



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

3rd July 2026

Central Planning Unit,
Donegal County Council,
County House,
Lifford,
Co. Donegal,
F93 Y622.

**Re: Proposed Material Alterations to Proposed Variation No. 1 to the Donegal
County Development Plan 2024-2030**

A chara,

Thank you for your authority's work in preparing the Material Alterations (material alterations) to Proposed Variation No. 1 (proposed Variation) to the Donegal County Development Plan 2024-2030 (Development Plan).

As Donegal County Council (Planning Authority) is aware, a key function of the Office of the Planning Regulator (Office) is to evaluate and assess statutory plans to ensure consistency with legislative requirements and national and regional planning policy. The Office has evaluation and assessment pursuant to Part 3 of the Planning and Development Act 2024 (Act) and its functions under section 546, and this submission sets out the outcome.

In this context, the submission includes recommendations and observations. Recommendations arise where the Office identifies clear inconsistencies with legislative provisions or policy frameworks and are intended to be addressed to ensure compliance. Observations highlight areas where further clarification, justification, or refinement would strengthen the plan. The submission may also include advice to support the proper planning and sustainable development of the area.

Following adoption of the Variation, the Office will carry out a further assessment under section 63 of the Act.

1. Response to the Office's submission on the proposed Variation

The Office welcomes and commends the significant work undertaken by the Planning Authority to date and the material alterations, in particular, which address the recommendations and observations made by the Office at draft stage. In respect of the Office's two recommendations at draft stage, the Office welcomes the following:

- explicit policy support for the implementation of the Local Transport Plan (LTP) for An Clochán Liath (MA ACL-PMA-6), Donegal Town (MA DT-PMA-4) and Killybegs (MA KB-PMA-2) and would further welcome explicit policy support for the implementation of the LTP within the Ballyshannon, Carndonagh and Bridgend Area Plans (Recommendation 1); and
- review of, and amendments to, the Strategic Flood Risk Assessment (SFRA) in relation to Plan Making Justification Test (Justification Test) for land zoned at draft stage, with the exception of and the commitment to overlay the flood zone mapping with the land use zoning mapping (Recommendation 2).

Notwithstanding the above, the Office highlights that Justification Tests have not been amended since the draft stage (Recommendation 2) for Opportunity Site 3 (Mall Quay, Ballyshannon), Opportunity Site 1 (Bridgend), Opportunity Sites 4, 5, 7, 11 and Urban Core (Donegal Town). This matter should be addressed prior to the adoption of the Variation. If it is not, the reasons for not complying with the recommendation of the Office should be highlighted in the Planning Authority's notice letter upon adoption, as per section 58(17)(d) of the Act, and will be fully considered by the Office at that stage.

The Office also welcomes the response to two observations made in its submission at draft stage in relation to the quantum and infrastructure provision for employment lands zoned at draft stage and clarification that where Local Environment zonings overlap with proposed Natural Heritage Areas on the Letterkenny land use zoning map, inappropriate uses are not acceptable.

2. Overview of submission on proposed material alterations

Notwithstanding the above, the Office considers that a number of material alterations raise very significant issues in relation to consistency with national and regional planning policy, statutory environmental assessment requirements and the proper planning and sustainable development of the area.

The recommendations and observations set out in this submission relate to a range of matters, including residential and employment zonings, rural settlement growth, sustainable transport integration, the protection of the national road network, flood risk management and Appropriate Assessment. Collectively, these matters are intended to strengthen the evidence base underpinning the proposed Variation and support the proper planning and sustainable development of the county.

Particular attention should be given to the findings of the SFRA and Natura Impact Report. While substantial work has been undertaken in updating both assessments, there are a range of matters that must be addressed to ensure that their conclusions are fully reflected in the proposed Variation. In particular, the Office considers that additional changes are necessary to ensure that flood risk is appropriately managed and that the Variation can proceed in a manner that is consistent with the requirements of the Habitats Directive and avoids adverse effects on the integrity of European sites.

The recommendations and observations set out below are intended to assist the Planning Authority in addressing these remaining matters and in adopting a Variation that is robust, evidence-based and fully aligned with legislative and policy requirements.

