



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: AD-009-22

8th December 2023

Kieran O'Donnell TD,
Minister of State for Local Government and Planning,
Department of Housing, Local Government and Heritage,
Custom House,
Dublin 1,
D01 W6X0.

BY HAND AND BY EMAIL

**Re: Notice Pursuant to section 31AO(7) of the Planning and Development Act
2000 (as amended) – Letterkenny Local Area Plan and Local Transport Plan
2023-2029**

A chara,

I am writing to you in relation to the recent adoption by the elected members of the Letterkenny Local Area Plan and Local Transport Plan 2023-2029 (the 'Local Area Plan').

In particular, I am writing to you in the context of the statutory duty of the Office of the Planning Regulator ('the Office') pursuant to section 31AO(7) of the *Planning and Development Act 2000* (as amended) (the 'Act') to issue a Notice to you on the basis that, having considered the Local Area Plan, the Office is of the opinion that:

- a) the Local Area Plan has not been made in a manner consistent with recommendations of the Office, made on the 17th February 2023 and on 8th September 2023, which required specific changes to the Local Area Plan:
 - i. to ensure consistency between the requirement for zoned residential land commensurate with the growth targets for Letterkenny under RPO 3.7.20 and RPO 3.7.23 and the proposed residential land use zoning objectives having regard (inter alia) to the sequential approach to land use zoning, and to ensure consistency with the objectives of the Donegal County Development Plan 2018-2024 (the 'County Development Plan')

concerning sequential residential development outwards from the core making best use of infrastructure, land resources and assisting in regeneration of existing towns under Objective UB-O-2, and more generally under Objective CS-O-12, and RPO 3.7.22 for compact growth.

Specifically, the Local Area Plan zones land for residential development in peripheral locations, largely outside the CSO settlement boundary, and leapfrogging unzoned and/or undeveloped zoned land and, in so doing, does not apply the sequential approach to development to support compact growth of the town and its environs;

- ii. to ensure consistency with the objectives and policies of the County Development Plan concerning sequential development (CS-O-12); the promotion of sustainable development and transportation (CS-O-17); and locational criteria for new social and community infrastructure (CCG-P-1).

Specifically, the Local Area Plan zones land for community and education development in a peripheral location, leapfrogging unzoned and/or undeveloped zoned land and, in so doing, does not apply the sequential approach to development to make best use of existing and planned infrastructure to the benefit of local communities and effective urban growth, and in a location that is not within a safe walking distance of local services and residential areas; that does not promote sustainable transport and is not consistent with an integrated approach to land use and transport;

- iii. to ensure consistency with the regional policy objectives (RPOs) of the Northern and Western Regional Assembly Regional Spatial and Economic Strategy (2020-2032) (RPO 3.10 and RPO 3.11) and having regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines). Specifically, the Local Area Plan zones land for vulnerable uses/ development within flood zone A.

- b) the decision of Donegal County Council ('the Council') results in the making of a local area plan in a manner that is inconsistent with the recommendations of

the Office, and with the objectives of the development plan of the area concerned contrary to the requirements of section 19(2) of the Act; and

- c) the use by you of your function to issue a direction under section 31 of the Act would be merited.

The reasons for the opinion of the Office are set out in further detail in section 2 of this letter. This letter is a Notice to you pursuant to section 31AO(7) of the Act.

1. Background

1.1 Draft Letterkenny Local Area Plan

The Draft Letterkenny Local Area Plan and Local Transport Plan 2023 – 2029, (the draft Local Area Plan) was on public display from the 6th January 2023 to the 17th February 2023.

The Office made a submission to the draft Local Area Plan on the 17th February 2023, containing sixteen (16) recommendations and two (2) observations.

Specifically, issues raised related to:

- Recommendation 1 – Statutory policy framework
- Recommendation 2 – Population and housing targets
- Recommendation 3 – Zoning for housing growth
- Recommendation 4 – Primary residential
- Recommendation 5 – Opportunity sites
- Recommendation 6 – Masterplanned approach
- Recommendation 7 – Strategic residential reserve
- Recommendation 8 – Southern strategic sustainable development site
- Recommendation 9 – Local transport planning
- Recommendation 10 – Local roads objectives
- Recommendation 11 – Access to national roads
- Recommendation 12 – Rail corridor

- Recommendation 13 – General employment and enterprise
- Recommendation 14 – Flood risk management
- Recommendation 15 – Surface water management
- Recommendation 16 - Regeneration

Subsequently, the Chief Executive sent a notice letter under section 20(3) of the Act dated 10th August 2023 advising the Office of the proposed material alterations to the draft Local Area Plan.

1.2 Material Alterations to the draft Letterkenny Local Area Plan and Local Transport Plan 2023-2029

The elected members, having considered the draft Local Area Plan and the Chief Executive's (CE's) Report on the public consultation regarding the draft Local Area Plan (March 2023¹), resolved to alter the draft Local Area Plan. The material alterations to the draft Local Area Plan were on public display from 11th August 2023 to 8th September 2023.

The material alterations included:

- a series of individual material alterations relating to the zoning of land as:
 - Primarily Residential;
 - Community and Education²;
 - General Employment³; and
 - Strategic Residential Reserve;

and, in particular, included:

- proposed material alterations MA29, MA30(B), MA31, MA34 from Local Environment to Primarily Residential (new PR15, new PR12, new PR11 and new PR2, respectively);

¹ The report does not state a precise date of publication.

² Community and Education in draft Local Area Plan

³ General Employment and Commercial in draft Local Area Plan.

- proposed material alterations MA26 and MA32 from Strategic Residential Reserve to Primarily Residential (extended PR5 and extended PR6);
- proposed material alteration MA44 from Local Environment to Community and Education;
- proposed material alterations MA40 and MA41 from Local Environment to General Employment and Commercial; and
- proposed material alteration MA42 from Open Space to General Employment and Commercial.

The Office made a submission on 8th September 2023 on the material alterations to the draft Local Area Plan containing four (4) recommendations and one (1) observation. The submission also noted the decision of the planning authority not to comply in full or in part, in particular, with Recommendations 4, 5, 7, 10, 13 and 14(d) of the Office's submission to the draft Local Area Plan.

The Office recommendations at MA stage included:

- MA Recommendation 1 – Residential zoning objectives
- MA Recommendation 2 – School site
- MA Recommendation 3 – Employment and enterprise zoning objectives
- MA Recommendation 4 – Flood Risk Management.

1.3 Adopted Letterkenny Local Area Plan and Local Transport Plan 2023-2029

The elected members of Donegal County Council resolved to make the Letterkenny Local Area Plan and Local Transport Plan 2023 – 2029 on 13th November 2023.

Subsequently, the Chief Executive sent a notice letter under section 31AO(5) of the Act dated 20th November 2023 to the Office advising of the making of the Local Area Plan and specifying the recommendations of the Office not complied with. An updated version of the notice letter 'Version 2' dated 8th December was subsequently received. The said notice letter included a summary of the Chief Executive's reasons, or the elected members' reasons, for not complying with the recommendations.

The section 31AO(5) notice letter stated that the following recommendations of the Office had not been complied with, in part or in full:

- Recommendation 3(ii)
- Recommendation 4
- Recommendation 5
- Recommendation 10⁴
- Recommendation 13

However, on review, the Office considers that Recommendations 6, 7⁵ and 12 of the Office's submission also have not been complied with in part or in full.

With the exception of Recommendation 3(ii) and 4, the Office accepts the response of the Chief Executive, and/or the reasons of the Chief Executive and/or the elected members for not complying in full or in part with the recommendations of the Office, or are otherwise considered satisfactory within the legislative and policy context.

Further, the section 31AO(5) notice letter stated that the following MA recommendations of the Office had not been complied with, in part or in full:

- MA Recommendation 1
- MA Recommendation 2
- MA Recommendation 3
- MA Recommendation 4

With the exception of MA 29 - site PR15 (MA Recommendation 1), and MA 40 and 41 (MA recommendation 3), the Office does not accept the response of the Chief

⁴ The notice erroneously refers to recommendation 11(i) and (ii).

⁵ Note, the non-compliant part of Recommendation 7 related to the decision not to omit the strategic roads objective to the west of the settlement, which was also a requirement under Recommendation 10. The section 30AO(5) notice gives reasons for not complying with Recommendation 10, which are also applicable to that element of Recommendation 7.

Executive, and/or the reasons of the Chief Executive and/or the elected members for not complying in full or in part with the above recommendations of the Office.

