

IP-035-22

3rd June 2022

Senior Planner,
CDP Review,
Central Planning Unit,
Donegal County Council,
County House,
Lifford,
Co. Donegal,
F93 Y622.

Re: Issues Paper for the Donegal County Development Plan 2024-2030

A chara,

Thank you for your authority's work in preparing the Issues Paper for the review of the Donegal County Development Plan 2018-2024 (existing development Plan) as part of the preparation of the Donegal County Development Plan 2024-2030 (the new development Plan). The Office acknowledges and welcomes the publication of this paper and your authority's work, more broadly, in advancing the review of the Plan.

In accordance with the provisions of section 31AM of the *Planning and Development Act 2000*, as amended (the Act), the Office is obliged to evaluate and assess development plans in the context of certain statutory parameters including:

- Matters generally to be contained in a development plan (section 10) and, in particular, section 10(2)(n) in relation to climate change;
- Consistency with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (the RSES);
- Ministerial guidelines under section 28;
- Ministerial policy directives issued under section 29, and,

- Such other legislative and policy matters as the Minister may communicate to the Office in writing.

In particular, the planning authority will be aware of the recently published statutory guidelines *Housing Supply Target Methodology for Development Planning Guidelines* (2020), in addition to the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (2021). Both of these documents are key to setting out an overall strategy for the proper planning and sustainable development of the planning authority's area.

In this context, the Office has set out some broad areas for your authority to consider in formulating the new development Plan.

These observations are offered without prejudice to any observations and recommendations as may be forthcoming from the Office at future stages of the plan making process, and do not affect the obligation on your planning authority to comply with the relevant legislative requirements, or to be consistent with the fullness of the detailed policy context of the higher order plans and strategies and Ministerial guidelines.

1. Consultation strategies

The need to encourage greater participation in local decision-making, and the importance of citizens playing a role in influencing the plans which affect their lives and communities, is well recognised. One important way to do this is to encourage and facilitate more people to learn about and contribute to their local development plan.

There are many innovative methods which can encourage greater public participation in the development plan-making process. To aid this process, we have produced a document entitled *Increasing Public Engagement in Local Authority Development Plans - A communications toolkit.* It draws on existing good practices already used by many local authorities. It also offers some practical suggestions and cites particular examples that have worked to good effect. You can access the document using the following link: https://www.opr.ie/wp-content/uploads/2020/05/Increasing-Public-Engagement-with-Local-Authority-Development-Plans-A-Communications-Toolkit.pdf

2. Core Strategy & Settlement Strategy

The Office notes that the Donegal County Development Plan 2018-2024 has not been varied to incorporate the NPF and RSES under section 11(b) of the Act, including the realignment of population targets and settlement hierarchy. The significant work on establishing this realignment will therefore have to be undertaken in preparing the new development Plan.

The population targets for the county will need to follow the NPF Implementation Roadmap and the RSES, and the projected population and housing growth of settlements will need to align with the policy objectives of the NPF and the RSES concerning the distribution of population and housing growth.

The Office would also emphasise the requirement to ensure the alignment of the core strategy with the *Housing Supply Target Methodology for Development Planning Guidelines* (2020). In this regard, it will be necessary to ensure that both population and housing growth is determined in the core strategy for the specific 6-year plan-period.

The Office welcomes the inclusion of information in the Issues Paper on the current housing supply and completions in the county, in particular the contrast between rural and urban housing.

In terms of population distribution, having regard to the long-term development trends apparent in the county, the future allocation of growth between rural and urban areas to align with national regional policy and housing supply targets is likely to present a significant challenge in the preparation of the draft Plan. The planning authority is advised to ensure that the core strategy is robust in order to support the appropriate distribution of housing supply targets in urban centres and settlements through compact growth and regeneration policies.

