseded but its design strategy remains valid, and aspects of the strategy are retained in both the current development plan and the draft development plan e.g. in the draft as the following objectives:-

*BMSP 7 Coastal Amenity Park, and
BMSP 9 Coastal Setback.*

BMSP 9 is 'to ensure a general building setback of 30m from the foreshore field boundary line to allow for the development of the coastal amenity park and a seaside promenade, cycleway, children's playground(s), landscaped amenity space and improved access routes to the local beaches, Bearna Pier and water-based activities'.⁴

A substantial part of the proposed Town Centre Residential/Infill zone is within the 30m building line setback (see fig. 7) prescribed by BMSP 9.

⁴ Bearna Plan, Variation 2(a) to the Galway County Development Plan, 2015, pages 8 and 9

The use of this stretch of coastline for recreational activity has greatly increased in recent years, and in particular during the COVID pandemic. There has never been a greater need for a public realm coastal development programme as originally envisaged by the local area plan (fig 4)



Fig 6 Public realm enhancements in Bearna LAP⁵



Fig 7 The 30m setback requirement in relation to proposed zoning area

2.4 The proposed zoning is inadequately described

Land use zoning is a widely used planning tool at a detailed spatial scale in order to facilitate physical development. To function effectively the prescribed zones must be adequately described and this is usually done by a zoning map accompanied by tabulated descriptions of uses as 'permitted in principle', 'open for consideration' and 'not permitted' in different zones. 'Town Centre Residential/Infill' is explained in the draft plan (v2, section 2.8.2) by reference to the NPF and RSES. These documents do not explain the nature of the Bearna zone. Town Centre Residential/infill is not part of the zoning matrix in Section 1.10 of Volume 2. Does one assume a primary zoning objective of 'Town Centre', in which case a wide range of land uses are 'permitted in principle' by the matrix, including apartments, café's, cinemas, hotels and shops, and that 'town centre residential/infill' is a sub-category of the zone by which the permitted uses are confined to apartments only?

There are two issues. First, there is the apparent restriction of use to apartments or other residential uses (which are 'open for consideration' in the matrix). If this is the intention, it is thoroughly undesirable, as outlined in 2.3 above. And, second, the zoning objective of the plan is unclear to the point of incomprehensibility.

2.5 The lands are prone to coastal flooding

The proposed zone is prone to serious coastal flooding and it is inexplicable that the Flood Risk Assessment accompanying the draft plan has not identified this risk. Figure 8 is a photograph, taken in 2014, of a fishing boat being craned out of one of the fields, having been deposited there in a storm. The residential properties at the southern end of Mags Boreen have been flooded a number of times since 2009. The subject lands are therefore not suitable for development in the form of dwellings, given this flood risk. Appropriate mitigation,

⁵ Bearna Local Area Plan 2007 -2017 (amended 2012) page 27

if feasible, e.g. a sea-wall, would have to be erected up and down the coastline, well beyond the proposed zoning area.



Figure 8 Fishing boat washed into field during coastal flooding as a result of the storm on January 6th, 2014 (See figure 1 for the location of the photograph and boat. The photograph is from the Irish Independent,)

3 Conclusion

The proposed zoning should not proceed for the reasons given above. I believe that serious consideration should be given to the rezoning of both the proposed Town Centre Residential/infill zone and the adjacent Town Centre zoning to an amenity zoning, to enable development of a Town Centre Park at this location. This would then be part of the coastal amenity park originally envisaged in the 2007 local area plan. The rezoning would also give due account to the risk of coastal flooding of the southern half of the area.

Brendan McGrath

Brendan McGrath MIPI, MRTPI