Having reviewed the CE's Reports on the draft Local Area Plan (March 2023) and on the material alterations to the draft Local Area Plan (5th October 2023), the notice of the publication of the material alterations and of the making of the Local Area Plan and the reasons in the 31AO(5) notice letter of 20th November 2023, as supplemented by clarifying email from the planning authority of 29th November 2023, the Office has concluded that, with the exception of the below, the recommendations of the Office have been responded to in the reports and/or notice and have been addressed to the satisfaction of the Office, or are otherwise considered satisfactory within the legislative and policy context.

The outstanding matters, therefore, are as follows:

- Residential land use zoning - Recommendation 3(ii) and Recommendation 4 and MA Recommendation 1
- Community and Education land use zoning – MA Recommendation 2
- Flood risk management – MA Recommendation 4

These outstanding matters are considered in more detail below.

1.4 Residential Land Use Zonings

Recommendations 3 and 4, and MA Recommendation 1 are related and are addressed together.

Recommendation 3 – Zoning for housing growth

Recommendation 3 of the Office's submission to the draft Local Area Plan required the planning authority to i) review its determination of housing yield from proposed zoned lands, and ii) to amend land use zoning on foot of that review consistent with housing targets. The Recommendation stated:

Having regard to:

- *growth targets for Letterkenny under RPO 3.7.20 and RPO 3.7.23;*
- *NPO 3a and 3c, and RPO 3.7.22 compact growth;*

- *RPO 3.7.27 and NPO 35 residential density,*
- *Town centre development objectives UB-O-2 and UB-O-9 of the County Development Plan*
- *RPO 3.7.29 consolidation and NPO 6 and NPO 11 regeneration;*
- *the Government's Town Centre First strategy;*
- *the Guidelines for Planning Authorities on the Sustainable Residential Development of Urban Areas: Cities, Towns and Villages (2009) concerning the application of recommended minimum residential density standards; and*
- *the policy objective to adopt the sequential approach to land use zoning under the Development Plans Guidelines for Planning Authorities (2022),*

the planning authority is requested, taking account of the potential housing yield from the extensive and underdeveloped Town Centre land use zone in table 10.2, to:

- i) review its determination of housing yield from proposed zoned lands in the draft LAP; and*
- ii) amend, on foot of point (i), the land use zoning areas proposed in the draft LAP, including the extent of new 'Primary Residential' and / or 'Opportunity Sites', consistent with the amendments to the housing targets under Recommendation 2.*

As noted, above, the Office was satisfied that the planning authority had complied with part i) of Recommendation 3.

Regarding part ii), the Chief Executive in the report of March 2023, recommended that, in addition to the lands recommended by the Office to be omitted (in Recommendation 4), sites PR9, PR10 and PR11 should be omitted in order to ensure the alignment of the Local Area Plan with the projections of the NPF and RSES.

The 31AO(5) notice acknowledges that the proposed zoning for housing, at 147ha, exceeds the 57ha housing land requirement target for outside the town centre area, which is set out in Chapter 10 of the Local Area Plan. However, the members' reasons for not complying with part ii) of Recommendation 3 refer to the allowance for additional provision under section 4.4.2 of the *Development Plans, Guidelines for*

Planning Authorities (2022) (the ‘Development Plan Guidelines’), the underperformance of housing delivery in the town in recent years, and the significant influx of displaced persons and international protection applications in recent years.

The Office considers it reasonable that Letterkenny, as a designated Regional Growth Centre under the National Planning Framework (NPF), should have sufficient flexibility in terms of residential land use zoning to enable it to achieve its growth objectives.

In this regard, the Minister will note that in its submission of 8th September 2023, the Office recommended (MA Recommendation 1(i)) that the Local Area Plan be made without MA20 which proposed the omission of PR10 and PR11. Further, the Office accepted the principle of MA26 and MA32, which extended the area of PR5 and PR6, and MA29 – site PR15.

The Office has accepted these residential lands on the basis that they are consistent with the objectives of the County Development Plan in terms of following the sequential approach, having regard to the policy and objective of the Development Plans Guidelines for the sequential zoning of land, and are generally consistent with the objectives of the RSES for compact growth (RPOs 3.1, 3.2 and 3.7.22)

However, the extent of land zoned for residential development in the adopted Local Area Plan significantly exceeds the planning authority’s estimate of the land requirement outside the town centre area (57 ha), even taking account of the additional provision to ensure that sufficient choice for development potential is safeguarded and to provide for displaced persons. In such circumstances, the Office does not accept that the members’ reasons justify making the Local Area Plan with all the residential zonings in non-compliance with the County Development Plan objective for the sequential zoning of land (UB –O-2) and the recommendations of the office under Recommendation 4 and MA Recommendation 1.

Recommendation 4 – Primarily Residential

Recommendation 4 required the planning authority to amend the zoning objectives – PR1, PR13, PR15, PR16, PR17, PR18 and PR22 – from Primarily Residential to either Strategic Reserve or Agriculture. The recommendation stated:

Having regard to:

- *growth targets for Letterkenny under RPO 3.7.20 and RPO 3.7.23;*
- *NPO 3a and 3c, and RPO 3.7.22 compact growth;*
- *RPO 3.7.27 and NPO 35 residential density,*
- *Town centre development objectives UB-O-2 and UB-O-9 of the County Development Plan*
- *RPO 3.7.29 consolidation and NPO 6 and NPO 11 regeneration;*
- *the Government's Town Centre First strategy;*
- *the Guidelines for Planning Authorities on the Sustainable Residential Development of Urban Areas: Cities, Towns and Villages (2009) concerning the application of recommended minimum residential density standards; and*
- *the policy objective to adopt the sequential approach to land use zoning under the Development Plans Guidelines for Planning Authorities (2022),*

The planning authority is required to amend the following land use zoning objectives from Primarily Residential to either Strategic Reserve or Agriculture:

- *PR1, PR13, PR15, PR16, PR17, PR18 and PR22*

and to amend or omit relevant associated text from the draft LAP.

The CE's Report recommended compliance with Recommendation 4 in respect of sites PR15, PR16, PR17, PR18 and PR22, but recommended that the members not comply in respect of sites PR1 and PR13.

The members did not comply with Recommendation 4 in respect of any of the sites, however PR15 was amended to Established Development. The Office accepts the basis for the amendment of PR15. The Office also accepts the members' reasons given in the section 31AO(5) notice in respect of each of these sites, with the exception of PR17.

PR17 – Glencar Scotch and Killyclug

The CE's Report recommended to comply with Recommendation 4, however the elected members decided not to include a material alteration to give effect to same.

In respect of PR17, the members' reasons state that the site is fully serviced when, in fact, it is reported in table A1 of the Local Area Plan as requiring an estimated €215,000 to provide full services. The site was not zoned for housing under the previous Letterkenny Local Area Plan (incorporated into the County Development Plan), but was zoned as strategic residential reserve. The policy and objective, under the Development Plans Guidelines, not to de-zone serviced zoned housing land therefore does not apply.

PR17 is located in a peripheral location to the northwest of the town. The zoning is not sequential and leapfrogs very extensive undeveloped zoned residential land closer to the centre of the town. The zoning is therefore inconsistent with objective UB-O-2 of the County Development Plan:

To deliver new urban residential development in towns in a sequential manner, outwards from the core making best use of infrastructure, land resources and assisting in regeneration of existing towns.

The subject zoning also does not have regard to the policy and objective of the Development Plans Guidelines to prioritise the most centrally located development sites in a settlement first.

No or no adequate reasons have been provided to explain why the planning authority has decided not to implement objectives UB-O-2 of the County Development Plan, and the planning authority has failed to have regard to the policy and objective of the said Development Plans Guidelines in respect of this zoning objective.

Site PR17 also largely falls outside the CSO settlement boundary and therefore the zoning of this land would be inconsistent with RPO 3.7.22, RPO 3.1 and RPO 3.2 for compact growth and would undermine the achievement of the RSES 'People and Places' Growth Ambition.

