



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

**OPR Ref: DP-035-22**

13<sup>th</sup> October 2023

Central Planning Unit,  
Donegal County Council,  
County House,  
Lifford.

**Re: Draft County Donegal Development Plan 2024-2030**

A chara,

Thank you for your authority's work in preparing the draft County Donegal Development Plan 2024-2030 (the draft Plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable work your authority has undertaken in the preparation of the draft Plan against the backdrop of an evolving national and regional planning policy and regulatory context.

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft Plan under the provisions of sections 31AM(1) and 31AM(2) of the *Planning and Development Act 2000*, as amended (the Act) and this submission has been prepared accordingly.

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, the planning authority is required 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. The planning authority is requested 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. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

## **Overview**

The Office considers that draft Plan generally sets out a well-balanced approach for the future development of the county with strong policy commitments to enhance the county's economy and deliver the targeted population and housing growth for the plan period, including having regard to climate change.

The Office has, however, identified a number of areas which require further consideration in order to more fully align the development framework for the county with current national and regional policy context. In this regard, the Office considers that the draft Plan needs to present a more strategically coherent strategy for the proper planning and sustainable development of Letterkenny as the regional growth driver within the overall context of the county. In addition, the draft Plan should ensure the distribution of growth within the settlement hierarchy is directed to the towns and villages as an alternative to urban generated housing the open countryside.

The Office welcomes the policies and objectives included in the draft Plan in respect of regeneration, including policies and/or objectives for specific towns and, in particular the identification of town centre opportunity sites for Buncrana, which is considered a best practice approach. However, in view of the very high and increasing level of vacancy and dereliction evident in towns and town centres across the county, the Office recommends that a more strategic, proactive and focussed approach be devised to address the matter.



The Office welcomes the application of the correct housing target, a coherent settlement hierarchy and, generally, the arrangement of the core strategy. However, the Office is concerned with the distribution of growth and the significant excess in zoning of lands for residential uses located in areas that are often poorly located in terms of proximity to the town or village centre and its services/amenities, the availability of infrastructure and accessibility by walking, cycling and public transport. This matter is also directly related to vacancy and dereliction in the town centres. The Office therefore recommends that these matters are revised through an evidence-based approach.

A more strategic approach is also required for the zoning of land for employment uses and associated policies to maximise the potential benefits to the county while ensuring the implementation of sustainable settlement and transport strategies for both urban and rural areas. Overall, the Office advises that the application of a standardised approach to zoning for the county would improve transparency and ease of implementation.

In terms of protecting architectural and natural heritage, the absence of a Record of Protected Structures is a serious concern as this conflicts with statutory requirements.

The Office commends the planning authority for addressing climate change in a standalone chapter that reflects the importance of climate change issues in the planning system. This is regarded as best practice. Minor adjustments are suggested that would help better integrate climate change considerations throughout the Plan.

The Office welcomes that the draft Plan is informed by a detailed Strategic Flood Risk Assessment and extensive plan-making justification tests. However, a significant number of issues need to be resolved, in this regard, to ensure consistency with national policy and adequate mitigation of flood risk. Minor amendments are also suggested to further improve the climate adaptation response of the draft Plan.

Regarding climate change mitigation, the Office recognises the positive approach taken to the facilitation of renewable energy, including appropriate policies and maps.



The Office has concerns about the number of roads projects identified, which should be reconsidered and/or justified in the context of current transport and climate policy. However, the Office generally welcomes the strategic approach taken by the planning authority to mitigating transport climate impacts, through the identification of transport / sustainable mobility priorities for certain towns, including active travel infrastructure indicated on accompanying maps. This is regarded as good practice.

It is within this context the submission below sets out nineteen (19) recommendations and five (5) observations under the following 11 themes:

<b>Key theme</b>	<b>Recommendation</b>	<b>Observation</b>
<a href="#">Letterkenny Regional Growth Centre</a>	<a href="#">Recommendation 1</a>	-
<a href="#">Core Strategy and Settlement Strategy</a>	Recommendations <a href="#">2</a> , <a href="#">3</a> , <a href="#">4</a> , <a href="#">5</a> , <a href="#">6</a> , <a href="#">7</a> , <a href="#">8</a> , <a href="#">9</a> , <a href="#">10</a> and <a href="#">11</a>	<a href="#">Observation 1</a>
<a href="#">Housing Strategy and Relevant Policies</a>	<a href="#">Recommendation 12</a>	-
<a href="#">Rural Housing and Regeneration</a>	<a href="#">Recommendation 13</a>	-
<a href="#">Economic Development and Employment</a>	<a href="#">Recommendation 14</a>	<a href="#">Observation 2</a>
<a href="#">Sustainable Transport and Accessibility</a>	<a href="#">Recommendation 15</a>	-
<a href="#">Climate Action and Renewable Energy</a>	-	<a href="#">Observation 3</a>
<a href="#">Flood Risk Management</a>	<a href="#">Recommendation 16</a>	-
<a href="#">Environment, Heritage and Amenities</a>	Recommendations <a href="#">17</a> , <a href="#">18</a> and <a href="#">19</a>	-
<a href="#">Implementation and Monitoring</a>	-	<a href="#">Observation 4</a>
<a href="#">General and Procedural Matters</a>	-	<a href="#">Observation 5</a>



## 1. Letterkenny Regional Growth Centre

The development of the Letterkenny Regional Growth Centre (LRGC) as a driver of growth in the region is a central objective the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Region and of the Letterkenny Regional Growth Centre Strategic Plan (LRGCSP). The Office welcomes the provisions made in the draft Plan for the future development of Letterkenny as a driver of growth in the region, including as part of the North West Metropolitan City Region (Letterkenny / Derry / Strabane). In particular, the Office also acknowledges the objectives supporting the growth of Letterkenny as a key driver of population and economic growth in the county (CS-O-1).

However, in view of the importance of Letterkenny to the development of the northern sub-region, as the only settlement of significant scale, it is important that a coherent strategy for the future development of this area be clearly set out in the Plan, consistent with the RSES. The Office considers that this would be best achieved by the inclusion of a standalone chapter, or significant section, dealing with the LRGC, to bring together the key development issues and policy responses for the future development of the area, to complement the policies for Letterkenny and the wider LRGC, and aligned with LRGCSP objectives.

### Recommendation 1 – Settlement Hierarchy

Having regard to the designation of Letterkenny as a Regional Growth Centre and, in particular, to:

- NPO 2b, supporting the role of Letterkenny; and
- the Letterkenny Regional Growth Centre Strategic Plan forming part of the RSES, including RPOs 3.7.20 to 3.7.36 and the other provisions contained therein,

the planning authority is required to amend the proposed written statement to:

- i) include a standalone chapter or substantial section addressing the future planning of the Letterkenny Regional Growth Area as a distinct spatial

planning unit, including having regard to its role within the wider North West Metropolitan City Region, and to draw together the relevant development issues and policy responses relating to the Regional Growth Centre area; and

- ii) give appropriate prominence to the Regional Growth Centre in other parts of the draft Plan, including the economic development strategy and present it clearly in relevant maps, such as the core strategy and settlement strategy maps.

## **2. Core Strategy and Settlement Strategy**

### **2.1 Housing and population targets**

The Office considers the total county population projections for the plan period, as set out in tables 3.2 and 6.1 of the draft Plan, to be consistent with the population prescribed for the county in the RSES for the Northern and Western Region and the *Implementation Roadmap for the National Planning Framework (2018)*.

The Office is also satisfied that the planning authority has determined the housing supply target for the county in accordance with the *Housing Supply Target Methodology for Development Planning, Guidelines for Planning Authorities (2020)*.

### **2.2 Settlement Hierarchy and distribution of growth**

The proposed settlement hierarchy, including the identification of Letterkenny as the Regional Growth Centre, is consistent with the settlement typology approach set out in section 4.5.1 of the *Development Plans, Guidelines for Planning Authorities (2022)* (the Development Plans Guidelines).

The Office accepts the designation of Killybegs and An Clochán Liath (Dungloe) as County Growth Drivers / Self-Sustaining Growth Towns, having regard to the provisions of the RSES. In particular, the designation of Killybegs is consistent with the objectives of the RSES supporting the development of the town as a Marine Cluster. The designation of An Clochán Liath (Dungloe) is consistent with objectives supporting its development as a Gaeltacht Service Town.



The designations of other County Growth Drivers / Self-Sustaining Growth Towns and of Service Towns are also considered justified and the selection of Rural Settlements is accepted as reasonable.

The proposed core strategy allocates 30% of housing growth to Letterkenny, 37% to County Growth Drivers / Self-Sustaining Growth Towns and Service Towns, with 33% for Rural Settlements and the Open Countryside, combined. The proposed allocations are only marginally different from those under the current development plan and comprise a slight decrease for the allocation to the Rural Settlements and Open Countryside and a slight increase in the allocation to County Growth Drivers / Self-Sustaining Growth Towns and to Service Towns.

There has been no increase in the allocation to Letterkenny. The Office is therefore not satisfied that the core strategy is consistent with designation of Letterkenny as Regional Growth Centre under the *National Planning Framework* (NPF). The Regional Growth Centre designation is a key part of the NPF strategy to build up stronger regions, with centres of scale that are more accessible and competitive, including at an international level. The proposed allocation is therefore inconsistent with NPO 2b, NPO 2c and NPO 5. It also inconsistent with the growth ambition for Letterkenny under RPO 3.7.20 to achieve, at minimum, 27,300 residents by 2040, or with NPO 33 to prioritise the development of new homes in locations that can support sustainable development at an appropriate scale relative to location.

While the Office welcomes the marginal increase in allocation to the middle tier settlements, this is insufficient to ensure the growth of the towns and villages of the county in line with NPO 6 and to reverse the rural decline in small towns and villages consistent with NPO16. In this regard, there is potential for middle tier settlement with services capacity to accommodate a greater level of growth, generally. In addition, the growth allocation to the largest two settlements of Buncrana, in particular, and Ballybofey / Stranorlar, should reflect their scale and role consistent with NPO 18b and with NPO 33.

The Office welcomes the ambition of the planning authority to ensure the vibrancy and vitality of its rural areas, consistent with the provisions of the RSES and NPF.