The Office notes that the Issues Paper does not detail a range of core strategy options, as is required by the Specific Planning Policy Requirement SPPR DPG 1 of the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (2021), which would have better facilitated transparent consideration of the options. The planning authority is minded to follow the guidelines in the preparation of the core strategy table(s) in the new development Plan, having regard to the illustrative

example of a core strategy table in Appendix A of the guidelines, which provides a useful reference. In this regard, it will be important for the new development Plan to be seen to be evidence-based and supported by appropriate assumptions, such as housing yields based on net residential densities consistent with the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns and Villages* (2009).

In considering the requirement for residential zoned land arising from the core strategy, the planning authority will also need to consider whether there is justification for 'Additional Provision' in any of it settlements under section 4.4.3 of the guidelines and ensure that any additional provision is set out within the core strategy table(s) and is justified with reference to the criteria set out in the guidelines.

The planning authority should also clearly differentiate between serviced or serviceable land zoned to meet the housing supply needs for the plan period, and any strategic land bank in less preferable locations or where future infrastructure is required, and which will not be considered for development over this plan period. The planning authority will also be aware of the provisions for the zoned land tax which will apply to zoned and serviced land in the new development Plan.

The Issues Paper highlights the lack of new housing supply over the past decade and the significant shortfall in housing completions in Letterkenny and Strategic towns. It will be critical, therefore, for the planning authority to set the appropriate policy context to support, facilitate and stimulate the delivery of housing schemes in settlements across the county, in line with the NPF and RSES. Multiple-unit housing development also benefits the wider population through provision of social and affordable housing under Part V, and thereby have greater potential to help address the housing crisis.

It is a requirement under NPO 37 for a Housing Need Demand Assessment (HNDA) for each local authority to correlate and accurately align future housing requirements. The HNDA should include the HNDA dataset, guidance and assessment tool, published by the Department of Housing, Local Government and Heritage in April 2020, details of which are available: https://www.gov.ie/en/publication/eaa99-housing-need-and-demand-assessment-hnda/.

3. Regional Growth Centre

National Policy Objectives 2b and 7 recognise the key regional role of Letterkenny in the North-West and the importance of Letterkenny, with Derry City and Strabane in Northern Ireland as a cross-border city region. The Northern and Western RSES further enhances Letterkenny as a Regional Growth Centre.

It is important, therefore, that the new development Plan incorporates policies and objectives to support the growth and role of Letterkenny in focused manner in accordance with RPO3.7.20 (to grow Letterkenny to 27,400 by 2040), RPO 3.7.22 (to ensure 40% compact growth) and RPO 3.7.23 (to provide up to 4,000 additional residential units in the town).

In this regard the planning authority is advised that the "SMART" approach to the development of objectives is recommended in order to ensure a rigorous, evidence-based approach is followed and that the objectives are measurable and capable of being monitored¹.

The Office notes the planning authority has commenced the preparation of the Letterkenny Local Area Plan, including a Local Transport Plan. In view of the provisions under section 19(2) of the Act, the new development Plan should include an objective to review the LAP to ensure consistency with the new development Plan, once made.

4. Compact growth and zoning

The NPF sets out clear objectives in relation to compact growth and the need to promote development within existing urban areas and settlements, NPO 3a and NPO 3c. NPO 6 recognises that the regeneration and rejuvenation of cities, towns and villages of all types and scale can play a role in making stronger urban places and contributing to compact growth. A clear compact growth and regeneration strategy for Letterkenny as a Regional Growth Centre and for settlements larger than 1,500 should be developed to ensure consistency with the NPF in this regard.

¹ Section 5.3 of the *Development Plan Guidelines for Planning Authorities - Draft for Consultation* (2021)

The delivery of housing targets for the settlement in a compact and sequential form presents a challenge for all planning authorities, however good direction on the approach to be taken in this regard is provided in the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (2021). In particular, the planning authority's attention is drawn to the provisions for settlement consolidation sites under section 6.4.2 and Appendix A (section 1.3.6).