Subject	Recommendation	Observation
Residential zoning	-	MA Observation 1 and 2
Rural settlements	MA Recommendation 1	-
Employment zoning	MA Recommendation 2	
Sustainable transport	-	MA Observation 3

National road network	MA Recommendation 3	-
Flood risk management	MA Recommendation 4	-
Appropriate Assessment	MA Recommendation 5	-

3. Residential zoning

The Infrastructure Assessments prepared for each area plan at draft stage provided the evidence required under National Policy Objective (NPO) 101 of the National Planning Framework First Revision (2025) (NPF) to demonstrate that residential zoned lands were serviced or serviceable within the lifetime of the plan. However, with the exception of the An Clochán Liath Area Plan, these assessments have not been updated to reflect the proposed material alterations and therefore do not demonstrate whether the affected lands are serviced or serviceable within the plan period.

The Office advises that the proposed Variation be modified to incorporate all relevant material alterations into the Infrastructure Assessment for each area plan.

MA Observation 1 - Area Plan Infrastructure Assessments

Having regard to, and having considered:

- NPO 101 of the NPF (apply a standardised, tiered approach to differentiate between zoned land that is serviced and zoned land that is serviceable within the life of the plan); and
- NPO 103 of the NPF (land that cannot be serviced within the life of the plan should not be zoned for development),

the Office advises the Planning Authority to modify the Infrastructure Assessments appended to the area plans for Ballyshannon, Bridgend, Carndonagh, Donegal Town and Killybegs to include the material alterations for residential zoned lands.

The material alterations to the proposed Variation include MA BN-PMA-8 in Ballyshannon, which proposes to rezone a well-located serviced site close to the

Urban Core from New Residential Phase 1 to Local Environment 1. While the Office recognises that the quantum of New Residential Phase 1 lands within the settlement is proposed to increase as a result of the material alterations, the Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness emphasises the need for a strong pipeline of zoned and serviced land stating:

...Government will ensure that new homes are built in the right locations, with the necessary services and community facilities in place, in keeping with our climate action goals, and the wider spatial growth of the State.

On that basis, the Office advises the Planning Authority to consider omitting MA BN-PMA-8 to ensure future housing growth in Ballyshannon is provided in the right location with the necessary services in keeping with climate action goals.

MA Observation 2 - MA BN-PMA-8 Ballyshannon

Having regard to the compact and sustainable growth of Ballyshannon and having considered:

- NPO 42 of the NPF to target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040;
- NPO 43 of the NPF to prioritise the provision of new homes at locations that can support sustainable development; and
- NPF Implementation: Housing Growth Requirements (2025),

the Office advises the Planning Authority to make the proposed Variation without MA BN-PMA-8 Ballyshannon.

4. Rural settlements

In relation to the extension of rural settlement boundaries included in the proposed material alterations, the Office recognises the important role rural settlements play in targeting rural decline through supporting the consolidation of infrastructure, amenities and services to sustain vibrant rural communities.

However, the Office is concerned in relation to MA G-PMA-5 that the scale of the proposed boundary extension is disproportionate to the ability of Laghey to support the sustainable development of the settlement relative to its location. As such, the Office considers that the boundary extension should be omitted from the proposed Variation.

MA Recommendation 1 - Boundary extension Laghey

Having regard to the sustainable growth and development of rural areas, and having considered the following:

- NPO 9 of the NPF (ensure compact and sequential patterns of growth);
- NPO 26 of the NPF (continue to support the proportionate growth of and appropriately designed development in rural towns sustainable development of rural areas);
- NPO 43 of the NPF (prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location); and
- the policy and objective for sequential approach to zoning at section 6.2.3 of the Development Plans, Guidelines for Planning Authorities (2022),

the Office recommends that the Planning Authority makes the proposed Variation without MA G-PMA-5 Laghey.

5. Employment zoning

The commitment by the Planning Authority to provide information on the quantum of employment zoned lands in each area plan that are developed and undeveloped and relevant servicing information is welcomed.

The proposed material alterations include the addition of business / enterprise zoned lands at the northern and southern extent of Donegal Town, namely MA DT-PMA-18 which extends the town boundary to include unzoned lands, and MA DT-PMA-20 which was zoned Local Environment 1 and 2 at draft stage.

These lands are on the periphery of the town are not serviced by public transport or active travel provisions, and no clear rationale for the zoning is provided, particularly given the peripherality of the site and potential infrastructure constraints. As such, the Office considers that these proposed material alterations are materially inconsistent with national and regional policy objectives to achieve compact growth, contributing to the continuance of a dispersed settlement pattern and encouraging car-based development contrary to the Climate Action Plan 2025.