MA Recommendation 1 – Residential Zoning Objectives

MA Recommendation 1 required the planning authority to make the Local Area Plan without MA20 which amended PR10 and PR11 from primarily residential to strategic residential reserve, and MA29 (PR15), MA30(B) (PR12), MA31 (PR11) and MA34

(PR2), which amended lands from local environment to primarily residential. The recommendation states:

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

- *growth targets for Letterkenny under RPO 3.7.20 and RPO 3.7.23;*
- *NPO 3a and 3c, and RPO 3.7.22 compact growth;*
- *urban housing objective UB-O-2 and policy UB-P-4 for sequential development, and core strategy objective CS-O-12 for sequential growth, under the County Donegal Development Plan 2018-2024;*
- *the policy objective to adopt the sequential approach to land use zoning, and the policy objective that land use zoning be informed by a settlement capacity audit, under the Development Plans, Guidelines for Planning Authorities (2022);*
- *NPO72a-c and the co-ordination of land use zoning, infrastructure and services; and RPO 3.7.29 consolidation and NPO 6 and NPO 11 regeneration;*

the planning authority is required to make the plan without:

- (i) MA20, in respect only of site PR10 (23ha) and site PR11 (9.84ha) of the draft LAP, which amended the use of these lands from Primarily Residential to Strategic Residential Reserve;*
- (ii) MA29, in respect of MA site PR15 (4.7ha), which amended the use of these lands from Local Environment to Primarily Residential;*
- (iii) MA30(B), in respect of MA site PR12 (2.62ha), which amended the use of these lands from Local Environment and Established Development to Primarily Residential;*
- (iv) MA31, in respect of MA site PR11 (4.43ha), which amended the use of these lands from Local Environment to Primarily Residential; and*
- (v) MA34, in respect of MA site PR2 (6.3ha), which amended the use of these lands from Local Environment to Primarily Residential.*

The planning authority should consult with Uisce Éireann in respect of (i) above.

In accordance with the recommendation of the CE's Report of 5th October 2023, the planning authority made the Local Area Plan in compliance with part (i) of Recommendation 1 in respect of MA20 (PR10 and PR11). The Office has accepted the reasons of the Chief Executive not to comply with part (ii) in respect of MA29 (PR15), as set out in the CE's Report of 5th October and in the s.31AO(5) notice.

MA30(B) PR12 – Creeve

The recommendation required the planning authority to make the Local Area Plan without MA30(B), which would entail the majority of the site reverting to Local Environment and a portion of the site reverting to Established Development, as proposed in the draft Local Area Plan. That portion of the site proposed in the draft Local Area Plan as Established Development has the benefit of an extant planning permission and is currently under development. The balance of the site does not have the benefit of planning permission, notwithstanding that temporary site works appear to be evident.

The CE's Report recommended to comply with MA Recommendation 1(iii), however the elected members decided to make the Local Area Plan with MA30(B) PR12.

The reasons of the members state that the

overall development was the only development of any scale proceeding in Letterkenny in recent years, and was therefore likely to yield actual units on the ground, particularly with services already adjacent and construction workers at the site. Therefore, from a pragmatic point of view it made no sense to omit this site.

There is no information in either the CE's Report, published material alteration, or the section 31AO(5) notice on the status of the site in terms of servicing. However, based on a site inspection it is evident that the site is not currently serviced by suitable public roads, public lights and footpaths. Further, Uisce Éireann's submission of 8th September 2023 stated that there are currently limited water services available in this area and details the measures necessary to ensure additional capacity.

The site was not zoned for housing under the Local Area Plan (incorporated into the current County Development Plan), but was zoned Local Environment, except for a

minor portion to the north, which was zoned Strategic Residential Reserve. The policy and objective, under the Development Plans Guidelines, not to de-zone serviced zoned housing land therefore does not apply.

The subject zoning is highly peripheral, is not sequential and leapfrogs very extensive undeveloped zoned residential land closer to the centre of the town. The zoning is therefore inconsistent with objective UB-O-2 of the County Development Plan:

To deliver new urban residential development in towns in a sequential manner, outwards from the core making best use of infrastructure, land resources and assisting in regeneration of existing towns.

It is also inconsistent with objective CS-O-12 of the County Development Plan:

To require growth of towns in a sequential manner outwards from the core so as to make best use of existing and planned infrastructure to the benefit of local communities and effective urban growth.

The subject zoning also demonstrates that the planning authority failed to have regard to the policy and objective of the Development Plans Guidelines to prioritise the most centrally located development sites in a settlement first.

The Office does not consider that the reason given by elected members that the zoning objective was likely to yield actual units on the ground provides a sufficient justification for zoning land in a manner inconsistent with the specified objectives of the County Development Plan.

Furthermore, no or no adequate reasons have been provided to explain why the planning authority has decided not to implement objectives UB-O-2 and CS-O-12 of the County Development Plan nor why the planning authority has failed to have regard to the policy and objectives of the said Development Plans Guidelines in respect of this zoning objective.

Site PR12 also largely falls outside the CSO settlement boundary and therefore the zoning of this land would be inconsistent with RPO 3.7.22, RPO 3.1, RPO 3.2 for compact growth and would undermine the achievement of the RSES 'People and Places' Growth Ambition.

MA31 PR11 - Killyclug

The recommendation required the planning authority to make the Local Area Plan without MA31. This would entail the zoning reverting to local environment as per the draft Local Area Plan.

The CE's Report recommended to comply with MA Recommendation 1(iv), however the elected members decided to make the Local Area Plan with MA31 PR11.

The member's reasons for making the Local Area Plan with MA31 PR11 set out in Version 2 of the 31AO(5) letter, dated 8th December 2023, relate to PR15 and the aerial photo provided also is of PR15. It is clear from that aerial photo however that PR11 (also visible in the photo) remains undeveloped. Therefore, the reasons that significant development works are already on site, in so far as they relate to PR11, is not relevant. The Office also notes that there is no record of an extant planning permission on the PR 11 lands.

The site was not zoned for housing under the previous Local Area Plan (incorporated into the County Development Plan), but was zoned as part of very extensive strategic residential reserve lands. The policy and objective, under the Development Plans Guidelines, not to de-zone serviced zoned housing land therefore does not apply.

PR11 is located in a peripheral location to the northwest of the town. The zoning is not sequential and leapfrogs very extensive undeveloped zoned residential land closer to the centre of the town. The zoning is therefore inconsistent with objectives UB-O-2 and CS-O-12 of the County Development Plan.

The subject zoning also demonstrates that the planning authority failed to have regard to the policy and objective of the Development Plans Guidelines to prioritise the most centrally located development sites in a settlement first.

No or no adequate reasons have been provided to explain why the planning authority has decided not to implement objectives UB-O-2 and CS-O-12 of the County Development Plan and why the planning authority has failed to have regard to the policy and objectives of the said Development Plans Guidelines in respect of this zoning objective.

Site PR11 also falls, almost entirely, outside the CSO settlement boundary and therefore the zoning of this land would be inconsistent with RPO 3.7.22, RPO 3.1 and RPO 3.2 for compact growth and would undermine the achievement of the RSES 'People and Places' Growth Ambition.

MA34 PR2 - Castlebane

The recommendation required the planning authority to make the Local Area Plan without MA34, which would entail the site reverting to Local Environment as per the draft Local Area Plan.

The CE's Report recommended to comply with MA Recommendation 1(v), however the elected members decided to make the Local Area Plan with MA34 PR2.

In respect of PR2, the reasons of the members considered that the inclusion of this site would provide additional choice for prospective households and provide realistic prospects for development given the content of the submission.

The site was not zoned for housing under the previous Local Area Plan (incorporated into the County Development Plan), but was zoned as part of very extensive strategic residential reserve lands. According to p.38 of the material alterations, the site is not serviced but is serviceable. Uisce Éireann's submission of 7th September 2023 indicates that local network improvements may be necessary. The policy and objective, under the Development Plans Guidelines, not to de-zone serviced zoned housing land therefore does not apply.

PR2 is located in a peripheral location to the northeast of the town. The zoning is not sequential and leapfrogs undeveloped land, including very extensive undeveloped zoned residential closer to the centre of the town. The zoning is therefore inconsistent with objectives UB-O-2 and CS-O-12 of the County Development Plan.

The subject zoning also demonstrates that the planning authority has failed to have regard to the policy and objective of the Development Plans Guidelines to prioritise the most centrally located development sites in a settlement first.

The Office does not consider that the reason given by elected members that the zoning objective would provide additional choice for prospective households and provide realistic prospects for development provides a sufficient justification for

zoning land in a manner inconsistent with the specified objectives of the County Development Plan.

Furthermore, no or no adequate reasons have been provided to explain why the planning authority has decided not to implement objectives UB-O-2 and CS-O-12 of the County Development Plan and why the planning authority has failed to have regard to the policy and objective of the said Development Plans Guidelines in respect of this zoning objective.

