

13th February 2026

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

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

A chara,

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

As Donegal County Council (Planning Authority) is aware, a key function of the Office of the Planning Regulator (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 proposed Variation pursuant to Part 3 of the Planning and Development Act 2024 (Act) and its functions under section 546 and this submission has been prepared accordingly.

Recommendations issued by the Office further to section 58(9) of the Act relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government. As such, planning authorities are requested to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations issued by the Office pursuant to section 546 of the Act may take the form of a request for further information or justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are considered necessary to ensure alignment

with policy and legislative provisions. Planning authorities are requested by the Office to action an observation.

A submission can also include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. Planning authorities are requested by the Office to give full consideration to the advice contained in a submission.

On adoption of the Variation, the Office will assess it in accordance with the statutory framework in section 63 of the Act.

Overview

The proposed Variation includes a number of changes to the County Development Plan with regard to the following elements:

- updates to table 3.7 core strategy table;
- amendments to chapter 17 General Introduction to Area Plans;
- new Area Plans for An Clochán Liath, Ballyshannon, Bridgend, Carndonagh, Donegal Town and Killybegs;
- amendment to Buncrana Area Plan land use zoning map to rezone lands at Cockhill;
- amendments to Ballybofey/Stranorlar Area Plan to address RZLT rezonings and lands at Mullindrait, Stranorlar; and
- amendments to Letterkenny land use zoning map to address RZLT rezonings and to change proposed Natural Heritage Areas (pNHA) lands to Local Environment.

The Office welcomes the implementation of the NPF Implementation: Housing Growth Requirements (2025) (Housing Growth Guidelines) which the updated core strategy table and infrastructure assessment for each area plan demonstrates consistency with.

The Office considers that the requirements of both Policy and Objective 1 and 2 of the Housing Growth Guidelines are achieved by the proposed Variation and the phased release of Phase 2 and/or Strategic Residential Reserve lands (policy GEN-H-P-3) focuses the delivery of compact and sequential patterns of growth, materially consistent with NPO 7 of the National Planning Framework First Revision (2025) (NPF), and provides a clear direction for future housing delivery in each area.

In addition, the Office welcomes the town centre and regeneration objectives and policies, including the identification of Opportunity Sites, within each Area Plan with the emphasis on the delivery of a mix of uses to activate the urban core, and the preparation of a Local Transport Plan (LTP) for each area to support the integration of land use and transport planning by identifying a range of measures to improve sustainable transport.

Notwithstanding the above, the Office recommends amendments in relation to sustainable transport and mobility which will be important in terms of reducing greenhouse gas emissions, and in relation to flood risk management.

The Office also advises providing further detail to inform the zoning of employment lands to demonstrate that the proposed zonings are underpinned by a robust evidence base in each Area Plan, and that the rezoning of pNHA to Local Environment (Letterkenny land use zoning map) ensures their environmental significance is protected, conserved and enhanced.

The submission below has been prepared to provide a strategic level input to your authority in finalising the proposed Variation. It is within the above context that the submission sets out two (2) recommendations and two (2) observations under the following key themes:

Key theme	Recommendation	Observation
<u>Employment and economic development</u>	-	<u>Observation 1</u>
<u>Sustainable transport</u>	<u>Recommendation 1</u>	-
<u>Flood risk management</u>	<u>Recommendation 2</u>	-
<u>Natural heritage</u>	-	<u>Observation 2</u>

1. Employment and economic development

The Office recognises that each Area Plan within the proposed Variation addresses economic development and welcomes the identification of Opportunity Sites, in addition to business enterprise zoned land, with specific objectives and policies to facilitate economic development proposals.

The Office considers that the provision of information on the quantum of employment zoned lands in each settlement that are developed and undeveloped, and relevant servicing information, will inform the evidence base, rationale for zoning additional lands and policies and objectives of the proposed Variation, ensuring that due account is taken of section

6.2.5 of the Development Plans, Guidelines for Planning Authorities (2022), and material consistency with national and regional policy objectives.

Observation 1 - Employment zoned land

Having regard to:

- NPO 19 of the NPF to identify and quantify locations for strategic employment development;
- RPO 8.17 of the RSES to provide quality water and wastewater services necessary for urban and rural economic development purposes; and
- section 6.2.5 of the Development Plans, Guidelines for Planning Authorities (2022) (zoning for employment use),

the Planning Authority is advised to provide detail within the Area Plans for An Clochán Liath, Ballyshannon, Bridgend, Carndonagh, Donegal Town and Killybegs on the:

- (i) quantum of employment zoned lands that are developed and undeveloped; and
- (ii) infrastructure services relating to wastewater, water supply, roads, footpaths and lighting.