MA Recommendation 2 - Business/ enterprise lands Donegal Town

Having regard to the location of business / enterprise lands in locations that can support compact and sustainable development, and having considered the following:

- NSO 1 of the NPF (carefully manage the sustainable growth of compact towns);
- NPO 19 of the NPF (identify and quantify locations for strategic employment development, where suitable);
- NPO 37 of the NPF (ensure the integration of safe and convenient alternatives to the car into the design of our communities);
- NPO 66 of the NPF (ensure that development occurs within environmental limits);
- RPO 6.29 of the RSES (deliver a high level of priority and permeability for walking, cycling and public transport modes);
- section 6.2.5 Development Plans, Guidelines for Planning Authorities (2022) (zoning for employment uses);
- the Climate Action Plan 2025 (reducing vehicle kilometres travelled);
- the Climate Action and Low Carbon Development Act 2015, as amended (mandatory target to reduce greenhouse gas emissions by 51%); and
- the National Sustainable Mobility Policy (2022) (reducing vehicle kilometres travelled,

the Office recommends that the Planning Authority makes the proposed Variation without the following:

- (i) MA DT-PMA-18 Donegal Town (see MA Recommendation 4); and
- (ii) MA DT-PMA-20 Donegal Town.

6. Sustainable transport

MA DT-PMA-16 proposes to rezone Local Environment 1 lands in Donegal Town to Opportunity Site 12: Doonan, providing for residential and business / enterprise uses at a location along the N56 where the 80km/h speed limit applies. The Office is aware that the urban speed limit review for the county has been commenced.

Notwithstanding, the Office advises that proposals for the future development of the lands are considered in the context of Opportunity Site 1 and related Policy DT-ED-P-1 amended by MA DT-PMA-2, which requires proposals to demonstrate that the site can be served by sustainable modes of transport and will not be wholly car dependent.

The Office highlights the opportunity for MA DT-PMA-16, Policy DT-ED-P-6, to include similar text to ensure that the future development of Opportunity Site 12 can be served by sustainable modes of transport.

With regard to the proposed amendments (MA DT-PMA-5) to section 6.5 of the LTP, the Office recognises the ongoing process to identify a location for a bus interchange within Donegal Town. However, the Office is concerned with consideration being given to a potential bus interchange at the Mullans and to the creation of an interim bus interchange, given the distance from the town centre and the investment required to deliver a permanent solution.

Regional policy objectives to enable the integration of future modes of transport and mobility and to ensure investment in transport networks and services that provide a quality of service, connectivity and facilities to meet all societal needs are clear in this regard and, as such, the Office advises that reference to the Mullans and an interim bus interchange site are omitted from MA DT-PMA-5.

In relation to MA LK-PMA-11 which proposes rezoning Local Environment to General Employment uses in Letterkenny, given the location and scale of the rezoning and opportunities for active travel, permeability and public transport to be integrated as the lands are developed, the Office advises that the proposed material alteration is modified to commit to updating the Letterkenny LTP and that a masterplan led approach is applied to ensure that LTP measures are integrated as part of the wider network.

MA Observation 3 - Integration of land use and sustainable transport

Having regard to the need for integration of land use and sustainable transportation, and having considered the following:

- NPO 37 of the NPF (sustainable mobility);
- RPO 6.29 of the RSES (deliver a high level of priority and permeability for walking, cycling and public transport modes);
- RPO 6.32 of the RSES (invest in transport networks and services that are socially inclusive and provide a quality of service, connectivity and facilities to meet all societal needs, disabilities and an ageing population);
- RPO 6.49 of the RSES (develop and deliver strategy and infrastructure to enable the adoption and integration of future modes of transport and mobility);
- the Climate Action Plan 2025 (reducing vehicle kilometres travelled);
- the Climate Action and Low Carbon Development Act 2015, as amended (mandatory target to reduce greenhouse gas emissions by 51%); and
- the National Sustainable Mobility Policy (2022) (reducing vehicle kilometres travelled),

the Planning Authority is advised to:

- (i) modify MA DT-PMA-16 to ensure that the future development of Opportunity Site 12 can be served by sustainable modes of transport;

- (ii) omit reference to the Mullans and an interim bus interchange from MA DT-PMA-5; and
- (iii) modify MA LK-PMA-11 to require the updating of the Letterkenny Local Transport Plan to incorporate the General Employment lands, including measures to connect them to the wider transport network, and to require the preparation of a masterplan addressing permeability, active travel, and transport linkages.

7. National road network

The N15 and N56 traverse the county in an east-west and north-south direction, respectively, and form a key part of the strategic national road network in County Donegal, providing important regional and inter-regional linkages.