However, the allocation of 25% of growth to the open countryside is not necessary in order to arrest decline and encourage growth (NPO 15), rather, it will undermine the growth of the network of rural villages and towns that provide essential services and facilities to support rural areas across the county.

The provision of additional extensive one-off housing on unserviced lands is in conflict with NPO 52, which seeks to ensure that development occurs within environmental limits, and with NPO 54, which seeks to reduce our carbon footprint, in addition to the requirement under section 10(2)(n) of the Act to promote sustainable settlement and transport strategies for urban and rural areas to reduce greenhouse gas (GHG) emissions. In this regard the Strategic Environmental Assessment (SEA) Environmental Report has identified likely negative effects on biodiversity, flora and fauna, water, air, climate factors and on the landscape from housing in structurally weak areas facilitated under policy RH-P-3.

### Recommendation 2 – Settlement Hierarchy

Having regard to the core strategy of the draft Plan, to the provision of new homes at locations that can support compact and sustainable development and, in particular, to:

- NPO2b to support the regional role of Letterkenny, NPO 2c to improve accessibility to Letterkenny as a regional centre, and NPO 5 to development towns of scale to compete internationally and drive national and regional growth;
- the growth ambition for Letterkenny Regional Growth Centre under RPO 3.7.20;
- NPO 6 for the growth of towns and villages;
- NPO 15 to encourage growth of rural areas and NPO 16 to reverse the decline of small towns and villages;
- NPO 18b and NPO 33 for proportionate growth in locations that can support sustainable development;



- NPO 53 to ensure that development occurs within environmental limits and NPO 54 to reduce our carbon footprint, and the likely negative impacts on the factors of the environment arising from one-off housing identified in the SEA Environmental Report; and
- section 10(2)(n) to promote sustainable settlement and transport strategies to reduce greenhouse gas emissions;

the planning authority is required to revise the allocation of housing supply target distribution for the county across the settlement hierarchy to:

- (i) increase the housing target for Letterkenny commensurate with its designated regional role;
- (ii) increase the housing target for Buncrana and Ballybofey / Stranorlar, commensurate with their relative scale;
- (iii) increase the housing target for the County Growth Drivers / Self-Sustaining Growth Towns and Service Towns, proportionate to their size;
- (iv) increase the housing target for the Rural Areas (Settlements);

subject to infrastructural capacity availability; and

- (v) decrease the housing target for the Open Countryside commensurate with the increased allocation to the other settlements and amend objective CS-O-3 accordingly.

### **2.3 Core Strategy and zoning for residential use**

The core strategy indicates that the area of land proposed to be zoned primarily for residential use (Phase 1 NR) in Buncrana and Ballybofey / Stranorlar and Bundoran is significantly in excess of that required under the core strategy. Although the figures in the core strategy for Phase 1 NR in Buncrana and Ballybofey / Stranorlar are incorrect (they are inconsistent with tables 18.1 and 19.1), the excess zoning remains significant. Even allowing for headroom of an extra 25%, having regard to the additional provision mechanism under section 4.4.3 of the Development Plans Guidelines, the area of Phase 1 NR remains significantly in excess of that required.



Further, the core strategy does not take account of the potential housing yield of extensive land proposed in phase 2- new residential (Phase 2 NR). This results in the total area of land zoned for New Residential to more than three times the required area for Bundoran, and an excess of zoned land of 89% and 58%, respectively, for Buncrana and Ballybofey / Stranorlar<sup>1</sup>.

Section 10(1A) of the Act requires the development plan to include a core strategy which shows that the development objectives '*are consistent, as far as practicable*' with national and regional development objectives in the NPF and RSES. It is evident that the quantity of zoning proposed under the draft Plan alone, including Phase 1 NR lands, and taken together with Phase 2 NR lands, do not constitute a reasonable relationship between housing provision (zoned land) and projected housing need.

However, the core strategy, also, does not take account of the potential housing yield arising from lands proposed to be zoned for a mixture of residential and other uses. Such land includes opportunity sites in Buncrana, Ballybofey / Stranorlar and Bundoran and additional settlement consolidation sites in Buncrana. While the Office welcomes the use of such flexible zoning mechanisms, it is necessary for the core strategy to take account of such lands (section 10(2A)(d) of the Act, refers).

The core strategy also does not consider the potential housing yield of proposed urban core (town centre) and established development land use zones. In view of the Government's *Town Centre First: A Policy Approach for Irish Towns (2022)* (Town Centre First), which aims to create town centres that function as viable, vibrant and attractive locations for people to live, work and visit, it is critical that proper, evidence-based consideration is given to the potential for housing development or regeneration for the urban core in particular.

In this regard, the Office acknowledges the positive and proactive strategies proposed in the draft Plan for the three towns, which envisage residential development in central mixed use zones. However, given the very high level of vacant and derelict properties in those towns (279 in Bundoran alone), it is evident that the planning authority will need to direct public and private investment into

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<sup>1</sup> Also allowing for the application of maximum additional provision.

central areas through its Development Plan if it is to succeed in regenerating, rejuvenating and intensifying its towns and villages and their cores in accordance with NPO 6, NPO 7, NPO 16, NPO 35 and RPO 3.4. To continue zoning excessive lands for residential use, in particular, especially at a distance to the centre will serve to undermine the planning authority's regeneration objectives.

In order to comply with the provisions of the Act and ensure consistency with the policy objectives of the NPF, including among others NPO 71 (standardised approach to core strategy methodology), the planning authority will need to review and revise its core strategy, having regard to the standardised methodology for the preparation of the core strategy under the Development Plans Guidelines, including appropriately detailed analysis of existing and proposed land-use zonings, with a particular focus on residential development.

### Recommendation 3 - Core strategy and zoning for residential use

Having regard to the core strategy of the draft Plan and, in particular, to:

- section 10(1A) of the *Planning and Development Act 2000*, as amended (the Act), in respect of consistency with national and regional development objectives in the *National Planning Framework* and RSES;
- section 10(2A)(d) of the Act which requires the core strategy to take account of lands proposed to be zoned for a mixture of residential and other uses;
- NPO 71, standardised methodology for core strategies; and NPO 6, NPO 7, NPO 16 and NPO 35, regenerating, rejuvenating and intensifying towns and villages and their cores;
- RPO 3.4, support regeneration and renewal of small towns and villages in rural areas; and
- The *Development Plans, Guidelines for Planning Authorities (2022)*, which sets out a standardised methodology for the preparation of the core strategy, including detailed analysis,

the planning authority is required to:

- (i) review and revise the core strategy and its determination of the area of land required to be zoned to accommodate primarily new residential development (New Residential (Phase 1)), by taking account in its detailed analysis and calculations of the potential housing yield of lands proposed to be zoned for a mixtures of residential and other uses, including:
  - (a) Urban Core;
  - (b) Established Development;
  - (c) Opportunity Site; and
  - (d) Settlement Consolidation Sites.
- (ii) revise the land use zoning maps by reducing the area of New Residential (Phase 1) to reflect the revised core strategy and omit New Residential (Phase 2) lands for Buncrana, Ballybofey / Stranorlar and Bundoran.

The Office welcomes the inclusion of separate housing supply targets for the (i) small villages and rural towns as Rural (Settlements) and (ii) for the open countryside outside of villages and towns. However, the core strategy does not provide an aggregate population for (i) Rural (Settlements) and (ii) for the open countryside outside of villages and towns. This does not accord with the requirements under section 10(2A)(f)(vi) of the Act.

Further, the core strategy does not provide the standard core strategy details for these two rural areas. Having regard to the standardised core strategy methodology under the Development Plans Guidelines<sup>2</sup> (Appendix A, s.1.3.3, in particular, refers), as provided by the Department of Housing, Local Government and Heritage, in accordance with NPO 71, the additional required details include baseline census

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<sup>2</sup> See sample core strategy table in Appendix A, section 1.33.



population, percentage share of baseline population, population target for the end of the plan period and percentage share of housing target.

It is important that the planning of rural areas, including small rural settlements and the open countryside, are informed by the same level of detailed analysis and consideration as is applied for urban areas area. This will enable the planning authority to better understand the trends and pressures affecting rural areas in order to address same by appropriate policy choices.

In terms of the assumptions underpinning the core strategy calculations, the Office accepts the application of a gross density of 35 units per hectare (uph) to determine the quantity of residential zoned land required for Letterkenny, Buncrana and Ballybofey / Stranorlar. However, having regard to the recommended residential density range of between 15-35 uph for small towns and villages of between 400-5000 population in the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns & Villages* (2009)<sup>3</sup>, a lower gross density would be appropriate for the smaller County Growth Drivers / Self-Sustaining Growth Towns, and for the Service Towns. In particular, this would ensure sufficient land is available to facilitate serviced sites schemes in smaller settlements in accordance with NPO 18b and RPO 3.7.

The Office notes the core strategy diagrammatic map (map.3.2) in the draft Plan. The map is clear and easy to distinguish due to its good design. However, the map does not include the Service Towns of Raphoe, Bunbeg-Derrybeg and Milford. An updated map will be required in order to accord with the statutory requirements under section 10(2C) of the Act.

Further, although the Office notes the details provided under section 3.3, no formal core strategy statement per section 4.6.4 of the Development Plans Guidelines is attached to the draft Plan. The planning authority is advised that the provision of an appropriate core strategy statement would make the core strategy of the draft Plan

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<sup>3</sup> While different standards may apply under the *Sustainable and Compact Settlements for Planning Authorities* (Draft for Consultation 2023), these are at draft stage and may be subject to amendment, if adopted by the Minister.

easier to understand for the general public. The Office suggests that the planning authority consider attaching a formal core strategy statement to the draft Plan.