2. Sustainable transport

The Office welcomes the preparation of an LTP for each Area Plan using the Area Based Transport Assessment Advice Note (2018) methodology, which supports the integration of land use and transport planning by identifying a range of measures to improve sustainable transport.

While the LTP sits alongside the proposed Variation, and local transport objectives and policies are included in each Area Plan, the Office is concerned the LTP measures and strategy have not been adequately prioritised and integrated into the proposed Variation and recommends that more explicit policy support for the implementation of each preferred modal strategy and associated interventions is provided.

In addition, the Office considers the identification of priorities around existing deficits within each Area Plan are included, and that priority projects to be progressed during the plan

period are identified within each Area Plan, together with implementation timeframes to ensure material consistency with national and regional objectives.

With regard to the Ballyshannon Area Plan, the Office notes that policies BN-H-P-5 and BN-TSM-P-2 provide for the construction of a developer led multi modal southern relief road through undeveloped lands zoned for residential purposes to ultimately connect the R267 through to the N3 junction. The Office is concerned as the road proposal is not assessed in the related LTP and considers that the related policies (referenced above) should be supported by an evidence-based assessment as part of the LTP process to inform the Area Plan.

Recommendation 1 – Integration of transport and land use planning

Having regard to the need for integration of land use and sustainable transportation and:

- NPO 107 and National Strategic Outcome 5 of the NPF to reduce car usage and increase the number of journeys taken by sustainable modes;
- NPO 93 of the NPF to improve air quality through integrated land use and spatial planning;
- RPO 6.28 of the RSES to incorporate policies, objectives and measures which emerge from local transport plans into development plans;
- RPO 6.29 of the RSES to deliver a high level of priority and permeability for walking, cycling and public transport modes;
- RPO 6.49 of the RSES to develop and deliver strategy and infrastructure to enable the adoption and integration of future modes of transport and mobility; and
- the Climate Action and Low Carbon Development Act 2015, as amended, mandatory target to reduce greenhouse gas emissions by 51%, the Climate Action Plan 2025 and associated actions including the National Sustainable Mobility Policy (2022) targets to reduce vehicle kilometres travelled per year and the National Investment Framework for Transport in Ireland (2021),

the Office recommends for the Area Plans for An Clochán Liath, Ballyshannon, Bridgend, Carndonagh, Donegal Town and Killybegs that the Planning Authority:

- (i) identifies priority active travel projects to be progressed during the plan period together with timeframes;
- (ii) includes policy support for the implementation of the proposed interventions, identifying connectivity for existing and proposed active travel networks and public transport networks for existing and proposed residential and employment lands and Opportunity Sites; and
- (iii) assesses the proposed southern relief road, referenced in policies BN-H-P-5 and BN-TSM-P-2 of the Ballyshannon Area Plan, as part of the Local Transport Plan and include evidence-based policy support in the relevant section of the Area Plan.

3. Flood risk management

The Office welcomes the preparation of the Strategic Flood Risk Assessment (SFRA) in accordance with NPO 1 of the NPF and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines).

The Office welcomes the inclusion of Plan Making Justification Tests (Justification Tests) in appendix B of the SFRA, which enhances the assessment of the suitability of specific developments located in the area identified as having moderate or high flood risk, as detailed in section 3.7 of the Flood Guidelines. However, the Office is concerned that not all the Flood Guidelines requirements have been addressed in this regard, in particular:

- part 2(iii) of the Justification Test is not satisfied for Opportunity Site 11 in the Donegal Town Area Plan as it is located on the periphery of the settlement;
- part 2(v) of the Justification Test is not consistently applied and section 4.27a of the Flood Guidelines does not apply to this criterion; and
- part 3 of the Justification Test does not provide a determination on whether specified mitigation measures can effectively reduce the risks to an acceptable level while not exacerbating flood risk elsewhere. Any requirements, mitigations or limitations required to ensure the lands can be safely developed should be included in the Area Plans as objectives and policies and not passed on to development management.

The Office, therefore, recommends that appendix A of the SFRA is reviewed to provide clarity and consistency with the Flood Guidelines.

The Office welcomes the inclusion of high-end future scenario mapping to determine the future risks of climate change within the Area Plans, while this approach is consistent with flood zones in the County Development Plan, the Office notes that the Flood Guidelines require that flood zones are defined on the basis of current flood risk.

As flood zone mapping is not overlaid on the land use zoning mapping it is difficult to understand the implications of flood risk across the Area Plan areas, the Office considers that flood zone mapping should be overlaid on the land use zoning maps, and included as part of the proposed Variation, in order to facilitate assessing if the sequential approach has been followed.

The Office recognises that National Indicative Fluvial Mapping (NIFM) datasets have been used in the assessment of flood risk in the Area Plans and notes that although NIFM flood outlines are suitable for initial flood zone mapping the NIFM User Guidance Notes state that maps should not be used as the sole basis for defining flood zones. As such, the Office considers that further detail should be provided in the SFRA on how the flood zones have been confirmed.

In addition, the Office considers that information on flood risks from all sources should be considered in the SFRA to determine flood zones, for example Heitons's site (Opportunity Site 4) in Ballyshannon has been subject to site surveys and site-specific flood risk assessments associated with recent planning enquiries which should be considered in the SFRA.

Finally, the Office welcomes objective CN-CERH-O-2 and policy CN-BH-P-1, which support the delivery of the Barrack Hill Urban Wetland Way project in the Carndonagh Area Plan and the Office considers the objectives and policies for other Opportunity Sites should include Sustainable urban Drainage Systems incorporating nature-based solutions, which should be included in the SFRA and guidance provided on the types of measures that are considered appropriate.

Recommendation 2 - Flood risk management

Having regard to:

- NPO 78 of the NPF to avoid inappropriate development in areas at risk of flooding that do not pass the Plan Making Justification Test (Justification Test);
- RPO 3.30 of the RSES to integrate sustainable water management solutions and assess flood risk by implementing the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines); and
- the Flood Guidelines,

the Office recommends for the Area Plans for An Clochán Liath, Ballyshannon, Bridgend, Carndonagh, Donegal Town and Killybegs that the Planning Authority:

- (i) reviews and amends the Strategic Flood Risk Assessment (SFRA) to ensure that it is fully consistent with the Justification Test as set out in the Flood Guidelines, all zoned lands that can accommodate vulnerable uses should be included and any zoning objective for highly vulnerable development (in Flood Zone A or B) or less vulnerable development (in Flood Zone A) that does not pass the Justification Test in accordance with the Flood Guidelines should be omitted;
- (ii) includes 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;
- (iii) overlay the flood zone mapping with the land use zoning mapping;
- (iv) provide further detail in the SFRA on how the flood zones have been confirmed including considering information on flood risks from all sources such as site surveys and site-specific flood risk assessments as part of the SFRA to determine flood zones; and
- (v) ensure the management of surface water runoff in the development of Opportunity Sites is in accordance with Sustainable urban Drainage Systems (SUDS) nature-base solutions and appropriate policies included. These sites should be identified in the SFRA and necessary guidance provided on the applicability of different SUDS techniques.

The Planning Authority is advised to liaise with the Office of Public Works to address this recommendation.

4. Natural heritage

The Office recognises the rezonings of pNHA sites on the Letterkenny land use zoning map to Local Environment are intended to provide an appropriate land use zoning objective for the sites. However, as the land use zoning objective for Local Environment includes a range of uses open for consideration, that would not be appropriate within a pNHA the Office advises the Planning Authority to clarify that where a Local Environment zoning overlaps with a pNHA the environmental significance of the sites will be protected, conserved and enhanced in an appropriate manner to ensure material consistency with national and regional objectives.

Observation 2 - Proposed Natural Heritage Areas and Local Environment land use zoning

Having regard to:

- NPO 89 of the NPF to protect, conserve and enhance qualities of natural heritage in a manner appropriate to their environmental significance; and
- RPO 5.5 of the RSES to conserve and protect designated areas and natural heritage areas,

the Planning Authority is advised to clarify that where Local Environment zonings overlap with pNHA on the Letterkenny land use zoning map, inappropriate uses are not acceptable, to ensure the environmental significance of the sites are protected, conserved and enhanced.

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 58(11) of the Act must summarise these recommendations and how the Chief Executive proposes they should be dealt with.

Where the Planning Authority makes a variation, it is required to notify the Office within **one week** of the decision to adopt the Variation. Where your authority decides not to comply with the recommendations of the Office, then it shall inform the Office as soon as practicable and provide reasons for the decision not to so comply.

Your authority is also required to send the Office a copy of the Variation and any submissions made by the Minister, the relevant regional assembly and the National Transport Authority during the Variation preparation process.

Please be advised that planning authorities are also required to publish notice of the Variation within a week of the adoption, stating that a copy of the County Development Plan as varied will be available for inspection on a website and at a place specified in the notice no later than five weeks after the date of adoption.

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.

Is mise le meas,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluation

Designated Public Official under the Regulation of Lobbying Act 2015