1.5 Community and Education land use zoning – MA Recommendation 2

MA44 Community and Education - Ballymacool

MA Recommendation 2 required the planning authority to make the Local Area Plan without MA44 Community and Education, which would entail the site reverting to Local Environment as per the draft Local Area Plan. It stated:

Having regard to the provision of a new school that is well located relative to existing and future populations and can support more sustainable transport options, and in particular to:

- *objectives CS-O-12, CS-O-17 and policies CCG-P-1 and 4 of the County Donegal Development Plan 2018-2024;*
- *Goals 5 and 9 of the National Sustainable Mobility Policy (2022);*
- *RSES Regional Growth Ambition and National Strategic Outcome for compact growth; and*
- *NPO72a-c tiered approach to development;*

the planning authority is required to make the plan without MA44.

The CE's Report of 5th October 2023 recommended to comply with MA Recommendation 2, however the elected members decided to make the Local Area Plan with MA44 Community and Education.

The reasons of the members stated that the purpose of the zoning objective is not for new primary or secondary school facilities, but rather for the provision of a crèche / childcare facilities having regard to the scale of existing and potential residential development in the vicinity.

The land is zoned Community and Enterprise and can accommodate a range of social, community and education uses. The land (c.11.6ha) is located in a peripheral location outside the CSO boundary to the southeast of the town. No information is provided on servicing (including costs of same) in the material alterations, however the CE's Report states that it has poor accessibility. The Office confirmed through site inspection that the land has no access to the residential lands to the south, but is accessed by a narrow local road⁶ that is without footpaths or public lighting. Uisce Éireann's submission indicated that localized upgrades may be required.

As the subject land is not within safe walking distance (i.e. via an existing or proposed footpath) of local services and residential areas, and there are multiple other suitable zoned sites where crèche use is either permitted in principle or open for consideration⁷, the community and education zoning is inconsistent with the location criteria set in policy CCG-P-1 of the County Development Plan, which states (extract):

It is a policy of the Council to consider development proposals for new social and community infrastructure/service related developments (e.g. healthcare facilities, sheltered housing facilities, nursing homes, residential care homes, sports/recreational facilities, playgrounds, community resource centres, new education facilities, etc) in accordance with the following locational criteria:

- (a) At locations within the defined boundaries of settlement framework/urban areas which are within safe walking distance (i.e. via an existing or proposed footpath) of local services and residential areas and which would otherwise promote social inclusion.*
- (b) At alternative locations within settlement framework/urban areas where it is demonstrated that there are no suitable sites available which meet the abovementioned locational criteria in point a) above.....*

⁶ C.340m distant to public footpath and lighting to the south.

⁷ According to table 7.2 land use zoning matrix, crèche / playschool is acceptable in principle on town centre, community and education and on strategic community opportunity land use zones and is open for consideration on primarily residential, established development and on general employment and commercial land use zones.

It is also inconsistent with objective CS-O-17 which seeks to promote sustainable development and transportation, which states:

It is an objective of the Council to promote sustainable development and transportation strategies in urban and rural areas including the promotion of measures to:

- (i) Reduce energy demand in response to the likelihood of increases in energy and other costs due to long-term decline in non-renewable resources;*
- (ii) Reduce anthropogenic greenhouse gas emissions; and*
- (iii) Address the necessity of adaptation to climate change.*

Further, the zoning is not sequential and leapfrogs undeveloped land, including extensive undeveloped zoned land closer to the centre of the town. The zoning is therefore inconsistent with objective CS-O-12 of the County Development Plan to require growth of towns in a sequential manner, and would undermine the achievement of the RSES 'People and Places' Growth Ambition.

No or no adequate reasons have been provided to explain why the planning authority has decided not to implement objectives CS-O-12, CS-O-17 or policy CCG-P-1 of the County Development Plan.

1.6 Flood risk management – MA Recommendation 4

MA42 General Employment and Commercial – Bunnagee

MA Recommendation 4 required the planning authority to make the Local Area Plan without MA42 General Employment and Commercial, which would accommodate less vulnerable development in Flood Zone A on lands that have not passed the plan making Justification Test. It would entail the lands reverting to Open Space as per the draft Local Area Plan. It stated:

Having regard to flood risk management, and in particular to:

- *RPO 3.10, RPO 3.11, and*

- *NPO 57 and The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), as amended by Circular PL 2/2014,*

the planning authority is required to:

- (a) make the plan without MA42 (c.0.5ha), which amended the zoning objective from Open Space to General Employment / General Employment and Commercial;*
- (b) update part b of policy LK-TC-P-10 under MA3 to clarify that it supports, in principle, the expansion of Atlantic Technological University (ATU) only within the limitations set out in part 3 of Plan Making Justification Test 2.7, Justification Test for ATU Site; and*
- (c) update part e of policy LK-TC-P-10 under MA3 to clarify that the areas defined in the Letterkenny 2040 Regeneration Strategy, such as C1. LK Green Connect and C2. Urban Wetlands, are acceptable subject to the findings of a detailed site specific flood risk assessment, and that less vulnerable development in Flood Zone A and highly vulnerable development in Flood Zones A or B would not be acceptable.*

The CE's Report of 5th October 2023 recommended to comply with MA Recommendation 4, however the elected members decided to make the Local Area Plan with MA42 General Employment and Commercial.

The reasons of the members stated that this is a small infill site within a broader commercial area. The members do not address the substantive reasons for the Office's recommendation relating to flood risk.

Section 6.3.2.8 of the Strategic Flood Risk Assessment (SFRA) for the material alterations to the draft Local Area Plan states that the subject site is located

within Flood Zone A and therefore, despite the less vulnerable class of development, would not be considered appropriate at this location if compliance with the Guidance is to be achieved. Given the part 3 of the justification test is not likely to be satisfied a justification test has not been applied.

It is the aim of the County Development Plan

To manage development proposals within flood risk areas in a sequential manner based on avoidance, substitution, justification and mitigation and to otherwise ensure that flood risks can be managed to an acceptable level without increasing flood risk elsewhere.

The subject zoning objective is therefore not in accordance with the aims of the County Development Plan.

Further, the subject zoning objective is inconsistent with objective F-O-2 of the County Development Plan which states:

To adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, substitution, justification, and mitigation of flood risk.

The policy framework set out in the County Development Plan applies *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* (the 'Flood Guidelines') which provide a sound basis for planning authorities to identify, assess and take appropriate steps to manage flood risk in a sustainable manner within their area. The key message of the Flood Guidelines is to avoid development in areas at risk of flooding and to adopt a sequential approach to flood risk management.

The sequential approach set out in the Flood Guidelines provides that where a planning authority is considering the future development of areas at a high or moderate risk of flooding, it must be satisfied that it can clearly demonstrate on a solid evidence base that the zoning or designation for development will satisfy the Justification Test. As noted, above, no justification test has been carried out in respect of this site as the planning authority determined that it would not be passed.

RPO 3.10 also seeks to ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding to create safe places and requires that development plans should assess flood risk by implementing the recommendations of the Flood Guidelines, as amended. RPO 3.11 require the planning authority to implement the recommendations of the CFRAM programme.

The land use zoning objective would facilitate uses that are vulnerable to flood risk. The making of the Local Area Plan with the subject land use zoning objective is not therefore consistent with the objectives (F-O-2) of the County Development Plan, with RPO 3.10 and does not regard to the Flood Guidelines. In this respect, no or no adequate reasons have been provided to explain why the planning authority has not implemented the objectives of the County Development Plan and why the planning authority has failed to have regard to the said Guidelines.

2. Opinion of the Office and Reasons

Having considered the adopted Local Area Plan, the Office is of the opinion, under section 31AO(6) of the Act, that the said County Development Plan has not been made in a manner consistent with the recommendations of the Office.

Further, the Office does not accept that the reasons given for not implementing the Office's recommendations in the notice letter received by the Office on 20th November 2023 and updated on 8th December 2023 adequately justify the failure to implement those recommendations or explain how, notwithstanding that failure, the Local Area Plan as made is consistent with the objectives of the County Development Plan.

As you will be aware, under section 31AO(1) of the Act, the Office has a statutory duty to evaluate and assess planning authority local area plans.