#### Recommendation 4 – Core strategy details

Having regard to the core strategy of the development plan and, in particular, to:

- sections 10(1A) of the Planning and Development Act 2000, as amended (the Act), in respect of consistency with national and regional development objectives in the National Planning Framework and RSES;
- section 10(2A)(f)(vi) of the Act which requires the core strategy to provide details of aggregate projected population in (i) villages and smaller towns and (ii) in the open countryside outside of villages and towns;
- NPO 71, standardised methodology for core strategies;
- NPO 18b and RPO 3.7 serviced sites schemes;
- the Development Plans, Guidelines for Planning Authorities (2022), which sets out a standardised methodology for the preparation of the core strategy; and
- the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns & Villages (2009),

the planning authority is required to amend the core strategy:

- (i) to include details in the core strategy table of baseline Census population, percentage share of baseline census population and percentage share of housing target separately for (i) Rural (Settlements) and (ii) for the open countryside outside Rural (Settlements);
- (ii) by reducing the density assumptions applied in the core strategy table in determining zoned land required for the County Growth Towns / Self-Sustaining Growth Towns, excluding Buncrana, Ballybofey / Stranorlar, and to Service Towns to better reflect the density range recommended in the

Sustainable Residential Development guidelines. A mid-point in the recommended range would be appropriate; and

(iii) to include Raphoe, Bunbeg-Derrybeg and Milford on the core strategy diagrammatic map.

## 2.4 Residential Land Use Zoning – Compact growth and sequential approach

As set out, above, the draft Plan proposes to zone lands for residential development in Buncrana, Ballybofey / Stranorlar, and Bundoran significantly in excess of the requirements set out in the core strategy. Further, the Office sets out, in a succeeding sections, concerns regarding the lack of information on the availability of services for proposed zoned lands, inconsistent with NPO 72a-c and without regard to the policy and objective requirement for a settlement capacity audit under the Development Plans Guidelines. The considerations set out in this section and the following recommendations should therefore be read in conjunction with related recommendations, rather than in isolation.

Residential development on lands designated Opportunity Site (town centre) and Settlement Consolidation Sites in Buncrana would appear to have some of the greatest potential to generate trips by the active modes of walking and cycling, in addition to public transport. This is similarly the case in respect of Opp Site 2, in Ballybofey, and possible for part of Opportunity Sites 1, 4 and 5. It is even applicable to the development of Urban Core lands and for more centrally located Established Development lands.

Such development would therefore support the targets<sup>4</sup> and actions<sup>5</sup> under the *Climate Action Plan 2023* (Climate Action Plan), and under goals 5 (Encourage modal shift) and 9 (Better integrate land use and transport planning) of the *National Sustainable Mobility Policy (2022)* (NSMP). They are therefore best placed to help achieve the government's National Climate Objective as required under the *Climate Action and Low Carbon Development Act 2015*, as amended (Climate Act 2015), and

<sup>4</sup> Including 20% reduction in vehicle kilometres travelled and a significant increase in the level of additional public transport and active travel journeys per day.

<sup>5</sup> Including implementation of 10 minute towns.

are in accordance with the promotion of sustainable settlement and transport strategies under section 10(2)(n) of the Act.

As noted, above, there is no justification for the zoning of Phase 2 NR in view of the evident excess of phase 1 NR lands. Moreover, the Office considers that the limitations imposed on Phase 2 NR lands under draft policy GEN-H-3 are not objective<sup>6</sup> or appropriately evidence-based, and are insufficient to prevent such lands coming forward to development ahead of preferably located lands and Phase 1 NR lands. Further, the Office's calculations have taken account of maximum 'additional provision', which is a mechanism to allow significant surplus residential zoning to ensure sufficient provision of housing land.

It is accepted however that in Buncrana some Phase 2 NR lands may be more preferably located than certain Phase 1 NR lands, in terms of their potential to maximise effective compact growth, regeneration and to foster trips by active modes. The planning authority may wish to consider reprioritising such lands in favour of other less well located R1 lands, where supported by an appropriate evidence-base.

The specific issues that arise in relation to each of the three towns are addressed individually below.

#### **2.4.1 Buncrana**

Having regard to the above, the Office considers that Phase 1 NR 1.11 and NR 1.12 are inconsistent with the implementation of effective compact growth under NPO 3c and RPO 3.4 as they fall largely outside the CSO settlement boundary. These sites are peripheral to the urban core and do not have regard to the sequential approach under the Development Plans Guidelines. Therefore, they do not accord with objectives to promote a sustainable settlement and transport strategy under section 10(2)(n) of the Act, as they are not well located to facilitate active transport modes and contribute to the transport targets under the Climate Action Plan or to contribute to national targets to reduce GHG emissions under the Climate Act 2015.

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<sup>6</sup> GEN-H-3 is dependent on the opinion of property/valuation/estate agency experts who have an interest in development of land.



It is also necessary to omit Phase 2 NR 2.16, specifically, which is the most peripheral and extensive of the Phase 2 NR lands, and to omit the Phase 2 lands generally.

Furthermore, while it is noted that section 18.15 of the draft Plan indicates that all services are available to Phase 1 NR 1.1 – 1.11, this is not supported by a detailed settlement capacity audit inclusive of an infrastructural assessment consistent with NPO 72a-c and having regard to the policy objectives of the Development Plans Guidelines.

Regarding the remaining Phase 1 NR lands, the planning authority will have to determine which lands to retain in the draft Plan, sufficient to deliver the core strategy, based on consideration of compact growth and the sequential approach, in addition to the availability of services over the plan period. The chosen strategy may therefore entail the replacement of some Phase 1 NR with more preferably located Phase 2 NR, where supported by an appropriate evidence-base.

#### **Recommendation 5 - Zoning of land for residential use: Buncrana**

Having regard to the core strategy of the draft P, to the provision of new homes at locations that can support compact and sustainable development, and, in particular, to:

- section 10(2)(h) of the *Planning and Development Act 2000*, as amended (the Act), concerning the renewal of areas, having regard to the core strategy;
- section 10(2)(n) of the Act, concerning the promotion of sustainable settlement and transport strategies;
- the *Climate Action and Low Carbon Development Act 2015*, as amended, including the National Climate Objective and the mandatory target to reduce greenhouse gas emissions by 51% over the 2018 level and to achieve a climate neutral economy by 2050;

- the *Climate Action Plan 2023* target to reduce vehicle kilometres travelled and the actions to achieve same and the Goals 5 and 9 of the *National Sustainable Mobility Policy (2022)*, encourage modal shift and better integrate land use and transport;
- NPO 3c and RPO 3.2 compact growth;
- NPO 6, NPO 16 and NPO 35, and RPO 3.4, concerning the regeneration, rejuvenation and intensification of towns and villages and their cores;
- NPO 72a-c and associated NPF Appendix 3, tiered approach to zoning; and
- the *Development Plans Guidelines for Planning Authorities (2022)*, policy and objective for settlement capacity audits and associated infrastructural capacity assessment; and the policy and objective for the sequential approach to zoning; and the policy and objective not to de-zone pre-existing zoned serviced land,

the planning authority is required to:

- (i) omit the following proposed land use zoning objectives:
  - (a) Phase 1 New Residential NR 1.11 and NR 1.12 ;
  - (b) Phase 2 New Residential NR 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20 and associated policy GEN-H-3.
- (ii) Omit proposed Phase 1 New Residential lands that are:
  - (a) not necessary to ensure sufficient lands are available to implement the core strategy, having regard to the core strategy as revised in accordance with the recommendations of the Office;
  - (b) not preferably located, having regard to the implementation of effective compact growth and the sequential approach; or
  - (c) not serviced or serviceable over the proposed plan period.



## 2.4.2 Ballybofey and Stranorlar

The draft Plan reports extensive residential and commercial vacancy in the settlement and as such it should be a priority to bring these buildings into active use, including residential. Similarly, the primary consideration for residential zoning will be which lands are sequentially preferable, having regard to the policy and objective of the Development Plans Guidelines. In this regard, sites phase 1 NR 1.7 and NR 1.12 would appear to be the least favourably located.

Phase 2 NR 2.1 and NR 2.2 also fall outside the CSO settlement boundary and will not contribute to the effective implementation of compact growth. As stated, above, the Office does not consider the restrictions imposed on Phase 2 NR lands under policy GEN-H-3 to be effective.

In view of the high level of vacancy<sup>7</sup> and dereliction reported for Ballybofey-Stranorlar in the draft Plan, there is significant potential for regeneration or replacement of those premises for residential use within the ‘urban core’ and possibly within the ‘established development’ zone. Having regard to Town Centre First, in addition to NPO 6, NPO 16, NPO 35 and RPO 3.4, it should be a priority to bring these buildings into active residential use. The potential housing yield of these land use zones therefore have to be considered in the core strategy in determining the area of ‘zoned land required’ for Phase 1 NR.

### Recommendation 6 - Zoning of land for residential use: Ballybofey / Stranorlar

Having regard to the core strategy of the draft Plan, to the provision of new homes at locations that can support compact and sustainable development, and, in particular, to:

- section 10(2)(h) of the *Planning and Development Act 2000*, as amended (the Act), concerning the renewal of areas, having regard to the core strategy;

<sup>7</sup> Ballybofey is reported to have the highest commercial vacancy in Ireland, at 30.2%.

- section 10(2)(n) of the Act, concerning the promotion of sustainable settlement and transport strategies;
- the *Climate Action and Low Carbon Development Act 2015*, as amended, including the National Climate Objective and the mandatory target to reduce greenhouse gas emissions by 51% over the 2018 level and to achieve a climate neutral economy by 2050;
- the *Climate Action Plan 2023* target to reduce vehicle kilometres travelled and the actions to achieve same and the Goals 5 and 9 of the *National Sustainable Mobility Policy (2022)*, encourage modal shift and better integrate land use and transport;
- NPO 3c and RPO 3.2 compact growth;
- NPO6, NPO16, NPO 35 and RPO 3.4 concerning the regeneration, rejuvenation and intensification of towns and villages and their cores;
- NPO 72a-c and associated NPF Appendix 3, tiered approach to zoning; and
- the *Development Plans, Guidelines for Planning Authorities (2022)*, policy and objective for settlement capacity audits and associated infrastructural capacity assessment; the policy and objective for the sequential approach to zoning; and the policy and objective not to de-zone pre-existing zoned serviced land,

the planning authority is required to:

- (i) omit the following proposed land use zoning objectives:
  - (a) Phase 2 New Residential NR 2.1 and NR 2.2 and associated policy GEN-H-3;
- (ii) omit proposed Phase 1 New Residential lands that are not serviced, and / or omit consideration for residential use from the Opportunity Site designation(s), that are:

- (a) not necessary to ensure sufficient lands are available to implement the core strategy, having regard to the core strategy as revised in accordance with the recommendations of the Office; and
- (b) not preferably located, having regard to the implementation of effective compact growth and the sequential approach (in this regard phase 1 NR 1.7 and NR 1.12 are considered least consistent with the sequential approach);

### 2.4.3 Bundoran

Table 20.5 of the draft Plan indicates that proposed Phase 1 NR 1.1, NR 1.2 and NR 1.3 are not fully serviced, and is unclear whether they are serviceable during the plan period. Furthermore, no assessment is provided for other proposed zoned lands. This matter is addressed in Recommendation 9 Infrastructure Assessment / Settlement Capacity Audit, below.