The Office strongly recommends the planning authority to include zoning objectives for all of its main settlements in the new development Plan, including Letterkenny and the 7 strategic towns, to provide certainty in achieving compact and sequential growth for each settlement and to comply with the requirement under section 10(2)(n) of the *Act* for objectives for the promotion of sustainable settlement and transportation strategies in urban and rural areas.

Where the inclusion of zoning objectives for all relevant settlements is not considered possible, the new development Plan should clearly set out how the objectives in section 10(2) are to be achieved in the interim and pending the adoption of local area plans for these settlements. In this respect, the Office would refer the planning authority to the 'Town Profile Plans' prepared by Tipperary County Council at the material alterations stage of their plan.

In view of the high vacancy and derelictions rates raised in the Issues Paper, urban regeneration will be a key challenge for the new development Plan to address. Focused objectives should be included to achieve regeneration and renewal in accordance with section 10(2)(h) of the Act, having regard to RPO 3.1, RPO 3.7.25 and RPO 3.7.26 and the key regeneration opportunities / renewal sites identified by the RSES for Letterkenny.

In this respect, the new development Plan can build on the experience of the Council in implementing significant new urban regeneration projects at Killybegs, Burtonport, etc., through active land management and coordinated plan-led development.

5. Economic Development & Employment

Growth Ambition 1 of the RSES seeks to create a vibrant region for economy and employment and to address the challenges that might otherwise limit the regions potential growth.

The Atlantic Economic Corridor (AEC) and cross boarder relationship with Northern Ireland, including in particular the relationship between Letterkenny and Derry city, are anticipated to play key roles in the economic development of the county, which should be supported by the new development Plan. The planning authority should also have regard to NPO 2b and NPO 7, which sets out key future planning and development policy priorities for the northern and western region including particular emphasis on the relationship with Donegal and the cross border counties.

In this regard, the Office acknowledges the ongoing work of Donegal County Council with Derry City and Strabane District Council in respect of the 'Gateway to Growth', which initiatives should be supported by the new development Plan in targeting employment and economic growth to the Regional Growth Centre of Letterkenny.

It is important the economic and employment opportunities in the rural area should are also supported in the new development Plan in accordance with NPO 21 and NPO 23, and that relevant objectives are included to support the delivery of economic and employment in the marine section in Killybegs and Greencastle in accordance with RPO 4.31, RPO 4.32 and RPO 4.34.

In relation to employment zoning throughout the county, the planning authority is reminded of the provisions set out under section 6.2.5 of the of the *Development Plans Guidelines for Planning Authorities – Draft for Consultation* (2021), which require a clear and strategic evidence-based rationale to underpin the zoning of land for employment purposes in the new development Plan. This should include a spatial analysis of the existing location and area of employment in the county or city as a baseline, having regard to appropriate datasets. Employment zoning should also be consistent with the requirements for sustainable settlement and transport strategies under section 10(2)(n) of the Act.

6. Transport & Infrastructure

The Office notes the concern raised in the Issues Paper over the reliance on the private car, urban traffic congestion and the lack of walking and cycle facilities in the county. The policy objectives of the RSES provide clear direction on how the new development Plan can address this issue, including RPO 6.29, 6.30, 6.31 and 6.32.

An effective way to further encourage mode change from private car to active and sustainable modes is to include modal share targets to be achieved over the period of the new development Plan. Such targets should be evidence-based, having regard to the existing modal share and proposed integrated land-use transport policy measures and should be determined in consultation with the NTA and TII.

The implementation through the new development Plan of the *Design Manual for Urban Roads and Streets* (2019), adopted by the Department of Transport and the Department of Housing Local Government and Heritage, will support active and sustainable transport modes. Limitations on the private motor car in certain contexts will also be necessary, including the implementation of maximum parking standards, having regard to the *Guidelines for Planning Authorities on Sustainable Development in Urban Areas: Cities, Towns and Villages* (2011) and an allowance for car-parking free development where appropriate.