Regional Policy Objective (RPO) 6.5 of the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly area focuses on managing, enhancing and maintaining the strategic capacity and safety of national roads.

In the interests of maintaining the safety and carrying capacity of the national road network, section 2.5 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) (National Roads Guidelines) sets out that it should be the policy of planning authorities to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/h apply. Furthermore, section 2.7 of the National Roads Guidelines states that planning authorities must exercise care when zoning lands at or close to interchanges where such development could generate significant additional traffic with the potential to impact on the national road network.

In this context, the Office notes that a number of proposed development sites adjoin sections of the national road network where speed limits of 80km/h or greater apply or are located close to interchanges and, as such, are materially inconsistent with RPO 6.5 of the RSES and fail to take due account of section 2.8 of the National Roads Guidelines.

MA Recommendation 3 - National Road Network

Having regard to the need to maintain the carrying capacity and safety of the strategic road network, and having considered the following:

- RPO 6.5 of the RSES (maintaining the strategic capacity and safety of the national roads); and
- sections 2.5 and 2.7 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012), in respect of the policy approach for access to national roads,

the Office recommends that the Planning Authority makes the proposed Variation without the following:

- (i) MA DT-PMA-18 Donegal Town (see MA Recommendation 2);
- (ii) MA DT-PMA-19 Donegal Town; and
- (iii) MA DT-PMA-23 Donegal Town.

8. Flood risk management

The Office welcomes the update to the SFRA to assess the proposed material alterations to the proposed Variation, with the assessment and conclusions contained in appendix D to the SFRA.

Appendix D to the SFRA assesses the proposed material alterations which interact with flood risk areas and provides a clear conclusion as to whether each proposed material alteration should or should not proceed in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines). The Office is concerned that the proposed material alterations related to land use zonings which the SFRA recommends should not proceed have not been omitted, and lands within Flood Zone A and B that should be excluded have not been amended.

The Office considers that these proposed material alterations are materially inconsistent with NPO 1 and 78 of the NPF, and RPO 3.10 of the RSES and are not in accordance with the Flood Guidelines.

MA Recommendation 4 - Flood risk management

Having regard to flood risk management, and having considered:

- NPO 1 of the NPF (ensure all plans are subject to the relevant environmental assessments including SFRA);
- NPO 78 of the NPF (avoid inappropriate development in areas at risk of flooding that do not pass the Plan Making Justification Test);
- RPO 3.10 of the RSES (assess flood risk by implementing The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines)); and
- the Flood guidelines,

the Office recommends that the Planning Authority:

- (i) makes the proposed Variation without the following material alterations:
 - a) MA BA-PMA-4 Buncrana;
 - b) MA BA-PMA-6 Buncrana;
 - c) MA BN-PMA-9 Ballyshannon;
 - d) MA BS-PMA-6 Ballybofey/Stranorlar;
 - e) MA DT-PMA-22 Donegal Town;
 - f) MA DT-PMA-25 Donegal Town;
 - g) MA DT-PMA-27 Donegal Town (see MA Recommendation 5);
 - h) MA KB-PMA-14 Killybegs;
 - i) MA G-PMA-9 Culdaff;
 - j) MA G-PMA-11 Fahan (see MA Recommendation 5); and
 - k) MA G-PMA-14 Newtowncunningham; and

(ii) makes a modification to exclude lands within Flood Zone A and B from the following material alterations:

- a) MA BN-PMA-10 Ballyshannon;
- b) MA BS-PMA-4 Ballybofey/Stranorlar;
- c) MA CN-PMA-10 Carndonagh;
- d) MA CN-PMA-12 (NR 2.10) Carndonagh;
- e) MA LK-PMA-6 Letterkenny;
- f) MA G-PMA-1 Drumoghill;
- g) MA G-PMA-6 Ardara;
- h) MA G-PMA-8 Dunfanaghy;
- i) MA G-PMA-10 Culdaff; and
- j) MA G-PMA-12 Gleneely.