The proposed area of Phase 1 NR lands, at 5.16ha, exceed the core strategy requirement of 3.5ha, even taking account of maximum 'additional demand' (total c.4.5ha). The Office considers this level of provision to be reasonable and the subject lands to be well located in terms of compact growth and sequential development. However, there is no justification for the inclusion of Phase 2 NR lands. Therefore it will be necessary to omit Phase 2 NR lands: NR 2.1, NR 2.2, NR 2.3, NR 2.4 and NR 2.5, and associated policy GEN-H-3.

In the case of Bundoran, the potential yield of land designated Opportunity Sites, appears more limited. However the redevelopment of an unfinished estate on Opp Site 3 and the proposals for residential nursing home, which is a residential use, must be taken into account for Opp Site 2 and Opp Site 3. In this regard, locating residential uses, such as nursing homes, in peripheral locations with poor accessibility is inconsistent with NPO 28 to plan for a better quality of life for all citizens through improved integration and greater accessibility in the delivery of sustainable communities. As a residential use, nursing homes can be accommodated on Phase 1 NR lands, among other land use zoning objectives.

In view of the very high level of vacancy and dereliction<sup>8</sup> reported for Bundoran in the draft Plan, there is significant potential for regeneration or replacement of those premises for residential use within the Urban Core and possibly within the Established Development zone. Having regard to Town Centre First, in addition to NPO 6, NPO 16, NPO 35 and RPO 3.4, it should be a priority to bring these buildings into active residential use. The potential housing yield of these land use zones therefore have to be considered in the core strategy in determining the area of zoned land required for Phase 1 New Residential.

### Recommendation 7 - Zoning of land for residential use: Bundoran

Having regard to the core strategy of the draft Plan, to the provision of new homes at locations that can support compact and sustainable development, and, in particular, to:

- section 10(2)(h) of the *Planning and Development Act 2000*, as amended (the Act), concerning the renewal of areas, having regard to the core strategy;
- section 10(2)(n) of the Act, concerning the promotion of sustainable settlement and transport strategies;
- the *Climate Action and Low Carbon Development Act 2015*, as amended, including the National Climate Objective and the mandatory target to reduce greenhouse gas emissions by 51% over the 2018 level and to achieve a climate neutral economy by 2050;
- the *Climate Action Plan 2023* target to reduce vehicle kilometres travelled and the actions to achieve same and the Goals 5 and 9 of the *National Sustainable Mobility Policy (2022)*, encourage modal shift and better integrate land use and transport;
- NPO 3c and RPO 3.2 compact growth;

<sup>8</sup> 246 vacant or derelict residential properties and 33 vacant or derelict commercial properties.

- NPO6, NPO16, NPO 35 and RPO 3.4 concerning the regeneration, rejuvenation and intensification of towns and villages and their cores;
- NPO 72a-c and associated NPF Appendix 3, tiered approach to zoning; and
- the *Development Plans, Guidelines for Planning Authorities (2022)*, policy objective for settlement capacity audits and associated infrastructural capacity assessment; the policy objective for the sequential approach to zoning; and the policy objective not to de-zone pre-existing zoned serviced land,

the planning authority is required to:

- (i) Omit the following proposed land use zoning objectives:
  - (a) Phase 2 New Residential NR 2.1, NR 2.2, NR 2.3, NR 2.4 and NR 2.5 and associated policy GEN-H-3; and
- (ii) omit consideration of nursing homes from the Opportunity Sites designation(s).

#### **2.4.4 Bunbeg-Derrybeg, Milford, Lifford and Raphoe**

The core strategy identifies four other towns as urban settlements - Bunbeg-Derrybeg, Milford, Lifford and Raphoe – designated as Service Towns and are proposed to accommodate relatively significant levels of housing and population growth. Notwithstanding, the core strategy determines the area of land required to accommodate housing growth, no residential zoning objectives are proposed for those settlements.

These towns, perhaps Raphoe less so, have extensive settlement boundaries that are not consistent with the implementation of effective compact growth in line with NPO 3c and RPO 3.2. In view of the area of undeveloped lands contained within those boundaries there is a clear need to indicate the priority for the development of land consistent with the achievement of effective compact growth and the sequential approach, in addition to facilitating a greater level of walking and cycling.



As the wastewater treatment plant for these towns have either been completed (Lifford), are at construction stage (Milford), or are at SEA stage (Bunbeg-Derrybeg and Raphoe), the planning authority should be in a position, subject to a settlement capacity audit, to identify lands that are suitable to accommodate residential development consistent with the objectives for compact growth and the implementation of the sequential approach, among others.

Although zoning of lands is at the discretion of the planning authority, it is a policy and objective of the Development Plan Guidelines that land-use zoning should principally be undertaken as part of the development plan process. The inclusion of identified serviced or serviceable zoned lands for residential development, in line with the core strategy, will better enable the planning authority to deliver housing in these settlements in a co-ordinated and sustainable manner, in accordance with NPO 33, to meet the needs of the residents of Bunbeg-Derrybeg, Milford, Lifford and Raphoe.

### **Recommendation 8 - Zoning of land for residential use: Bunbeg-Derrybeg, Milford and Lifford**

Having regard to the core strategy of the draft Plan, to the provision of new homes at locations that can support compact and sustainable development, and, in particular, to:

- NPO 3c and RPO 3.2 compact growth;
- NP33, provision of homes in locations that can support them, at an appropriate scale;
- NPO 72a-c and associated NPF Appendix 3, tiered approach to zoning;
- the *Development Plans, Guidelines for Planning Authorities (2022)*, policy and objective for zoning of land under the development plan, informed by a settlement capacity audit; and
- the core strategy determination of zoned land requirements,



the planning authority is required to consider including residential land use zoning objectives, or other appropriate mechanisms, to direct the sustainable development of residential development in the towns of Bunbeg-Derrybeg, Milford, Lifford and Raphoe.

#### **2.4.5 An Clochán Liath (Dungloe), Ballyshannon, Carndonagh, Donegal Town and Killybegs**

The Office notes that no zoning objectives are included for the County Growth Drivers / Self-Sustaining Growth towns of An Clochán Liath (Dungloe), Ballyshannon, Carndonagh, Donegal Town and Killybegs. Together with Ballybofey- Stranorlar and Bridgend, these towns are zoned under the Seven Strategic Towns Local Area Plan 2018-2024 (the LAP). As the period of the LAP has been extended by a further two years by resolution of your county council, the LAP and draft Plan will operate in parallel for a significant period.

Section 19(2) of the Act requires that a local area plan shall be consistent with the objective of the development plan, its core strategy and the RSES. A conflict will arise therefore as the objectives of the LAP are not consistent with the objectives of the draft Plan.

This is most evident in the case of Ballybofey-Stranorlar, for which zoning and other objectives are contained in the LAP that are inconsistent with the draft Plan in terms of quantity and location of proposed residential lands. It is also evident that zoning objectives of the other towns are materially inconsistent with the proposed core strategy of the draft Plan, which sets out the zoned land requirements for those towns in comparison with the existing level of zoning.

In respect of Carndonagh and Ballyshannon, the level of zoning is at least six times the requirement. Additionally, the level of zoning is at least three times the requirement in respect of Killybegs and An Clochán Liath (Dungloe). No allocation is included for Bridgend in the core strategy for the draft Plan.

The zoning objectives of the existing LAP are therefore also inconsistent with the objectives of the draft Plan, as well as with the objectives of the NPF and the RSES concerning the delivery of compact growth. Other conflicts are likely to arise between the LAP and the draft Plan given the evolution of the national and regional policy framework with which development plans must be consistent.

Section 18(4)(b) of the Act states '*where any provision of a local area plan conflicts with the provisions of the development plan as varied or the new development plan, the provision of the local area plan shall cease to have any effect.*' However, the continuance of inconsistent objectives in the extant LAP may result in members of the public incurring significant costs pursuing development proposals that are supported by the LAP, but which are not consistent with the Development Plan.

Section 19(2B) of the Act requires the planning authority to, as soon as may be (and in any event not later than one year following the making of the development plan), amend the LAP so that its objectives are consistent. In view of the statutory requirements, and in the public interest, it would be appropriate to include an objective committing to amend or make a new LAP or LAPs for the towns concerned, within one year of the making of the new Development Plan.

#### Observation 1 – Local Area Plans

Having regard to the requirement to ensure consistency between the objectives of any local area plan with those of the development plan and, in particular:

- sections 18(4)(b), 19(2) and 19 (2B) of the *Planning and Development Act 2000*, as amended (the Act); and
- section 19(2B)(a) of the Act,

the planning authority is requested to include an objective to amend the Seven Strategic Towns Local Area Plan 2018-2024 or to make a new local area plan or plans consistent with the provisions under section 19(1) of the Act, within one year of the making of the Development Plan.

## **2.5 Land Use Zoning – Infrastructure capacity**

It is an objective of the NPF that planning authorities implement a tiered approach to zoning (NPO 72a-c). The detailed requirements of this approach are set out under Appendix 3 of the NPF and are further elaborated upon under section 4.5.2 of the Development Plans Guidelines and supported by a policy objective. NPO 72a-c provides that where the zoning of land for development cannot be serviced within the lifetime of the plan, the lands should not be zoned for development.

While some level of infrastructural assessment has been carried out in respect of Phase 1 NR lands in Buncrana and Bundoran, the details are not consistent with the NPO 72 (and associated Appendix 3) and do not have regard to the Development Plans Guidelines. Further, no assessment appears to have been carried out for Phase 1 NR lands - Ballybofey.