The Office welcomes the preparation of a Local Transport Plan (LTP) in conjunction with the LAP for Letterkenny in accordance with RPO 3.7.32. Commitment to prepare LTPs for relevant settlements, in accordance with RPO 6.28, would also be appropriate.

In respect of the national road network, the planning authority should ensure that the policies in the draft Plan are consistent with the detailed provisions of the *Spatial Planning and National Road Guidelines for Planning Authorities* (2012) (SPNRG), and RPO 6.5, to maintain the capacity and safety of strategic roads.

The Office is concerned that the Issues Paper considers there to be potential to create a new economic development corridor along the proposed TEN-T strategic road project between Ballybofey and Stranorlar. The new development Plan must be consistent with the national regional policy objectives for compact growth, with the settlement hierarchy under the NPF and RSES and with Ministerial policy (under the SPNRGs) to maintain the strategic traffic function of national roads by limiting development generating short-trip traffic on national roads. It must also be consistent with mandatory objectives for the promotion of sustainable settlement and transport strategies under section 10(2)(n) of the Act to mitigate climate change.

Regarding non-transport infrastructure, the Office notes that there is sufficient capacity to support sufficient growth of the main towns over the period of the new development Plan, which is a material consideration for the planning authority in devising the core strategy. The planning authority is encouraged to work proactively with Irish Water to progress projects that deliver infrastructure for the county's smaller settlements through Irish Water's Small Towns and Villages Growth Programme.

Having regard to the practical need to provide and maintain surface water drainage infrastructure, the requirement to address the necessity of adaptation to climate change under section 10(2)(n) of the Act, and to NPO 57 to integrate sustainable water management solutions such as Sustainable Urban Drainage Systems (SUDS), the planning authority is advised to ensure the new development Plan takes due account of the *Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance Document* (2022).

7. Rural Development

The Office notes from the Issues Paper that a very high proportion of dwelling completions were delivered in rural areas (59%) compared to those delivered in urban settlements (41%). It is Ministerial policy under the *Sustainable Rural Housing Guidelines for Planning Authorities* (2005) to accommodate rural housing. The planning authority will, however, have to achieve a balance with national and regional policy objectives for compact growth, with the ambitious national/regional growth targets for certain settlements, and mandatory objectives for the promotion sustainable settlement and transport strategies to mitigate climate change.

In defining rural areas for the purposes of rural housing policy, the planning authority will be mindful to ensure suitable alignment in the new development Plan with the provisions of NPO 19, which requires a differentiated policy approach based on areas under urban influence and rural areas elsewhere, having regard to the viability of smaller towns and rural settlements, in addition to adhering to the Minister's guidelines.

The Office would also advise that the planning authority will need to take account of the impact of improvements to the national road network, such as the aforementioned TEN – T scheme, on the spatial extent of areas under the urban influence of settlements in defining its rural areas.

The core strategy is required under section 10(2A) of the Act and the *Development Plan Guidelines for Planning Authorities - Draft for Consultation* (2021) to set out the population and housing allocation proposed for the open countryside outside of villages and towns, in addition to those allocated to settlements. Further, NPO 20 requires the planning authority to project the need for single housing in the countryside through the Housing Strategy and Housing Need Demand Assessment, including consideration of vacant houses in rural areas, in an evidence-based approach.

In support of RPO 3.3, which seeks to 'deliver at least 20% of all new housing in rural areas on brownfield sites', the new development Plan should include practical policy objectives and measures to activate land and facilitate new homes within the footprint of rural settlements. Potential measures include, among others, site acquisition and serviced sites provision consistent with NPO 18a and NPO 18b, as an alternative to one-off housing in the open countryside.

8. Flood Risk Assessment

The Issues Paper acknowledges the increased frequency and severity of rainfall related flood events and the vulnerability of low-lying areas from river and coastal flooding. The planning authority will need to consider the requirements under *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) concerning the preparation of a Strategic Flood Risk Assessment (SFRA) as part of the new development Plan. The planning authority will be aware that the guidelines require the new development Plan to avoid development at risk of flooding and to adopt a sequential approach to flood risk management.