The following provisions of the Act are relevant in terms of the evaluation and assessment of local authority plans such as this Local Area Plan:

- the provisions of section 31AO(2) in respect of ensuring that, where appropriate, the Office addresses the legislative and policy matters set out thereunder;
- under section 31AO(3)(a), in making observations or submissions in respect of any plan evaluation or assessment, the Office shall make, to the relevant planning authority, such recommendations in relation to the Office's evaluation and assessments as it considers necessary to ensure effective co-ordination of national, regional and local planning requirements by the relevant planning authority in the discharge of its development planning functions;

- under section 31AO(6), shall consider whether or not the local area plan as made, amended or revoked by the planning authority is, in the opinion of the Office, consistent with any recommendations made by the Office;
- in performing its functions, the Office must, under section 31P(3) of the Act, take account of the objective for contributing to proper planning and sustainable development and the optimal functioning of planning under the Act; and
- under section 31S, the Office must, in performing its functions, have regard to:
 - a) the policies and objectives for the time being of the Government, a State authority (including Ministerial guidelines, policy directives and directions issued under *Chapter IV of Part II*), planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns, villages or other areas, whether urban or rural;
 - b) the public interest and any effect the performance of the Office's functions may have on issues of strategic, economic or social importance to the State;
 - c) the National Planning Framework (or, where appropriate, the National Spatial Strategy) and any regional spatial and economic strategy for the time being in force; and
 - d) the requirements of relevant acts of the European Union, in particular, those relating to—
 - (i) the Environmental Impact Assessment Directive,
 - (ii) Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment,
 - (iii) the Habitats Directive, and
 - (iv) the Birds Directives,

in so far as those requirements relate to planning authorities by virtue of being designated competent authorities for the purposes of those acts.

Accordingly, having considered the Local Area Plan in light of section 31AO(1), section 31AO(2)(a)-(e), section 31AO(3)(a), section 31P(3) and section 31S, and the letter from the planning authority of 20th November 2023 and updated on 8th December 2023 issued under section 31AO(5) the Office is of the opinion that the Local Area Plan has not been made in a manner consistent with the recommendations of the Office under section 31AM (7).

The adopted Local Area Plan includes zoning objectives and material alterations to the draft Local Area Plan, which zone additional residential land in excess of what is required for Letterkenny as determined by the planning authority in the Local Area Plan in accordance with the growth targets for Letterkenny under RPO 3.7.20 and RPO 3.7.23 of the RSES. These zoning objectives and alterations are located in peripheral and non-sequential locations, largely outside the CSO boundary, and would encourage a pattern of development in particular locations which is inconsistent with the objectives of the County Development Plan to implement a sequential approach to development (Objective UB-O-2 and Objective CS-O-12), and RPO 3.7.22, RPO 3.1 and RPO 3.2 of the RSES for compact growth and would undermine the achievement of the RSES 'People and Places' Growth Ambition.

For the avoidance of doubt, the Office is satisfied that the objective '*To deliver new urban residential development in towns in a sequential manner, outwards from the core making best use of infrastructure, land resources and assisting in regeneration of existing towns*' under objective UB-O-2 of the County Development Plan and more generally under objective CS-O-12 have regard to the policy and objective for a sequential approach to development in the Development Plans Guidelines issued under section 28 of the Act.

The adopted Local Area Plan includes a material alteration to the draft Local Area Plan, which zones a 11.6 ha parcel of land Community and Enterprise, which zoning objective can accommodate a range of social, community and education uses. The land is located in a peripheral location outside the CSO boundary and in an area with poor accessibility. Furthermore, there are multiple other suitable zoned sites closer to the town centre and in areas within safe walking distance of local services and residential areas.

The material alteration is therefore inconsistent with the objectives of the County Development Plan to implement a sequential approach to development (Objective CS-O-12), promote sustainable development and transportation strategies in urban and rural areas (Objective CS-O-17), and the locational criteria for new social and community infrastructure/service related developments (Policy CCG-P-1), and would undermine the achievement of the RSES 'People and Places' Growth Ambition.

The adopted Local Area Plan also includes a material alteration to the draft Local Area Plan which zones land for vulnerable uses within flood risk zone A which lands have not passed the plan making Justification Test. This zoning objective is inconsistent with the County Development Plan, in particular objective F-O-2, by not demonstrating a solid evidence base that the proposed land use zoning objective will satisfy the sequential approach to flood risk management. For the avoidance of doubt, the Office is satisfied that the sequential approach required under objective F-O-2 is consistent with regional policy objectives for flood risk management (RPOs 3.10 and 3.11) and has regard to the Flood Guidelines issued under section 28 of the Act.

Moreover, having considered the reasons given by the elected members as set out above, the Office remains of the view that provisions of the Local Area Plan as made are inconsistent with the County Development Plan, specifically objectives UB-O-2, CS-O-12, CS-O-17, and F-O-2, in addition to policy CCG-P-1.

No or no adequate reasons relating to the proper planning and sustainable development of the area have been provided to explain why the planning authority has failed to implement the objectives of the County Development Plan.

In making the Local Area Plan with the subject zoning objectives and alterations, the planning authority has made the plan inconsistent with the requirements of section 19(2) of the Act which requires local area plans be consistent with the objectives of the county development plan.

The factors that the Office has taken into account in forming this opinion are as follows:

- i. The objectives and policies of the County Development Plan, UB-O-2, CS-O-12, CS-O-17, F-O-2 and CCG-P-1, which state:

UB-O-2

To deliver new urban residential development in towns in a sequential manner, outwards from the core making best use of infrastructure, land resources and assisting in regeneration of existing towns.

CS-O-12

To require growth of towns in a sequential manner outwards from the core so as to make best use of existing and planned infrastructure to the benefit of local communities and effective urban growth.

CS-O-17

It is an objective of the Council to promote sustainable development and transportation strategies in urban and rural areas including the promotion of measures to:

- (i) Reduce energy demand in response to the likelihood of increases in energy and other costs due to long-term decline in non-renewable resources;*
- (ii) Reduce anthropogenic greenhouse gas emissions; and*
- (iii) Address the necessity of adaptation to climate change.*

F-O-2

To adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, substitution, justification, and mitigation of flood risk.'

CCG-P-1

It is a policy of the Council to consider development proposals for new social and community infrastructure/service related developments (e.g. healthcare facilities, sheltered housing facilities, nursing homes, residential care homes, sports/recreational facilities, playgrounds, community resource centres, new education facilities, etc) in accordance with the following locational criteria:

- (a) At locations within the defined boundaries of settlement framework/urban areas which are within safe walking distance (i.e. via*

an existing or proposed footpath) of local services and residential areas and which would otherwise promote social inclusion.

(b) At alternative locations within settlement framework/urban areas where it is demonstrated that there are no suitable sites available which meet the abovementioned locational criteria in point a) above.

(c) In rural locations in close proximity to existing rural infrastructure (e.g. rural schools, sports facilities, churches etc), excluding areas of Especially High Scenic Amenity, where it is demonstrated that; the development is intended to serve an exclusively rural need, the development is functionally dependent on a specific rural location, or where there are no sites available which meet the abovementioned locational criteria in points a) and b) above.

(d) At other rural locations excluding areas of Especially High Scenic Amenity where it is demonstrated that; the development is intended to serve an exclusively rural need, the development is functionally dependent on a specific rural location, or where there are no sites available to meet the abovementioned locational criteria in points (a), (b) and (c) above.

- ii. Regional Policy Objectives RPO 3.1, RPO 3.2, RPO 3.10, RPO 3.11, RPO 3.7.20, RPO 3.7.22 and RPO 3.7.23; and People and Places Growth Ambition;

People and Places Growth Ambition

Compact growth will be pursued to ensure sustainable growth of more compact urban and rural settlements, supported by jobs, houses, services and amenities, rather than continued sprawl and unplanned, uneconomic growth.

RPO 3.1

Develop urban places of regional-scale through:

- *Delivering on the population targets for the Metropolitan and Regional Growth Centres through compact growth;*

- *Delivering significant compact growth in Key Towns; and*
- *Developing derelict and underutilised sites, with an initial focus within town cores.*

RPO 3.2

(a) Deliver at least 50% of all new city homes targeted in the Galway MASP, within the existing built-up footprint of Galway City and suburbs.

(b) Deliver at least 40% of all new housing targeted in the Regional Growth Centres, within the existing built-up footprint.

(c) Deliver at least 30% of all new homes that are targeted in settlements with a population of at least 1,500 (other than the Galway MASP and the Regional Growth Centres), within the existing built-up footprints.