The Office notes Policy UB-P-4, which seeks to ensure that all new residential development is carried out in serviced areas, or where the provision of required planned infrastructure is imminent. However, the draft Plan does not contain the relevant evidence-base to support this objective.

It is critical that the land use zoning objectives are informed by an appropriately detailed, evidence-based settlement capacity audit. This will provide certainty to all parties that it is possible to develop zoned land during the plan period to deliver essential housing supply, community and commercial services, and employment and enterprise facilities necessary for vibrant towns.

Further, as zoned residential land that is serviced or serviceable will be subject of the residential zoned land tax, an evidence-based settlement capacity audit will be necessary to inform the application of the tax.

## Recommendation 9 – Infrastructure Assessment / Settlement Capacity Audit

Having regard to servicing of land to accommodate development, and in particular to:

- NPO 72a, NPO 72b and NPO 72c, tiered approach to zoning under; and
- the *Development Plans, Guidelines for Planning Authorities (2022)*, policy and objective for settlement capacity audits and associated infrastructural capacity assessment,

the planning authority is required to:

- (i) provide a settlement capacity audit, as necessary, to establish the evidence-base and the status of all lands proposed to be zoned under the Plan in accordance with the methodology for a tiered approach to land zoning under Appendix 3 of the NPF, relating to existing development services, that is:
  - (a) road and footpath access including public lighting;
  - (b) foul sewer drainage;
  - (c) surface water drainage;
  - (d) water supply and/or additional service capacity;including a written analysis to determine lands that are serviced (tier 1) and lands that are serviceable zoned land during the plan period (tier 2), including a costing estimate for the delivery of same;
- (ii) amend the land use zoning objectives for Buncrana, Ballybofey / Stranorlar and Bundoran to ensure that lands that are neither serviced nor serviceable during the plan period are not zoned for development; and
- (iii) include an objective to carry out a settlement capacity audit, including infrastructure assessment to inform proposed land use zoning in the preparation of local area plans.



## 2.6 Urban regeneration

It is a requirement under section 10(2)(h) of the Act to include objectives for the renewal of areas in need of regeneration. The regeneration, rejuvenation and intensification of settlements are key objectives under the NPF and the RSES, including NPO 6, NPO 16 and RPO 3.4, among others. Several funding schemes support regeneration projects, including the recently launched Town Centre First, which aims to create town centres that function as viable, vibrant and attractive locations for people to live, work and visit, supported by funding from central government.

The Office notes that a Town Centre First Officer and a Vacant Homes Officer have been appointed to enhance the regeneration focus in the county and that the Housing Strategy supports, as a key focus, the revitalisation of town centres through initiatives to reduce vacancy and dereliction for transfer into habitable units.

The Office welcomes the policies and objectives included in the draft Plan in respect of regeneration, including the policies and objectives on Town Centre First development management policy, and notes the additional policies and/or objectives for specific towns. However, in view of the significance of the problem of the decline of the core of settlements of all sizes in Donegal, the high and increasing level of vacancy (9.7% vacant homes compared to 4.2% nationally) and dereliction in towns and town centres in particular, the planning authority needs to take a more strategic, proactive and focussed approach. This will also have benefits in terms of compact growth implementation.

The Office would highlight the very positive approach taken in the draft Plan for Buncrana. The identification of specific town centre opportunity sites in the town have the potential to expedite the regeneration and rejuvenation of the town core. However, this potential could be further increased through: i) setting clear objectives for the development of these specific sites; and ii) including targets for the reduction of vacancy and dereliction, including with reference to specific sites, and to vacant / derelict sites throughout the urban core.

The potential impact of opportunity sites in Ballybofey-Stranorlar is less clear. The development of these infill, compact growth sites for a mix of uses is generally positive, however there is a risk that accommodation of retail uses, which are open for consideration, will further undermine the urban core, which already suffers from the highest level of vacancy in the state at 30.2%. The planning authority needs to put in place clear and sufficient safeguards for the development of Opp Site 1 and Opp Site 2, in particular, to ensure that their development will not further undermine the town centre.

The Office would also query whether the extent of the 'urban core' zoning for Ballybofey-Stranorlar, which encompasses many sites that are not town centre in character, may be counterproductive. The scale of the zoning objective relative to the size of the town risks the commercial core becoming very diluted and incapable of building up an economy of scale in any particular location. The planning authority should consider an amendment to the zoning or some other mechanism to provide a more focussed approach to town centre type development would be more beneficial to the future of the commercial core.

The Office acknowledges that a Regeneration Strategy and Action Plan for Ballybofey-Stranorlar has been endorsed by the county council. While the Office welcomes the development of a strategic approach, this is a non-statutory action plan that does not form part of, and is not appended to, the draft Plan, but it is given effect through Objective BS-TC0-3. This does not meet the required standard for public consultation under the Act, in that the implications of the action plan for the town are not evident from the published draft Plan and cannot be evaluated by the Office or considered by prescribed bodies and members of the public. This similarly arises in respect of the Drumbo Castle and Environs Masterplan Area. The planning authority should consider how best to resolve this issue, which may include either omission of policies and/objectives that give effect to such documents or include these documents as an appendix to the draft Plan, with appropriate cross-referencing to facilitate the statutory consultation process.



Regarding Bundoran, the opportunity sites are all located on the periphery of the town, adjacent the bypass for the town and will undermine the regeneration of the centre of the settlement. Due to the scale of development the sites could accommodate, the nature and range of commercial uses proposed, and their accessibility to the N15 Bundoran bypass, these sites are likely to outcompete constrained, town centre sites for investment.

Apart from the proposal to complete an unfinished housing estate and re-use the disused service state on Opp Site 3, which the Office accepts is consistent with regeneration, these sites do not represent an evidence-based approach to planning for the town. Nor do they constitute an integrated approach to land use and transport planning to mitigate GHG emissions consistent with NPO 54. These sites will encourage and reinforce a pattern of car-based trips for the town and its hinterland inconsistent with government policy targeted at meeting the GHG reduction targets in the Climate Act 2015 under the Climate Action Plan, and the NSMP<sup>9</sup>. They, therefore, do not constitute a sustainable settlement and transport strategy for Bundoran.

Apart from that portion of Opp Site 3 comprising an unfinished housing estate, the disused service station and lands to the immediate south and west thereof, the balance of Opp Site 3 and all of Opp Site 1 and 2 should be omitted.

The Office welcomes the indication of a regeneration area on the zoning map (20.1), however the outline of this area is somewhat vague and there are no clear objectives to address this area. In view of the very high level of vacancy and dereliction (c.279 buildings) the Office strongly suggests that a more proactive, considered and detailed, area-specific approach to this very serious problem is needed to better ensure the regeneration and rejuvenation of this traditional seaside resort town. All such areas in need of regeneration should be identified.

Overall, the draft Plan would benefit from a clear strategy to tackle the high level of vacant and derelict buildings in these three settlements, including through

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<sup>9</sup> A target to reduce vehicle kilometres travelled by 20% below 2018 levels applies under the Climate Action Plan and a similar target applies under the NSMP, albeit using a slightly different metric.

encouraging renovation and reuse, through forward planning mechanisms (for example through proposed street improvement schemes), statutory mechanisms available to the planning authority, and funding available from central government. Implementation and monitoring objectives of regeneration targets would be beneficial in this regard.

### Recommendation 10 – Regeneration strategy

Having regard to the regeneration of settlements and, in particular:

- section 10(2)(h) of the *Planning and Development Act 2000*, as amended, concerning objectives for the renewal of areas, having regard to the core strategy;
- NPO 6, NPO 16 and RPO 3.4 concerning the regeneration, rejuvenation and intensification of settlements including the core of small towns and villages; and
- NPO 3a, RPO 3.2 and the National Strategic Objective for compact growth;

the planning authority is required to:

- (i) set out a clear strategy to tackle the high level of derelict and / or vacant buildings Buncranca, Ballybofey-Stranorlar and Bundoran. The strategy should include relevant:
  - (a) focused, positive objectives and policies to encourage, facilitate and support the bringing back into use and the regeneration of vacant and / or derelict buildings, including through the identification of all relevant areas in need of regeneration;
  - (b) active land management measures to be provided by the planning authority, to facilitate and support the regeneration of vacant and / or derelict buildings, which should include the identification of necessary supporting infrastructure and public realm works to be delivered by the planning authority, including with reference to sources of funding;



- (c) enforcement measures and mechanisms to be employed by the planning authority to encourage landowners not to leave their premises vacant, and not to allow their building become derelict;
  - (d) targets for the reduction in the number of vacant and / or derelict buildings in each of the towns; and
  - (e) monitoring proposals for the implementation of the strategy.
- (ii) consider a reduction in the 'urban core' land use zoning objective for Ballyboffey-Stranorlar to more clearly support town centre-type development within the intended core commercial retail / services areas, or introduce some other mechanism to provide a more focussed approach to town centre type development would be more beneficial.

### Recommendation 11- Regeneration and opportunity sites

Having regard to the regeneration of settlements and, in particular:

- section 10(2)(h) of the *Planning and Development Act 2000*, as amended (the Act), concerning objectives for the renewal of areas, having regard to the core strategy;
- NPO 6, NPO 16 and RPO 3.4 concerning the regeneration, rejuvenation and intensification of settlements including the core of small towns and villages;
- NPO 54 to reduce our carbon footprint by integrating climate action into the planning system;
- NPO 3a, RPO 3.2 and the National Strategic Objective for compact growth;
- the mandatory greenhouse gas emissions reduction targets under the *Climate Action and Low Carbon Development Act 2015*, as amended;
- the mandatory objective under section 10(2)(n) of the Act to promote sustainable settlement and transport strategies; and

- the actions of the *Climate Action Plan 2023* and goals of the *National Sustainable Mobility Policy (2022)*,

the planning authority is required to:

- (i) Omit Opp Site 1 and Opp Site 2, Bundoran;
- (ii) omit Opp Site 3, apart from that portion of Opp Site 3 comprising an unfinished housing estate, the disused service station and lands to the immediate south and west thereof;
- (iii) consider other mechanisms that would facilitate the accommodation of relevant development envisaged for Opp Sites 1, 2 and 3 within the urban core or within areas in need of regeneration in Bundoran; and
- (iv) set out clear and sufficient safeguard for the development of Opp Site 1 and Opp Site 2, in particular, in Ballybofey-Stranorlar to ensure that their development will not further undermine the town centre / urban core, having regard to the functions of the town centre / urban core.

### 3. Housing Strategy and Relevant Policies

#### 3.1 Traveller Accommodation

Section 10(2)(i) of the Act requires development plans to include objectives for the provision of accommodation for Travellers, and the use of particular areas for that purpose. Although the Office commends the planning authority for implementing its *Traveller Accommodation Programme 2019–2024 (TAP)*, no objectives have been included in the draft Plan, contrary to statutory requirements.

It is an objective of the NPF (NPO 28) to plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.

The Office recognises that there is a challenge of incorporating objectives consistent with the TAP due to the parallel timelines, however appropriate objectives should be developed and appropriate sites identified in consultation with the planning



authority's housing section in support of the future TAP, in addition to relevant Traveller interest groups.

### Recommendation 12 - Traveller Accommodation

Having regard to the requirements of section 10(2)(j) of the *Planning and Development Act 2000*, as amended (the Act), the planning authority is required to include objectives in the plan for the provision of accommodation for Travellers, and the use of particular areas for that purpose in accordance with the legislative requirements under section 10(2)(i) of the Act.

This will include the identification of specific locations in the land use zoning maps for the county.

The planning authority should develop relevant objectives and identify appropriate locations in consultation with the Housing Services Section in addition to relevant Traveller interest groups.

## 4. Rural Housing and Regeneration

As a largely rural county it is important that the provisions of the draft Plan encourage growth and arrest decline in areas that have experience low growth or decline and by managing the growth of areas that are under strong urban influence to avoid over development, while sustaining rural communities, in accordance with NPO 15.

The Office welcomes the inclusion of map 6.3.1, which very clearly identifies the different rural area types, including areas under strong urban influence, other areas, urban areas, and areas under holiday home pressure. The areas under stronger urban influence are focused on the hinterlands of Letterkenny and the city of Derry and around certain larger settlements (Donegal Town, Ballyshannon, Bundoran, Ballybofey/Stranorlar).

These areas appear constrained and do not reflect a close commuting catchment in line with the *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*. According to the CSO the average commute time for Donegal residents is 23

minutes, which can be considered a close commuting catchment. Therefore, having regard to the mandatory objectives to promote sustainable settlement and transport strategies in rural areas under section 10(2)(n) of the Act, the subject areas should be reviewed against an appropriate evidence base, such as the CSO POWSCAR.

Further, the rural housing policy (Policy RH-P-1 *Areas Under Strong Urban Influence*) is inconsistent with NPO 19 in that it is not based on a demonstrable economic or social need to live in the rural area and it does not have regard to the potential impact on the viability of smaller towns and rural settlements. Rather it is based on an undefined ‘*genuine rural need for a new dwelling house*’ and on blood ties, which may unfairly discriminate against the free movement of people. While the Office welcomes, in principle, the designation of areas under Policy RH-P-2 *Areas Under Strong Holiday Home Influence*, which may be considered to be under indirect strong urban influence, similar conflict arises with NPO 19 in terms of definition of ‘need’ and blood ties.

This is also the case for rural housing in other rural areas, under policy RH-P-3 and policy GEN-H-2. NPO 19 provides that in such areas only siting and design criteria should be applied, in addition to having regard to the viability of smaller towns and rural settlements.

### Recommendation 13 - Rural Housing Policy

Having regard to the need to provide for rural housing and, in particular:

- NPO19, to make a rural housing policy distinction between different rural area types;
- section 10(2)(n) of the *Planning and Development Act 2000*, as amended, for objectives to promote sustainable settlement and transport strategies in rural areas; and
- the *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*, which provides an evidence-based approach to determining rural area types,

the planning authority is required to amend:

- (i) map 6.3.1 Rural Area Types, including the defined ‘areas under strong urban influence’ based on the evidence of commuter distance to Letterkenny, Derry/Londonderry and the other main centres, having regard to the average commuter journey time for the county;
- (ii) Policy RH-P-1 and Policy RH-P-2 to omit consideration of family ties to the rural area and to include consideration of ‘*demonstrable economic or social need to live in a rural area*’ and of ‘*the viability of smaller towns and rural settlement*’; and
- (iii) Policy RH-P-3 and GEN-H-2 to include consideration of ‘*the viability of smaller towns and rural settlement*’.

## 5. Economic Development and Employment

The Office welcomes the positive and proactive policies and objectives to support, promote and facilitate economic development throughout the county and, in particular, the focus on emerging economic development areas - Blue Economy Sector, Renewable Energy, and Research and Development - identified in the RSES. The promotion of these economic strengths are also consistent with the policy objectives of the RSES, including RPO 4.18 to support renewable energy, RPO 4.31 to expand key Fisheries Ports and RPO 4.32 to expand assets in the Blue Economy. They also reflect the *North-West Regional Enterprise Plan to 2024*.

Several objectives are consistent with a sustainable approach to delivering lands for employment uses, including Objective ED-O-1, Objective ED-O-2 and Objective ED-O-6. These aim to ensure employment zoned lands are located in areas consistent with the core strategy and that accord with sustainable and compact development principles, consistent with NPO 11, RPO 3.13 and RPO 9.1.

However, the Office has some concern over the inclusion of Policy ED-P-1(c) which allows proposals for light industrial development on lands zoned for other uses within settlements to be determined on their own merits; and a similar policy provision (Policy ED-P-2 (b)) for industrial development. Notwithstanding the safeguards

included in these policies, the Office considers these policies would undermine the land use zoning objectives in the draft Plan.

In addition, the Office considers two proposed Business Enterprise zonings: one to the south east of Buncrana, outside the line of the proposed bypass; and Site BE 1 to the southwest of Ballybofey-Stranorlar, to conflict with Objective ED-O-2 of the draft Plan as they are not appropriately located. This is similarly the case for the three opportunity sites (Opp Site 1, Opp Site 2 and Opp Site 3) proposed in Bundoran, which would accommodate a range of uses including employment, medical and commercial uses.

These sites are in peripheral locations that do not have regard to the sequential approach to zoning and are inconsistent with the achievement of the NPF national strategic outcome for compact growth. These sites are not well placed to accommodate or encourage access by active transport modes and would support car dependant development. In particular, the Buncrana zoning is located adjacent to, but outside the line of, the proposed Buncrana bypass.

Therefore, these employment zonings have the potential to generate significant additional car journeys (that is additional vehicular kilometres), contrary to the target of the Climate Action Plan and the NSMP to reduce the total number of vehicle kilometres travelled per year by 20% below that for 2018, by 2030. This approach does not accord with the requirement for objectives to promote sustainable settlement and transport strategies that reduce GHG emissions, under (10)(2)(n) of the Act. It will also undermine the targets under the Climate Act 2015 to reduce GHG emissions by 51% by 2030 and the national climate objective to transition to a climate neutral economy by 2050.

In addition, no infrastructural assessment appears to have been carried out for these lands, inconsistent with NPO 72a-c. It is apparent that there is a lack of services available to these sites including public footpaths, public lighting, cycle lanes and waste water services. Site BE 1 would also require <500m network extension to serve the site.



It is also not apparent that additional business/enterprise zonings are justified for these towns as no evidence-basis has been demonstrated in the draft Plan. In this regard, section 6.2.5 of the Development Plan Guidelines advise that the evidence and rationale underpinning the zoning of land for employment purposes must be clear and strategic in nature and that plan preparation should include a comprehensive approach to estimating the differing zoning requirements for different employment uses. The planning authority should have regard to the implementation of an appropriately detailed evidence-based approach to zoning such lands to assist it in its determinations.

Should additional employment lands be justified for these towns, the planning authority should consider zoning serviced or more easily serviceable lands, including brownfield lands, that are more accessible by active and sustainable modes and are more favourably located closer to the town centre, so as to benefit the vitality of the commercial core of the towns.

Some similar concerns arise in relation to proposed policies for economic development in rural areas, having regard to the requirement under section 10(2)(n) of the Act for objectives to promote sustainable settlement and transport strategies in rural areas. In particular, policy ED-P-8 allows major industry/enterprise to be considered in the countryside, albeit in exceptional circumstances; and Policy ED-P-11 allows unspecified commercial development to be considered on the periphery of settlements where it would be incompatible with, and detrimental to, the centres.

The Office accepts that it is reasonable to make provision for major industry/enterprise facilities and for incompatible commercial uses, in order to ensure that the economic and employment base for the county is robust. However this should be done in a strategic and evidence-based manner to provide for the proper planning and sustainable development of the county.

The proposed policy approach will encourage significant development outside town boundaries and does not therefore accord with the requirement for objectives to promote sustainable settlement and transport strategies. It is also inconsistent with:



NPO 11 to encourage more people and generate more jobs and activity within existing cities, towns and villages; and RPO 3.13 to support the role employment and service provision role of smaller and medium sized towns. The Office notes that the SEA Environmental Report highlighted potential negative effects arising from these policies, specifically in terms of air and climatic factors.

### Recommendation 14 - Business Enterprise Zoning

Having regard to the location of employment in areas that can support more sustainable and plan-led development and, in particular, to:

- section 10(2)(n) of the *Planning and Development Act 2000*, as amended;
- NPO 74 and the National Strategic Objective for compact growth;
- NPO 11 to encourage more people and generate more jobs and activity within existing cities, towns and villages;
- NPO 72 for the co-ordination of land use zoning, infrastructure and services;
- RPO 3.13 to support the role employment and service provision role of smaller and medium sized towns;
- the *Climate Action and Low Carbon Development Act 2015*, as amended;
- the *Climate Action Plan 2023* and *National Sustainable Mobility Policy (2022)* targets to reduce vehicular kilometres travelled and associated actions and goals;
- section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities (2022)* for an evidence-based approach to employment zoning; and
- the SEA Environmental Report concerning likely negative effects on air and climatic factors of the environment,

the planning authority is required to:

- (i) omit the following site land use zoning objectives:
  - (a) Site BE1 in Ballybofey-Stranorlar



- (b) Site to the south east of Buncrana towards Ludden
  - (c) Opp site 1 Bundoran;
  - (d) Opp site 2 Bundoran; and
  - (e) Opp site 3 Bundoran, apart from that portion of Opp Site 3 comprising an unfinished housing estate, the disused service station and lands to the immediate south and west thereof;
- (ii) omit the following Policies:
- (a) ED-P-1(c);
  - (b) ED-P-3 (b);
  - (c) ED-P-8; and
  - (d) ED-P-11.
- (iii) apply an evidence-based approach and an integrated strategic land use planning approach to the zoning of any lands for business/enterprise or commercial uses.

The Office also has concerns over the inclusion of a neighbourhood centre to the north east of Buncrana at Straboe. While the Office accepts that it is necessary to provide local services that people can access by active modes, the draft Plan contains insufficient details and safeguards to ensure that the centre would be consistent with the requirement for objectives to promote sustainable settlement and transport strategies. The written statement is silent on the nature and scale of the neighbourhood centre and the range of services it would provide. The location indicated on the land use zoning map is also very extensive.

## Observation 2 - Neighbourhood centre

The planning authority is advised to put in place clear objectives or policies to guide and appropriately limit the nature, scale and location of the proposed neighbourhood centre for Straboe, Buncrana, and to more clearly define an appropriate location for the centre, having regard to the mandatory objectives under section 10(2)(n) of the Planning and Development Act 2000, as amended.

## 6. Sustainable Transport and Accessibility

The Office welcomes the identification of key transportation improvement projects for Buncrana, Ballybofey-Stranorlar and Bundoran, and the supporting policies and objectives to deliver upon these proposals. The commitment to implement the *Design Manual for Urban Roads and Streets* (revised 2019) is a key step in delivering pedestrian and cycle friendly, quality urban environments throughout Donegal. The inclusion of bicycle parking standards, coupled with the provisions for lower car parking standards and for no parking requirements in certain town centre areas will further assist in engendering a favourable modal shift in the county. In this regard, the Office would welcome the inclusion of ambitious but realistic modal share targets for the county over the plan period.

The Office also welcomes the identification of transport / sustainable mobility priorities for Buncrana, Ballybofey-Stranorlar and Bundoran, with tables and associated maps. This approach provides a clear focus for the implementation of sustainable settlement and transport strategies for the three towns. In this regard, the Office would welcome the inclusion of ambitious but realistic modal share targets for these towns, in particular, and for the wider county for the plan period.

However, the draft Plan still retains a strong focus on road-based activity and proposed road schemes, such as relief roads and bypasses in Buncrana, Muff, Ballybofey-Stranorlar, Burnfoot and Killybegs. This approach is at odds with the current transport policy under the NSMP, with the Climate Action Plan, and with the four transport investment priorities under the *National Investment Framework for Transport in Ireland* (2021), in response to climate change targets under the *Climate*

*Action and Low Carbon Development Act 2015*, as amended. It is also inconsistent with the mandatory objectives for the promotion of sustainable settlement and transport strategies. It will therefore be necessary for the planning authority to reconsider the inclusion of these road schemes.

The Office notes that proposed Policy T-P-12 (b) and (c) seek to permit access to national roads for developments of national and regional strategic importance and for proposals for one off rural housing (section 8.1.3.1 also refers). This does not have regard to the provisions of sections 2.5 and 2.6 of the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* (National Roads Guidelines). This is also inconsistent with NPO 74 and RPO 6.5, and is contrary to the national strategic outcome for enhanced regional accessibility, including maintaining the strategic capacity of the national road network. It also conflicts with proposed Objective T-O-10 of the draft Plan to safeguard the capacity and safety of national roads in accordance with the National Roads Guidelines. It will therefore be necessary to omit parts (b) and (c) of Policy T-P-12.

It is also considered necessary to amend Part (a) of Policy T-P-12 to clarify the position in relation to exceptional circumstances where development access to national roads may be considered.

### Recommendation 15 - Access to National Roads

Having regard to the need to maintain the capacity and safety of the strategic road network and, in particular:

- section 10(2)(n) of the *Planning and Development Act 2000*, as amended, to promote sustainable settlement and transport strategies;
- NPO 74 to align the NPF with the NDP through the delivery of the national strategic outcomes;
- NSO 2 and RPO 6.5, concerning maintaining the strategic capacity and safety of the national roads network;

- sections 2.5 and 2.6 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), in respect of the require policy approach for access to national roads;
- the *Climate Action and Low Carbon Development Act 2015*, as amended, mandatory target to reduce greenhouse gas emissions by 51%;
- the *Climate Action Plan 2023* and *National Sustainable Mobility Policy* (2022) targets to reduce vehicle kilometres travelled per year and associated actions and goals; and
- The *National Investment Framework for Transport in Ireland* (2021), four investment priorities,

the planning authority is required to:

- (i) omit Policy T-P-12 (b) and (c) and associated text in section 8.1.3.1;
- (ii) amend Policy T-P-12(a) as follows (deletions in red, additions in green):

*It is a policy of the Council not to permit developments requiring new accesses, or which would result in the ~~adverse~~ intensification of existing access points onto:*

*i. National Roads where the speed limit is greater than 60 kph; or*

*ii. The section of the R238 Bridgend-Buncrana Regional Road where the speed limit is greater than 60 kph.*

*Notwithstanding the foregoing, in exceptional circumstances, developments of national and regional strategic importance where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed may be considered, subject to such developments being plan-led and provided for through the Local Area Plan or Development Plan making process, including in consultation with the TII.*

The planning authority should also ensure Policy T-P-12(a) is cross referenced throughout the Plan, as appropriate.

- (iii) omit the proposed relief roads and bypasses for the towns of Buncrana, Muff, Ballybofey, Burnfoot and Killybegs, unless they can be justified having regard to the current national transport and climate action policy context, on an appropriate evidence-basis;
- (iv) include individual modal share targets for i) Buncrana, Ballybofey-Stranorlar and Bundoran; and ii) for the county for the plan period, over current baseline levels; and
- (v) provide an effective monitoring regime for the implementation sustainable transport and progress on modal share targets.

## 7. Climate Action and Renewable Energy

The Office commends the planning authority for including a dedicated chapter on climate change in the draft Plan, which sets out the relevant policy context at international, national and local levels. This shows that the planning authority recognises the significance of the issue for the future planning of the county.

In particular, the Office welcomes the clear distinction made between climate change mitigation and climate change adaptation, and the identification of the broad policy measures of the draft Plan that contribute to the mitigation of climate change; and those policy measures that are designed to adapt to climate change, generally consistent with NPO 54 and NPO 57. However, the planning authority could provide greater clarity on the integration of the climate change policy response across the draft Plan through the use of symbols to identify key policies and objectives responding to climate change, similar to the approach used in the South Dublin County Development Plan 2022-2028.

The Office notes the inclusion of two overriding climate change objectives:



- Objective CA-O-1 to promote objectives for sustainable settlement and transport strategies that promote the reduction in GHG emissions and the necessity to adapt to climate change (mandatory objective under section 10(2)(n) of the Act; and
- Objective CA-O-2 to support a range of international, national, regional and county policy documents relevant to climate change policy and objectives. These provide a clear grounding for considering policies and objectives throughout the draft Plan.

Regarding climate change mitigation, the Office supports the renewable energy strategy for wind and other renewable energy sources including solar, biogas, geothermal and ocean energy consistent with NPO 55. map 9.2.1, which identifies locations considered appropriate for wind farm development, will greatly assist in the implementation of renewable energy projects in a planned manner. The Office is aware of the strong evidence-basis for map 9.2.1 through its evaluation of Variation No.2 of the existing development plan. However, in order to more clearly demonstrate that regard was had to the *Wind Energy Development Guidelines* (2006), the planning authority is advised to include the evidence-basis (sieve analysis) as an appendix to the draft Plan at material alterations stage.

Regarding climate change adaption, the Office raises some issues regarding flood risk management below in Recommendation 16 (Flood risk management). The Office also suggests that clearer or additional policies on green and blue infrastructure, riparian corridors, and on nature based solutions would improve the implementation of climate adaption response over the plan period.

### Observation 3 - Climate action

The planning authority is advised to:

- (i) highlight key climate change policy / objective responses throughout the Plan, such as through use of an indicator symbol as employed in the South Dublin County Development Plan 2022-2028;
- (ii) include the evidence-base (sieve analysis) for wind energy map 9.2.1 as an appendix to the Plan; and
- (iii) consider the inclusion of clear policies and objectives on requirements for blue / green infrastructure, treatment of riparian corridors, and requirements for nature based solutions, including reference to *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).

## 8. Flood Risk Management

The Office welcomes the preparation of the Strategic Flood Risk Assessment, including plan-making justification tests for proposed zoned lands in accordance with NPO 57 and *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines).

The Office also welcomes the preparation of flood zone mapping for all settlements. However, as these flood zones have not been overlaid on land use zoning maps or the settlement framework maps, it is difficult to conclude that the planning authority has taken adequate account of flood risk in its zoning proposal in accordance with the requirements of the Flood Guidelines. The planning authority should therefore overlay the flood zone maps with the land use zoning maps and settlement frameworks.

Notwithstanding the above, the Office has identified a number of sites zoned for vulnerable land uses that appear to be located within the flood zones as set out in Recommendation 16 below. The suitability of these zoning objectives should be

reviewed in accordance with the Flood Guidelines. Where the lands do not pass the plan-making justification test, these will need to be rezoned to accommodate only appropriate uses.

The Office welcomes the provision of plan-making justification tests, however it is noted that some of the tests relate to lands that would not meet the criteria for justification tests due to their location and the apparent availability of alternative sites to accommodate these uses. Land use zonings for undeveloped lands which have not satisfied all criteria of the plan-making justification test in Flood Zone A should be zoned for water compatible use, and in Flood Zone B should be zoned water compatible, or substituted for a land use appropriate to the level of flood risk.