9. Appropriate Assessment

The Natura Impact Report (NIR) for the proposed material alterations concludes that:

This Natura Impact Report demonstrates that, although the majority of the Proposed Material Alterations (PMAs) will not result in any residual adverse effects on the majority of the 79 (No.) European sites assessed as a result of their implementation due to the mitigation measures already included in the Donegal County Development Plan 2024-2030 and associated Variation No. 1; the following PMAs have been found to have residual significant effects, that cannot be mitigated beyond reasonable scientific doubt, on the following 4 (No.) European sites:

PMA	European site with residual significant effects remaining
<i>DT-PMA-27</i>	<i>Lough Eske and Ardnamona Wood SAC</i>
<i>LK-PMA-10</i>	<i>Leannan River SAC</i>

<i>G-PMA-11 and its associated policy SF-P-3</i>	<i>Lough Swilly SAC</i>
<i>G-PMA-11 and its associated policy SF-P-3</i>	<i>Lough Swilly SPA</i>

Therefore, the Proposed Material Alterations, in their current form, will result in significant adverse effects on 4 (No.) European sites, and fail the requirements for Stage 2 Appropriate Assessment. Should the above named PMAs be included, in their current form, in the Variation to the Donegal County Development Plan 2024-2030 to be made, then the Variation could not proceed under Stage 2 Appropriate Assessment and would need to be subject to a Stage 3 Appropriate Assessment, otherwise known as IROPI (Imperative Reasons of Overriding Public Interest).

The NIR concludes that, notwithstanding the application of mitigation measures, residual adverse effects on the integrity of four European sites cannot be ruled out, and these alterations fail Stage 2 Appropriate Assessment and require progression to Stage 3 (IROPI).

The Office is of the view therefore that the proposed Variation with these material alterations cannot be made under article 6(3) of the Habitats Directive, and a derogation under article 6(4) of the Habitats Directive is required before the proposed Variation to the Development Plan can be made. This requires that a planning authority must be satisfied that there are no feasible alternative solutions that would avoid the adverse effects on the Natura 2000 site while still meeting the objectives of the plan. Where it can be demonstrated that no feasible alternative solution exists, the planning authority must then demonstrate that there are imperative reasons of overriding public interest (IROPI) sufficient to justify proceeding despite the adverse effects on the Natura 2000 site.

The Office considers, therefore, that making the Variation with MA DT-PMA-27 Donegal Town, MA LK-PMA-10 Letterkenny, and MA G-PMA-11 (including associated Policy SF-P-3) Fahan without satisfying the requirements of the Habitats

Directive for Alternatives and / or IROPI, is materially inconsistent with NPO 1 of the NPF, sections 6(3) and 6(4) of the Habitats Directive, and section 217 of the Act.

The significant effects on biodiversity identified in the NIR and SEA Environmental Report also demonstrate a material inconsistency with NPOs 85 and 87 of the NPF for the conservation of existing habitats and biodiversity.

MA Recommendation 5 - Appropriate Assessment

Having regard to the conservation of biodiversity and the protection of the integrity of Natura 2000 sites, and having considered:

- sections 6(3) and 6(4) of the Habitats Directive;
- section 217 of the Planning and Development Act 2024;
- NPO 1 of the NPF (ensure all plans are subject to the relevant environmental assessments including AA and SEA);
- NPO 85 of the NPF (retention of existing habitats which are currently important for maintaining biodiversity);
- NPO 87 of the NPF (enhance the conservation status and improve the management of protected areas and protected species);
- NPO 90 of the NPF (protect, conserve and enhance the rich natural, cultural and built heritage);
- the Natura Impact Report prepared in respect of the proposed Variation;
and
- the SEA Environmental Report prepared in respect of the proposed Variation,

the Office recommends that the Planning Authority makes the proposed Variation without the following:

- (i) MA DT-PMA-27 Donegal Town;
- (ii) MA LK-PMA-10 Letterkenny; and
- (iii) MA G-PMA-11 (including associated Policy SF-P-3) Fahan.

10. Summary

The Office requests that the Planning Authority addresses the recommendations and observations set out above.

As part of this process, the Chief Executive's report to the elected members, prepared under section 58(15) of the Act should summarise the Office's recommendations and outline how it is proposed to address them.

Following adoption of the Variation, the Planning Authority is required to:

- provide the Office with a copy of the adopted Variation, together with any submissions received from the Minister, regional assemblies, and the National Transport Authority during the plan preparation process within **one week** of adoption;
- inform the Office, **as soon as practicable**, where it decides not to comply with a recommendation, including the reasons for this decision; and
- publish notice of the Variation within **one week** of adoption, confirming that the Development Plan as varied will be available for inspection (online and at a specified location) no later than **five weeks** after adoption.

The Office looks forward to continued constructive engagement with the Planning Authority. If further clarification or discussion would be helpful, the Office would be pleased to assist and can be contacted at 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