RPO 3.10

Ensure flood risk management informs development by avoiding inappropriate development in areas at risk of flooding and integrate sustainable water management solutions (such as SUDS, non-porous surfacing and green roofs) to create safe places. Development plans should assess flood risk by implementing the recommendations of the Planning System and Flood Risk Assessment Guidelines for Planning Authorities (2009) and Circular PL02/2014 (August 2014)

RPO 3.11

Local Authorities, DHPLG, OPW, and other relevant Departments and agencies to work together to implement the recommendation of the CFRAM programme to ensure that flood risk management policies and infrastructure are progressively implemented

RPO 3.7.20

To grow Letterkenny to a Regional Centre to a minimum of 27,300 residents by 2040.

RPO 3.7.22

To ensure that at least 40% of all newly developed lands (Residential, Enterprise and Employment) are within the existing built-up urban area of Letterkenny

RPO 3.7.23

To provide an additional 3,000 - 4,000 residential units within Letterkenny to facilitate the growth as set out in RPO 3.7.20, above.

- iii. *The Development Plans Guidelines, which state:*

Section 6.2.3 - Sequential Approach to Zoning for Residential Development

In undertaking the zoning function for new residential development at individual settlement scale, planning authorities are required to adopt a sequential approach which reflects the compact growth, utilisation of existing infrastructure and town regeneration national policy objectives of the NPF, further developing the Tiered Approach.

It is a policy and objective of these Guidelines that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.

- iv. *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) which:*

require the planning system at national, regional and local levels to:

Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere;

Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk.

- v. The CE's Reports on submissions on the draft Local Area Plan and material alterations to the draft Local Area Plan.
- vi. Matters generally within the scope of section 19 of the Act.
- vii. The Office's statutory obligations under the Act.

In light of the above, the Office is therefore of the opinion that the Local Area Plan has not been made in a manner consistent with its recommendations as set out in the submissions of 13th April 2022 and 8th September 2023, and that the decision of the Council results in the making of a Local Area Plan in a manner that is inconsistent with the County Development Plan of the area concerned, and as a consequence the use by the Minister of his or her functions to issue a direction under section 31 would be merited.

3. Recommendation to the Minister

Having regard to section 31AO(7) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act taking such steps as to rectify the matter as set out in the draft direction to the planning authority accompanying this notice, i.e.:

Reinstate the following zoning objectives and associated text consistent with the recommendation of the CE's Reports dated March 2023 and 5th October 2023:

- (i) PR 17 Glencar Scotch and Killyclug - i.e. the subject lands revert to unzoned 'white lands' from Primarily Residential
- (ii) MA30(B) PR12 Creeve – i.e. the subject lands revert to Local Environment and Established Development from Primarily Residential as per the draft Local Area Plan
- (iii) MA31 PR11 Killyclug - i.e. the subject lands revert to Local Environment from Primarily Residential
- (iv) MA34 PR2 Castlebane - i.e. the subject lands revert to Local Environment from Primarily Residential

- (v) MA44 Ballymacool – i.e. the subject lands revert to Local Environment from Community and Education
- (vi) MA42 Bunnagee – i.e. the subject lands revert to Open Space from General Employment and Commercial.

Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or at plans@opr.ie.

Yours sincerely,



Niall Cussen

Planning Regulator

DRAFT DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Letterkenny Local Area Plan and Local Transport Plan 2023-2029

“Local Area Plan” means the Letterkenny Local Area Plan and Local Transport Plan 2023-2029

“Planning Authority” means Donegal County Council

The Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (No.30 of 2000) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2023 (S.I. No. 116 of 2023), and consequent to a recommendation made to him by the Office of the Planning Regulator, hereby directs as follows:

This Direction may be cited as the Planning and Development (Letterkenny Local Area Plan and Local Transport Plan 2023-2029) Direction 2023.

The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:

Reinstate the following zoning objectives and associated text consistent with the recommendation of the chief executive’s reports dated March 2023 and 5th October 2023:

- (i) PR 17 Glencar Scotch and Killyclug - i.e. the subject lands revert to unzoned ‘white lands’ from Primarily Residential

- (ii) MA30(B) PR12 Creeve – i.e. the subject lands revert to Local Environment and Established Development from Primarily Residential as per the draft LAP
- (iii) MA31 PR11 Killyclug - i.e. the subject lands revert to Local Environment from Primarily Residential
- (iv) MA34 PR2 Castlebane - i.e. the subject lands revert to Local Environment from Primarily Residential
- (v) MA44 Ballymacool – i.e. the subject lands revert to Local Environment from Community and Education
- (vi) MA42 – Bunnagee – i.e. the subject lands revert to Open Space from General Employment and Commercial.

STATEMENT OF REASONS

- I. The Local Area Plan as made includes zoning objectives and material alterations to the draft Local Area Plan, which zone additional residential land in excess of what is required for Letterkenny as determined by the planning authority in the Local Area Plan in accordance with the growth targets for Letterkenny under RPO 3.7.20 and RPO 3.7.23 of the Regional Spatial and Economic Strategy (RSES). These zoning objectives and alterations are located in peripheral and non-sequential locations, largely outside the CSO boundary, and would encourage a pattern of development in particular locations which is inconsistent with the objectives of the Development Plan to implement a sequential approach to development (Objective UB-O-2 and Objective CS-O-12) and RPO 3.7.22, RPO 3.1 and RPO 3.2 of the RSES for compact growth; would undermine the achievement of the RSES 'People and Places' Growth Ambition; and demonstrates that the Planning Authority has failed to have regard to the policy and objective of the Development Plan Guidelines.

- II. The Local Area Plan as made includes a material alteration to the draft Local Area Plan, which zones a 11.6ha parcel of land Community and Enterprise, which zoning objective can accommodate a range of social, community and education uses. The land is located in a peripheral location outside the CSO boundary and in an area with poor accessibility. Furthermore, there are multiple other suitable zoned sites closer to the town centre and in areas within safe walking distance of local services and residential areas.

The material alteration is therefore inconsistent with the objectives of the Development Plan to implement a sequential approach to development (Objective CS-O-12), promote sustainable development and transportation strategies in urban and rural areas (Objective CS-O-17), and the locational criteria for new social and community infrastructure/service related developments (Policy CCG-P-1), and would undermine the achievement of the RSES 'People and Places' Growth Ambition.

- III. The Local Area Plan as adopted also includes a material alteration to the draft Local Area Plan which zones land for vulnerable uses within flood risk zone A which lands have not passed the plan making Justification Test. This zoning objective is inconsistent with the Development Plan, in particular objective F-O-2, by not demonstrating a solid evidence base that the proposed land use zoning objective will satisfy the sequential approach to flood risk management.
- IV. The Local Area Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under section 31 AO of the Act.
- V. In light of the matters set out at I-III above, the Minister is of the opinion that the Local Area Plan as made is inconsistent with the objectives of the Development Plan of the area, which is a requirement of the Act.
- VI. In light of the matters set out at I to III and V, above, the Local Area Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister for Housing, Local Government and Heritage