In this regard, the Office advises early consultation with the Office of Public Works (OPW) to discuss use of appropriate flood risk datasets, taking account of climate change, consideration of OPW Flood Relief Schemes and level of detailed analysis is required.

The planning authority should note, in particular, section 4.23 of the guidelines concerning the requirement to carry out plan-making Justification Tests (Box 4.1) to inform relevant proposals for land use zoning objective in the new development Plan. *Circular PL 2/2014* (Flooding Guidelines) clarifies that the application of the justification test also applies to existing developed areas of towns and cities located in Flood Zone A and B, and specification of structural or non-structural flood risk management measures required prior to future development will need to be included in the new development Plan in certain cases.

The Office would advise that it is best practice to overlay spatial flood risk data (flood risk zones A and B) on the proposed land use zoning objectives to most clearly illustrate the potential flood risk arising from the draft Plan proposals.

9. Climate Action and Energy

Having regard to the *Climate Action Plan 2021* and to the objectives of the NPF and the RSES, the county's transition to a low carbon economy and the overall reduction in carbon emissions is a central issue to consider in the preparation of the new development Plan. The Office, therefore, welcomes the recognition of key climate change issues and trends in the Issues Paper.

The planning authority will be aware that the Office's evaluation of the draft Plan is required under section 31AM(2)(a) to address, in particular, matters within the scope of section 10(2)(n) of the Act. In this regard, matters relating to climate change mitigation and adaption concerning sustainable settlement and transport strategies for urban and rural areas, have been addressed under the relevant sections above.

The Office also acknowledges proposed Variation No. 2 to the Donegal County Development Plan 2018 - 2024, in respect of wind energy policy, running in tandem with the Issues Paper. A separate submission will issue in this regard.

The promotion of renewable energy sources within the county in accordance with the section 28 Wind Energy Development Guidelines (2006) and Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change and Wind Energy Development Guidelines 2006 – Update on Review (2017), or subsequent guidelines issued by the Minister, is critical to ensure Ireland meets its

national targets and commitments to increase renewable energy supply and reduce greenhouse gas emissions.

The planning authority will be aware of the urgency of this matter and of the target for 80% of electricity from renewable resources by 2030 in the *Climate Action Plan 2021*. The planning authority will also be aware of the national target of 8GW for onshore wind energy, of which 4.3GW had been achieved by end of 2020².

In this regard, the planning authority will be aware of the Specific Planning Policy Requirement (SPPR) under the Interim guidelines, to indicate how the implementation of the new development Plan will contribute to realising the overall national targets on renewable energy and climate change mitigation, in particular wind energy production and the potential wind energy resource (in megawatts).

The Office advises that recommendations set out in its submission on concurrent proposed Variation 2 be considered and incorporated into the new development Plan.

10. An Gaeltacht

The Office welcomes the identification of keys issues and trends concerning An Gaeltacht.

The planning authority is commended for the preparation and implementation of Language Plans for 7 of the 8 Language Planning Areas (LPA) in the county in accordance with RPO 5.8 and RPO 5.12. The new development plan should continue to utilise the Language Plans for Language Planning Areas to support and control development in the Gaeltacht area and to protect the culture heritage of the county in line with NPO 29.

The Office acknowledges that there has been a decline in the Gaeltacht population since the 2011 census. The planning authority is advised to the core strategy to promote development in the Gaeltacht towns and villages through compact growth and regeneration of settlements having regard to RPO 3.12.

² Energy in Ireland 2021 Report (SEAI, 2021) https://www.seai.ie/publications/Energy-in-Ireland-2021_Final.pdf

11. Other Matters

The Office would also like to take this opportunity to draw your attention to a number of recurring issues that have arisen in its evaluation of recent draft plans:

The need for specialised types of housing, including Traveller accommodation, will be determined through the HNDA. To comply with the mandatory objective under section 10(2)(i) of the Act, the new development Plan must provide implementable objectives for the provision of accommodation for Travellers consistent with estimated need and indicate lands for such accommodation on land use zoning maps.

The NPF highlights the key role of the planning process in realising the potential of extractive industries in identifying and protecting important mineral reserves for future use (NPO 23). The Office advises that the new development Plan should identify or map the location of major deposits as advised by the section 28 *Quarries* and Ancillary Activities Guidelines for Planning Authorities (2004).

The Office would also highlight the rights of way procedure illustrated in the OPR's recently published case study paper, which provides a sound foundation for the approach to rights of way and access to the countryside, in general, in the new development Plan.

Finally, as discussed above, a key challenge for your authority over the period of the new development Plan will be in terms of housing delivery in the right place. The Development Plans Guidelines for Planning Authorities - Draft for Consultation (2021) recommend a monitoring task for the strategic functions relating to Core Strategy Monitoring and Plan Objectives Monitoring.

The Office advises that implementation and monitoring provisions should be clearly set out in the new development Plan, and would most effectively focus on key outcomes, such the core strategy (e.g. population growth and housing delivery), urban and rural regeneration (including rural brownfield development and rural housing), the sustainable transport strategy (e.g. modal share, preparation of Local Transport Plan), climate action (e.g. renewable energy output), biodiversity and landscape (e.g. status of designated habitats).

Summary

In summary, the Office commends your authority for the preparation of this Issues Paper and for the variety of approaches used to engage and inform the local community.

The Office advises your authority to pay particular attention to the following in the preparation of the new development Plan - Donegal County Development Plan 2024-2030:

- The application of the 'Housing Supply Target Methodology for Development
 Planning Guidelines for Planning Authorities' (2020) in determining the
 county's housing supply target (HST), and the preparation of the housing
 needs demand assessment in accordance with HNDA dataset, guidance and
 assessment tool published by the Department.
- The Development Plans Guidelines for Planning Authorities Draft for Consultation (2021) in relation to preparing core strategy table(s); settlement consolidation sites; additional provision for surplus zoned land; and monitoring.
- The need for housing and population growth allocations in the core strategy to be consistent with the settlement hierarchy, and with national and regional targets, including the population growth target of 40% to 2040 for Letterkenny Regional Growth Centre.
- The development of rural housing policies that are consistent with NPOs 18 and 19 of the NPF, and which distinguish between areas under strong urban influence and elsewhere.
- The inclusion of land use zoning objectives for Letterkenny and the 7 strategic towns, consistent with the cores strategy and the principles of compact and sequential development.
- Active Land Management measures that encourage infill/brownfield development in the county's towns and rural settlements.
- A strategic evidence-based rationale for employment land use zoning.

- Inclusion of targets for modal shift aligned to implementation and monitoring measures, including a commitment to prepare local transport plans for relevant settlements and the inclusion of objectives promoting sustainable settlement and transport strategies under section 10(2)(n).
- An evidence-based framework for delivery of renewable energy in accordance with the Climate Action Plan 2021 and relevant section 28 Guidelines.
- The need to build the relationship of Letterkenny and Derry city to drive economic development consistent with NPO 2b and NPO 7.
- Support the development of Gaeltacht areas under section 10(2)(m) consistent with RPO 3.12 RPO 5.8 and RPO 5.12.
- The Strategic Flood Risk Assessment (SFRA) of the new development plan consistent with *The Planning System and Flood Risk Management Guidelines* for Planning Authorities (2009).

The Office looks forward to reviewing the future draft development plan and is committed to continued positive engagement with your authority in implementation of national and regional policies at county and local level.

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 the undersigned or at plans@opr.ie.

Is mise le meas,

Anne Marie O'Connor

AM C'Conna

Deputy Regulator and Director of Plans Evaluations