For existing development, when avoidance or substitution is not possible and all criteria cannot be satisfied, a policy should be included to limit development to minor extensions only in accordance with section 5.28 of the Flood Guidelines and limit new development accordingly.

### Recommendation 16 - Flood Risk Management

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

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

the planning authority is requested to:

- (i) review the following sites located within Flood Zone A and/ or B and, where they do not pass the justification test, rezone such lands in Flood Zone A should be zoned for water compatible use, and in Flood Zone B should be zoned water compatible, or substituted for a land use appropriate to the level of flood risk:



- Buncrana:
  - (a) BA-CI-003 – Community Infrastructure zoning off Causeway Road;
  - (b) BA-NRES-002 (NR 2.19), BA-NRES-006 (NR 1.1) BA-NRES-009 (NR 1.4) and BA-NRES-016 (NR 1.2) – Residential Zonings;
  - (c) BA-OPS-001(Swilly Road), BA-OPS-003 (Opp Site 2) - Opportunity site zoning; and
  - (d) BA-SRR-003 (Strategic Residential Reserve) - Strategic Reserve Zoning.
- Ballybofey-Stranorlar:
  - (e) BA-NRES-002 (NR 2.2), BA-NRES-006 (NR1.11), BA-NRES-007 (NR 1.8), BA-NRES-010 (NR1.10), BA-NRES-011 (NR 1.12) – Residential Zonings.
  - (f) BS-OPS-004 and BS-OPS-005 (Opportunity Sites 4 and 5)- Opportunity Site zoning
  - (g) BS-BE-002 (BE 2) – Business / Enterprise Zoning
- Bundoran:
  - (h) BN-OPS-003 (Opportunity Site 3) - Opportunity Site zoning  
Opportunity Sites within the Settlement Frameworks of:
    - Carrick
    - Ballintra
    - Kilcar
    - Pettigoe
    - Burtonport
    - Dunfanaghy
    - Glenties
    - Newtowncunningham
    - Ramelton

- Rathmullan

(ii) include a policy where all criteria of the Justification Test cannot be satisfied, to limit existing development to minor development only as outlined in Section 5.28 of the Flood Guidelines and new development to water compatible uses in Flood Zone A and less vulnerable uses in Flood Zone B; and

(iii) overlay the flood zone maps with the land use zoning maps and settlement frameworks.

## 9. Environment, Heritage and Amenities

### 9.1 Rights of Way

The Office welcomes Objective PROW-O-1 to preserve public rights of way and Policy PROW-P-1 to only support development where such proposals would not give rise to any impediment or obstruction of any public rights of way identified in the Plan in accordance with section 10(2)(o) of the Act. However, without the inclusion of maps and a list of such sites, this policy can have no effect. The Office notes that the planning authority is currently reviewing the data available to it on this matter with a view to presenting detailed information as a material amendment to the draft Plan later in the process.

#### Recommendation 17 - Public rights of way

Having regard to public rights of way, and in particular

- section 10(2)(o) of the *Planning and Development Act 2000*, as amended, requiring the identification of public rights of way, by map and list, in the draft Plan,

the planning authority is required identify public rights of way both by marking them on at least one of the maps forming part of the draft Plan and by indicating their location on a list appended to the draft Plan.



Consider [OPR Case Study Paper CSP01 - Public Rights of Way and the Local Authority Development Plan](#) (2021).

## 9.2 Record of Protected Structures

The Office welcomes the positive policies included in the draft Plan in relation to the protection of Architectural Conservation Areas (Policy AH-O04) and Archaeological Heritage (Objective AHY-O-1). However, no Record of Protected Structures (RPS) has been included as part of the draft Plan, contrary to the requirements of the Act.

It will therefore be necessary to include this record as a material amendment in order to comply with the requirements of section 51 of the Act. However, as there is no mechanism to materially alter the RPS following public consultation on the proposed material alterations, the public consultation process relating to the RPS will not have met statutory requirements. The planning authority should consider what mechanisms are open to it at this stage of the process to resolve this matter.

### Recommendation 18 - Environment, Heritage and Amenities

Having regard to architectural heritage protection and, in particular, to:

- section 51 of the *Planning and Development Act 2000*, as amended,

the planning authority is required to include a record of protected structures within the written statement of the Plan.

## 9.3 Natural and Built Heritage, Biodiversity and the Environment

The draft Plan includes a range of appropriate policies and objectives to support the protection of biodiversity and the natural landscape of the county consistent with NPO 52 and RPO 5.5. However, the Office has concerns, over the exclusion applied to the provision of strategic infrastructure, in respect of policies to the protection of qualifying interests of Natura 2000 Sites, biodiversity, environmental amenities, protected structures and archaeological heritage sites.

In particular, the exclusion appears to provide that strategic infrastructure projects, including the TEN-T project, do not have to comply with the policies for the protection of architectural features, landscapes and coastlines, protected species, qualifying interests and all biodiversity features of interest. These limitations conflict with sections 10(2)(c), (ca) and (f) of the Act, and are inconsistent with NPO 52, RPO 5.5, RPO 5.7, and RPO 5.14

### Recommendation 19 - Natural Landscape and Biodiversity

Having regard to the requirement to protect and conserve biodiversity, natural and built heritage and:

- section 10(2)(c), (ca) and (f) of the *Planning and Development Act 2000*, as amended, concerning protection of natural and built heritage;
- NPO 52, ensuring development occurs within environmental limits;
- RPO 5.5 to ensure efficient and sustainable use of natural resources, RPO 5.7 to ensure all plans, projects and activities are subject to relevant environmental assessments, and RPO 5.14 to support the conservation of national monuments and built heritage,

the planning authority is required to amend the following policies to omit the exemption for strategic infrastructure projects, including the TEN-T project:

- (i) Policy BIO-P-2: Protection of qualifying interests of protected sites;
- (ii) Policy BIO-P-3; Protection of biodiversity;
- (iii) Policy L-P-3; Protections of scenic and environmental amenities;
- (iv) Policy AH-P-3; Protection of structures listed on RPS;
- (v) Policy AH-P-7; Protection of structures on the NIAH;
- (vi) Policy AH-P-8; High quality architectural design for developments impacting NIAH structures;
- (vii) Policy AH-P-9, Protection of vernacular structures;

- (viii) Policy AYH-P-2; Protection of public access and infrastructure for Archaeological Heritage sites; and
- (ix) Policy AYH-P-3; Protection of Archaeological heritage.

#### 9.4 Environmental Assessments

The Office notes the preparation of the SEA Environmental Report and Natura Impact Report (NIR), attached to the draft Plan, in accordance with statutory requirements.

In relation to Appropriate Assessment the Office notes the conclusion of the NIR that the draft Plan will have no adverse effects on the integrity of any European sites due to the inclusion of mitigation measures and safeguarding the objectives and policies detailed within the NIR.

With regard to the SEA, the structure of the Environmental Report prepared is consistent with the guidance set out in the *Strategic Environmental Assessment: Guidelines for Regional Assemblies and Planning Authorities (2021)*. As previously noted, the SEA has identified a number of policies that have the potential for negative impacts on the environment. These have been addressed, where appropriate, in the Office’s submission.

The Office also welcomes the preparation of a Strategic Water Status Impact Assessment Report to determine the impact on the *Water Framework Directive (2017)* status of receiving water bodies. The Office supports the identification of positive policies and objectives which inherently act as mitigating factors for the objectives and policies which could have a negative impact.

#### 10. Implementation and Monitoring

The Office notes that no provision has been made for monitoring the implementation of the draft Plan. The inclusion of a clear monitoring strategy of key plan objectives will enable the planning authority to be more effective in implementing the draft Plan, including considering the obligations under section 15 of the Act. In this regard, section 10.3 of the Development Plans Guidelines sets out guidance on the best



practice for meaningful monitoring of plan-implementation through core strategy monitoring and plan objective monitoring. In this regard, the Office considers the approach taken in the Limerick Development Plan 2022-2028 to be good practice.

#### Observation 4 - Implementation and Monitoring

The Office advises the planning authority to include monitoring strategy for implementation of draft Plan, having regard to section 10.3 of the *Development Plans, Guidelines for Planning Authorities (2022)*.

## 11. General and Procedural Matters

### 11.1 Land use Zoning Objectives

The Office notes that no single land use zoning matrix has been included in the draft Plan, but rather the planning authority has taken slightly different approaches to the land use zoning objectives for the towns of Buncrana, Ballybofey-Stranorlar and Bundoran, with three different land use zoning matrices. This is further complicated by the approach taken to the smaller settlements.

The inconsistent application of objectives and inconsistent application of permissible / open for consideration / not permitted uses within the same land use zoning objective is not transparent and will be particularly confusing for members of the public. This is further exacerbated by the large number of exclusionary footnotes attached to each zoning matrix. Although it is not unreasonable to include clarifications as footnotes, for transparency and ease of implementation, these should be very limited and should not constitute additional policy. All objective and policy matters should be stated clearly as such in the objectives and policy sections of the Plan.

The Office advises that a single land use zoning matrix be included in the Plan. Further, having regard to Appendix B of the Development Plans Guidelines, a standardised approach to the zoning of land should be applied across the county. The application of the standardised zonings should, also, provide a clear differentiation between the different land uses currently contained with the proposed

Established Development and proposed Business Enterprise zoning objectives, to better direct the location of appropriate development types.

#### Observation 5 - Land use zoning objectives

The planning authority is requested to:

- (i) replace the multiple land use zoning matrices contained in the draft Plan with a single land use zoning matrix for the county;
- (ii) avoid the use of footnote reference to clarify uses for specific types or exclusions, but rather to use appropriate objectives or policies in respect of those sites in the interest of clarity and transparency; and
- (iii) apply the standardised land use zoning objectives set out Appendix B of the *Development Plans, Guidelines for Planning Authorities (2022)*.

#### Summary

The Office requests that your authority addresses the recommendations and observations 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.

In accordance with section 12(5)(aa), where the planning authority decides not to comply with any of the Office's recommendations made in the draft Plan and report, they shall inform the Office, by notice in writing containing the reasons for the decision.

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 draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the 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.



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Office of the  
Planning Regulator

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](mailto:plans@opr.ie).

Is mise le meas,

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**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

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