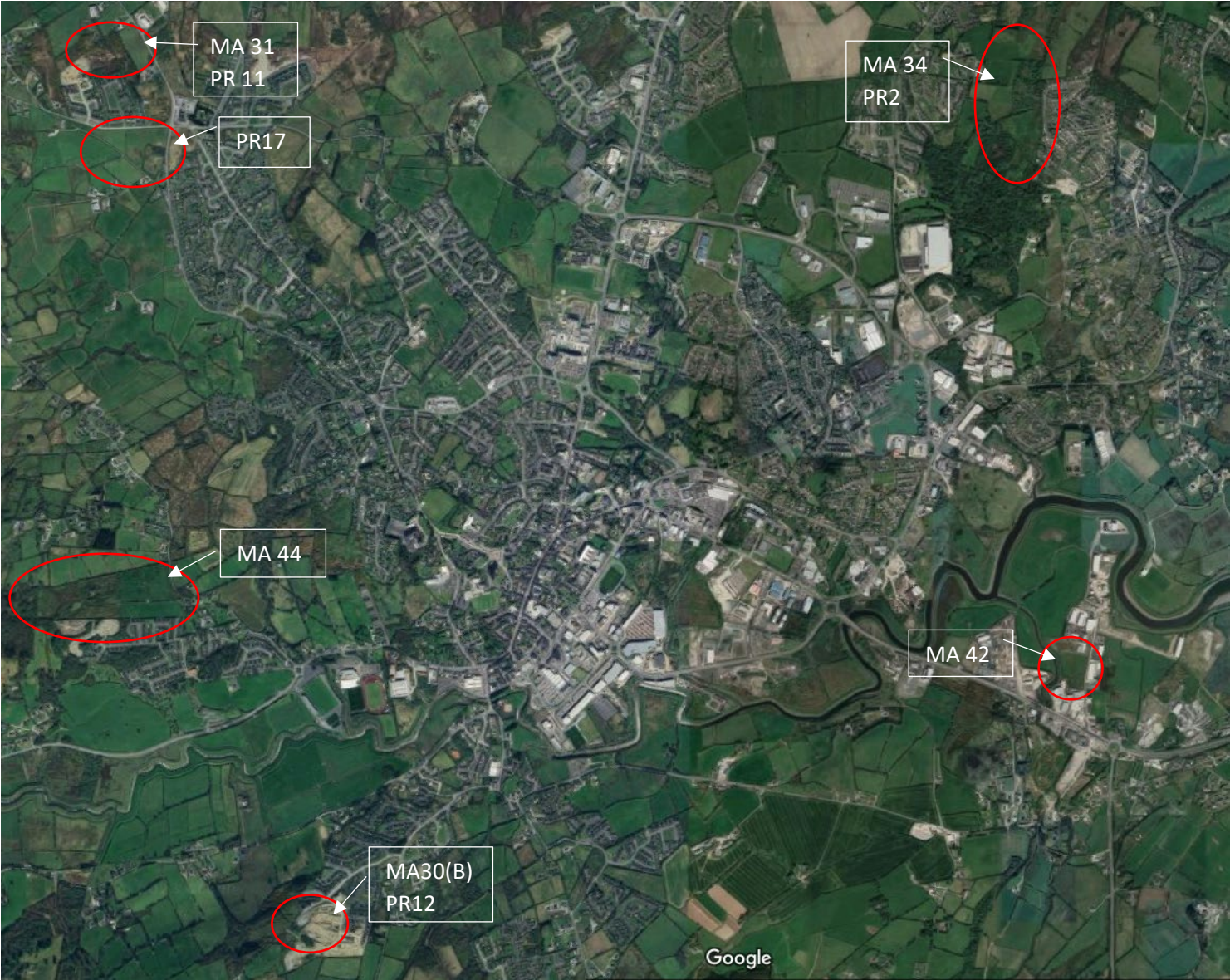
day of Month, year.



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

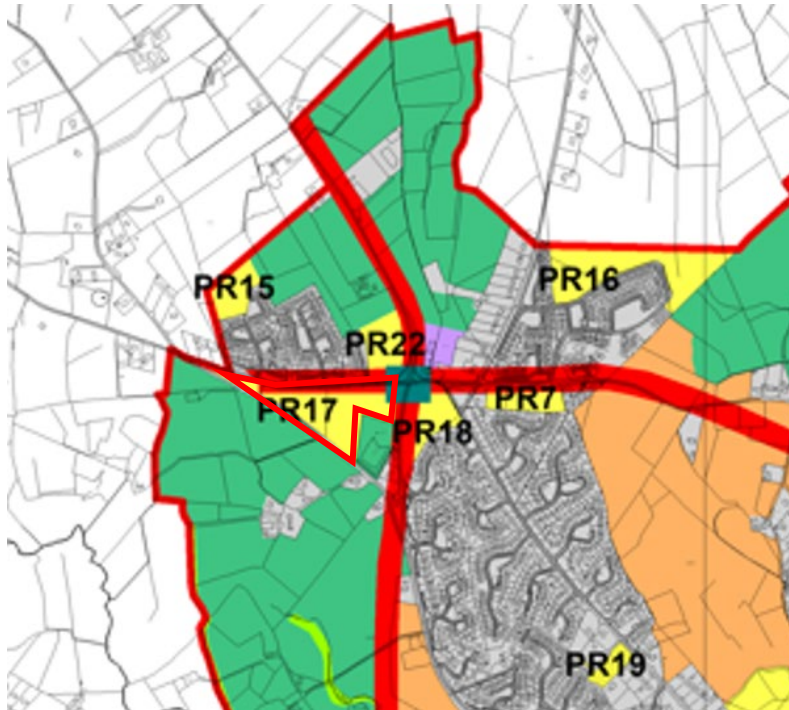
Appendix 1: Mapping of Sites Identified in Draft Direction

Aerial View of Letterkenny with general location of subject sites indicated in red



PR 17 Glencar Scotch and Killyclug - i.e. the subject lands revert to unzoned 'white lands' from Primarily Residential

Draft Plan:

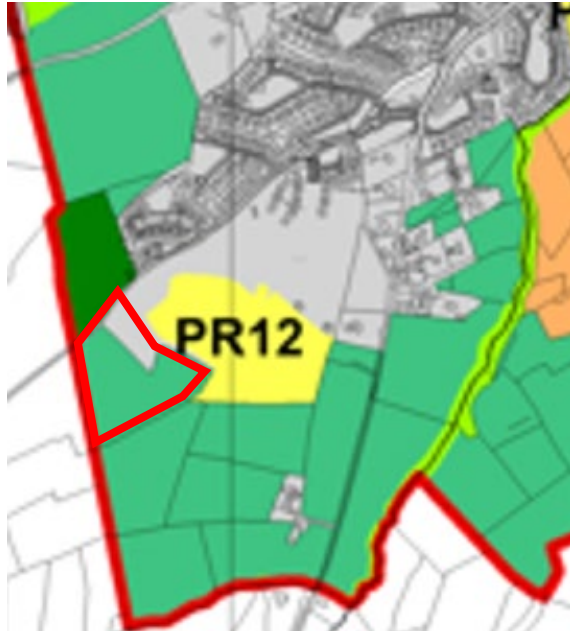


Aerial Photo:

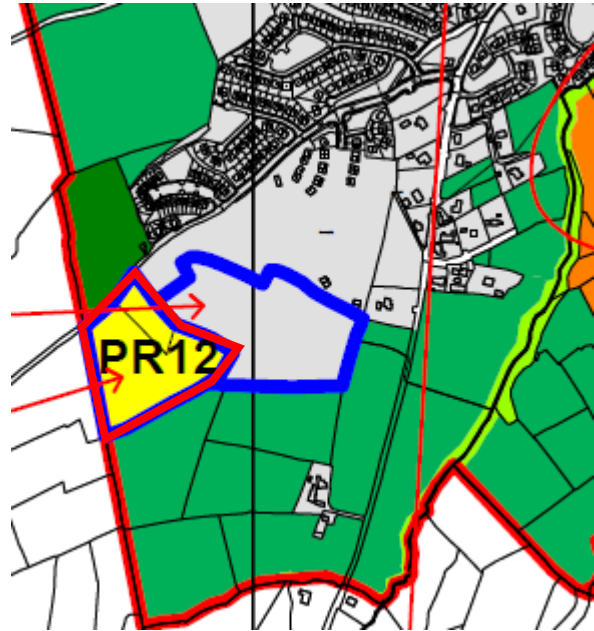


MA30(B) PR12 Creeve – i.e. the subject lands revert to Local Environment and Established Development from Primarily Residential as per the draft LAP

Draft Plan:



Material Alterations:

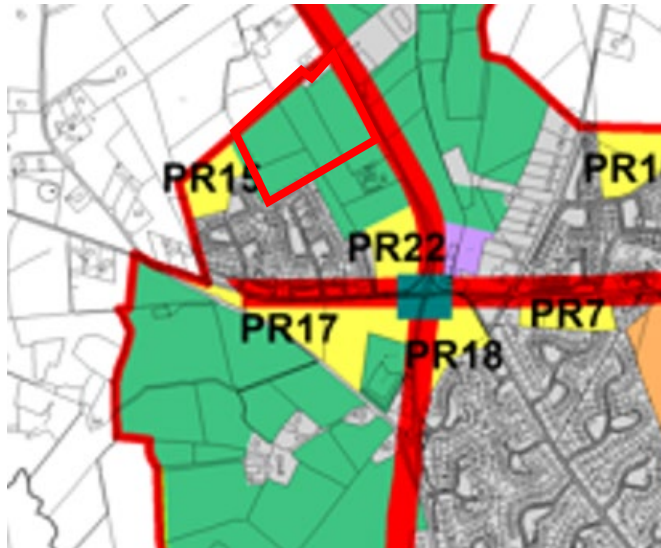


Aerial Photograph:

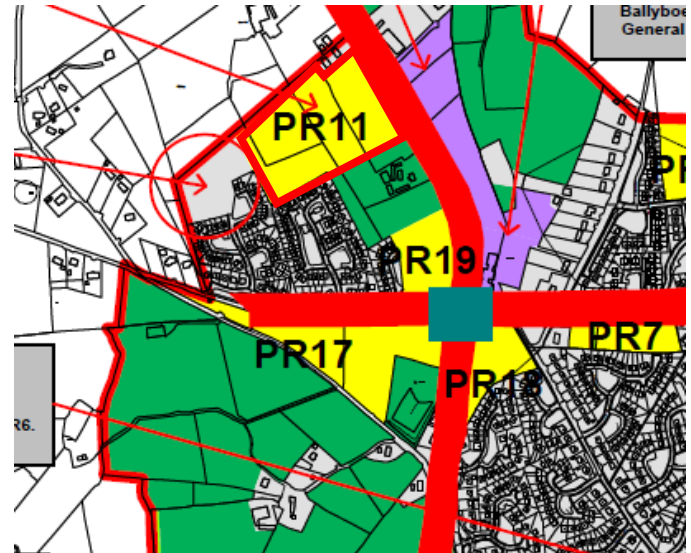


MA31 PR11 Killyclug - i.e. the subject lands revert to Local Environment from Primarily Residential

Draft Plan:



Material Alterations:

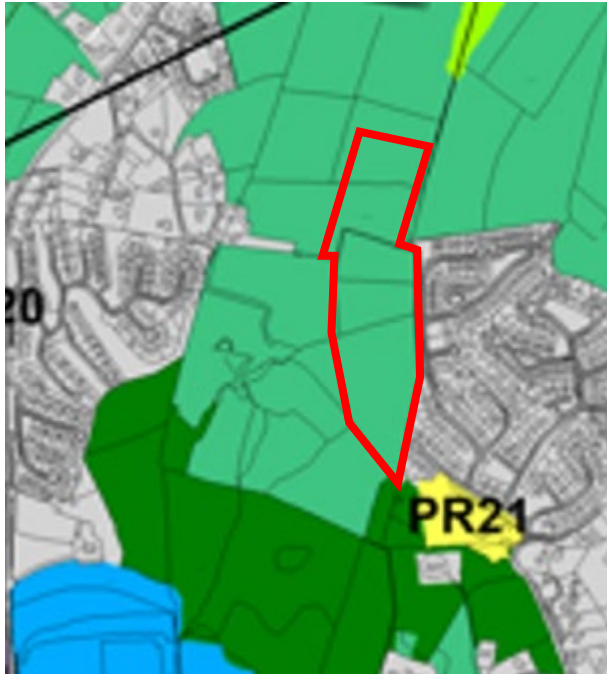


Aerial Photograph:

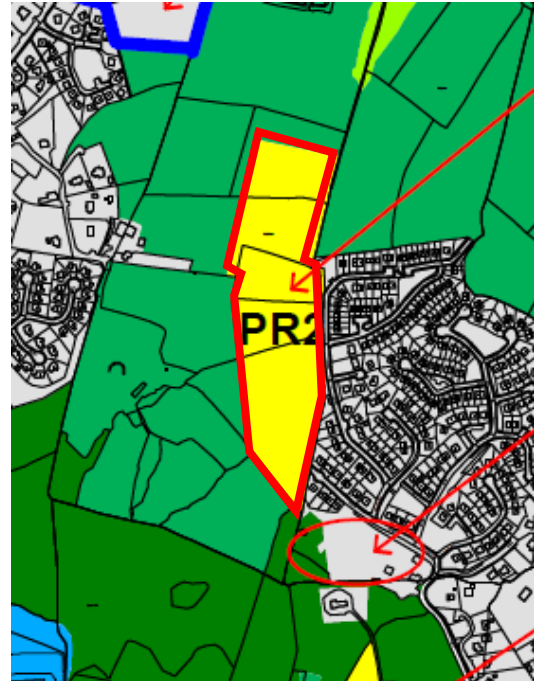


MA34 PR2 Castlebane - i.e. the subject lands revert to Local Environment from Primarily Residential

Draft Plan:



Material Alterations:

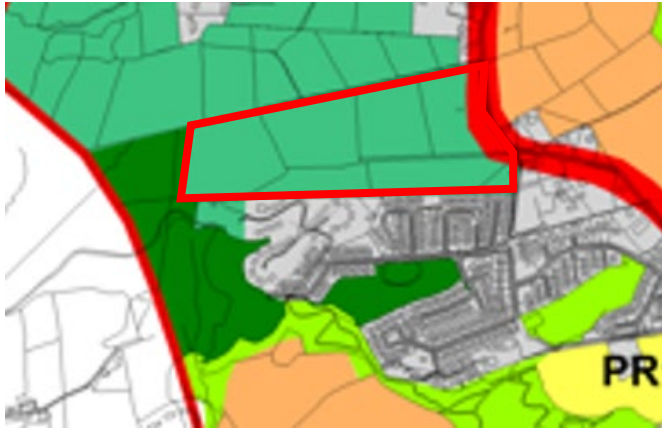


Aerial Photograph:

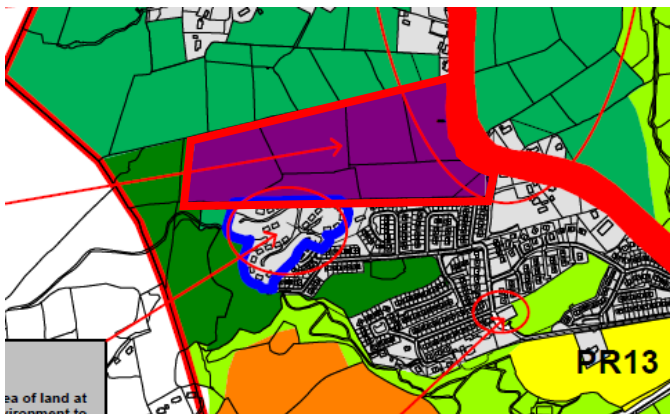


MA44 Ballymacool – i.e. the subject lands revert to Local Environment from Community and Education

Draft Plan:



Material Alterations:

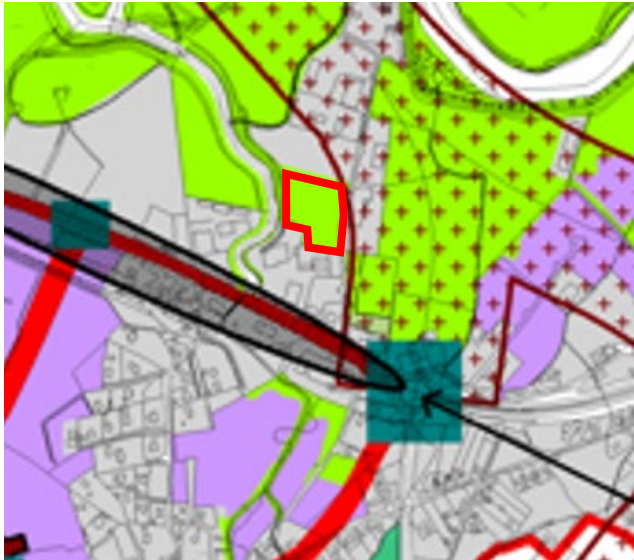


Aerial Photograph:

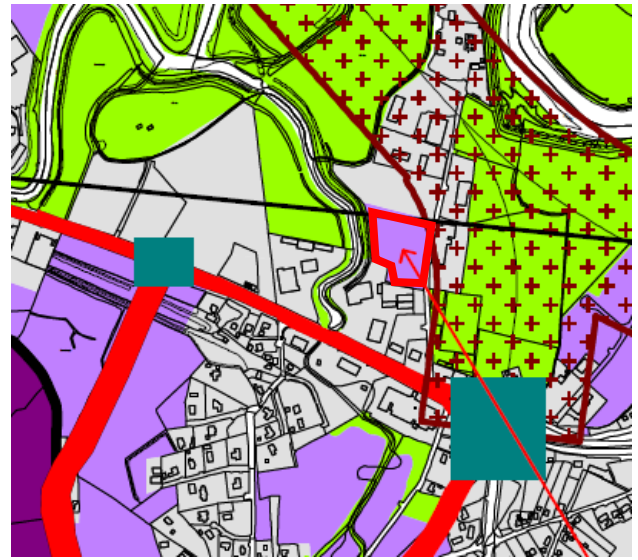


MA42 – Bunnagee – i.e. the subject lands revert to Open Space from General Employment and Commercial.

Draft Plan:



Material Alterations:



Aerial Photograph:

