



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

12th March 2024

Kieran McDonnell 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 31AP(4) 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 pursuant to section 31AP(4) of *the Planning and Development Act 2000* (as amended) (the "Act") in the context of the Letterkenny Local Area Plan and Local Transport Plan 2023-2029 (the "Local Area Plan"). In particular, I write arising from the consideration by this Office of the following:

- a) the Notice of Intent to issue a Direction issued to Donegal County Council (the "Council") by your office on 20th December 2023; and
- b) the report of the Chief Executive of the Council dated 20th February 2024 on the submissions and observations received by the Council (the "CE's Report").

I refer also to the two (2) submissions made directly by and/or on behalf of elected members of the Council to this Office and considered by this Office pursuant to section 31(10)(a) of the Act. This Office has carefully considered the CE's Report and the submissions made directly to this Office.

Draft Direction

The draft Direction issued by the Minister contained two parts (a) and (b):

Part 2

- (a) Delete the following zoning objective from the adopted plan, i.e. the subject land is unzoned:
 - (i) PR17 Glencar Scotch and Killyclug – i.e. the subject lands change to unzoned from Primarily Residential.

- (b) Reinstate the following zoning objectives and associated text that of the draft plan:
 - (i) MA30(B) PR12 Creeve – i.e. the subject lands revert to Local Environment and Established Development from Primarily Residential
 - (ii) MA31 PR11 Killyclug – i.e. the subject lands revert to Local Environment from Primarily Residential
 - (iii) MA34 PR2 Castlebane - i.e. the subject lands revert to Local Environment from Primarily Residential
 - (iv) MA44 Ballymacool – i.e. the subject lands revert to Local Environment from Community and Education
 - (v) MA42 Bunnagee – i.e. the subject lands revert to Open Space from General Employment and Commercial

and apply all necessary consequential updates to the text of the plan consistent with the foregoing.

Having regard to the requirement under section 31(9)(d) of the Act that the CE's Report to '*make recommendations in relation to the best manner in which to give effect to the draft direction*', the CE's Report prepared in accordance with section 31(8) of the Act states that the Minister may wish to reconsider the draft Direction in respect of the single zoning objective under Part 2(a), in addition to two (2) of the

zoning objectives under Part 2(b). The CE's Report supports the draft Direction in respect of the remaining three (3) zoning objectives under Part 2(b).

Specifically, the CE's Report states *'It is respectively submitted that the Minister may wish to reconsider the proposal in light of the submissions received'* in respect of:

Part 2(a): Delete the following zoning objective from the adopted plan, i.e. the subject land is unzoned:

- (i) PR17 Glencar Scotch and Killyclug - i.e. the subject lands change to unzoned from Primarily Residential.

Part 2(b): Reinstate the following zoning objectives and associated text to that of the draft plan:

- (i) MA30(B) PR12 Creeve - i.e. the subject lands revert to Local Environment and Established Development from Primarily Residential
- (ii) MA31 PR11 Killyclug - i.e. the subject lands revert to Local Environment from Primarily Residential.

The CE's Report also states *'It is considered that the most appropriate course of action is to implement / uphold the draft Direction'* in respect of:

Part 2(b): Reinstate the following zoning objectives and associated text to that of the draft plan:

- (iii) MA34 PR2 Castlebane - i.e. the subject lands revert to Local Environment from Primarily Residential
- (iv) MA44 Ballymacool - i.e. the subject lands revert to Local Environment from Community and Education
- (v) MA42 Bunnagee – i.e. the subject lands revert to Open Space from General Employment and Commercial.

As set out in the Notice which issued from this Office to your office 8th December 2023 pursuant to section 31(AO)(7) of the Act, the CE's Reports dated March 2023 and 5th October 2023 had previously recommended that the Local Area Plan be made without the zoning objectives specified above.

Following detailed consideration of the CE's Report and the submissions made directly to the Office, the Office now recommends, pursuant to section 31AP(4) of the Act that you issue the attached final Direction in the same form as the draft Direction. The Office recommends no minor amendments in the final Direction.

In making this recommendation, this Office reiterates the submissions made to the Minister in the Notice which issued from this Office to your office 8th December 2023 pursuant to section 31(AO)(7) of the Act.

Public Consultation on the Draft Direction

The public consultation on the draft Direction took place from 12th January to 25th January 2024 inclusive. The CE's Report summarised the views of members of the public, elected members and the prescribed authorities that made submissions to the planning authority.

You might please note the following:

- The Office received two (2) individual submissions from or on behalf of elected members:
 - one (1) submission from Councillor Donal Coyle, Letterkenny Milford Electoral Area (stated); and
 - one (1) submission from Councillor Jimmy Kavanagh, Letterkenny Electoral Area¹.

Both of the submissions received from the elected members opposed the draft Direction in respect of PR17. They also raised PR15 which is not subject of the draft Direction.

¹ <https://www.finegael.ie/our-people/local-election-candidates/donegal/letterkenny/jimmy-kavanagh/>

- The reasons outlined in the submissions from Councillors Kavanagh and Coyle relate to Part 2(a) (i) PR 17 Glencar Scotch and Killyclug and, in summary, submit that it is a policy and objective of the *Development Plans, Guidelines for Planning Authorities (2022)* (the "Development Plans Guidelines") that zoned housing land in an existing development plan that is serviced and can be developed for housing during the plan period should not be subject of de-zoning; the subject land was zoned in the Donegal County Development Plan 2018-2024 (the Development Plan); the land allows easy access to large employers in Letterkenny; and that the land will have improved multimodal access under the Northern Network Project and will be served by an expanded bus network.
- The CE's Report summarised the views and recommendations of the elected members as expressed at the special plenary meeting of 6th February 2024.

The members opposed the draft Direction in respect of the following, for the following reasons:

- PR17 Glencar Scotch and Killyclug – the lands are suitable for residential development, are adjacent to a neighbourhood centre, have infrastructure available and housing development is underway;
- MA31 PR11 Killyclug - the lands are suitable for residential development, are adjacent to a neighbourhood centre, have infrastructure available and housing development is underway;
- MA30(B) PR12 Creeve – noted that public water infrastructure upgrades are required in this area, but considered these lands suitable for residential development;
- MA34 PR2 Castlebane – the lands are suitable for residential development, public services are available and developers are in position to initiate housing development;
- MA44 Ballymacool – the lands are suitable for childcare facilities being proximate to residential and other development, are walkable to the town centre and there is a need for childcare services; and

- MA42 Bunnagee – removal of these lands restricts existing businesses from further expansion and job creation.
- A total of 16 submissions were received from the public by the Chief Executive during the consultation period, including the Letterkenny Chamber of Commerce and prescribed authorities including Northern and Western Regional Assembly (NWRA), Uisce Éireann and the Department of Education.

Of these, the Chief Executive considered three (3) submissions not to be relevant as they did not address the matters of the draft Direction. The Office has reviewed the summary of those submissions and concurs with the opinion of the Chief Executive.

Of the submissions that the Chief Executive considered to be relevant to the draft Direction:

- two (2) submissions received in respect of and opposed to Part 2(a) (i) PR17 Glencar Scotch and Killyclug, including from the NWRA;
- three (3) submissions were received in respect of Part 2(b) (i) MA30(B) PR12 Creeve:
 - Two opposed, including that from Letterkenny Chamber of Commerce.
 - One in support, from NWRA;
- two (2) submissions were received in respect of and opposed to Part 2(b) (ii) MA31 PR11 Killyclug, including from the NWRA;
- six (6) submissions were received in respect of and in support of Part 2(b) (iii) MA34 PR2 Castlebane, including from the NWRA;
- three (3) submissions were received in respect of Part 2(b) (iv) MA44 Ballymacool:
 - One (1) opposed, from Letterkenny Chamber of Commerce.
 - Two (2) in support, from Department of Education and NWRA;

- Two (2) submissions were received in respect of Part 2(b) (v) MA42 Bunnagee:
 - o One (1) opposed.
 - o One (1) in support, from the NWRA;
- one (1) submission, from Letterkenny Chamber of Commerce, opposed the draft Direction generally in respect of the changes to zoning of residential lands; and
- one (1) submission, from Uisce Éireann, supported the draft Direction generally in respect of the changes to zoning of residential lands.
- As set out in the CE's Report, Uisce Éireann made a submission in support of changes to zoning of residential lands under Part 2(a) and Part 2(b) of the draft Direction.
- As set out in the CE's Report, the NWRA made a submission opposed to Part 2(a) (i) and Part 2(b) (iii) of the draft Direction, which zoning objectives it considered to be consistent with the provisions of section 3.7(b) of the RSES, Letterkenny Regional Growth Centre Strategic Plan; and supported Part 2(b) (i), (iii) and (iv) as inconsistent with objectives for compact growth and/or due to sustainable accessibility issues, and (v) due to its location within the flood risk zone.

In response to Part 2(a) (i) PR 17 Glencar Scotch and Killyclug

The CE's Report recommends that the Minister reconsiders the proposed draft Direction in respect of PR17, having regard to the submissions received from the NWRA, the Letterkenny Chamber of Commerce and from a member of the public.

The member of the public submits that the RSES population target of 27,300 for Letterkenny by 2040 is a minimum target and that exceeding the target through zoning of land is consistent with the RSES. The planning authority determined that 57 ha of Primarily Residential was required to be zoned, in addition to Town Centre (300 units allowed for) and Opportunity Sites (unspecified), to accommodate growth of 2,300 units by 2029. Based on a population of 22,500 in 2022, the delivery of

2,300 units could accommodate an additional 6,000 people, enabling Letterkenny to exceed the RSES target by 2029.

In considering the points raised, the Office notes the following matters:

- The Local Area Plan zoned c.94 ha as Primary Residential². Through the Direction, this will be reduced (by c.16.75ha) to c.77ha, which is some 20 ha in excess of that determined as required by the planning authority.
- Some 34 ha³ of Opportunity Site land is also zoned to accommodate residential development.
- In view of the extensive undeveloped and under-developed lands zoned Town Centre, the Office considers there to be potential significantly in excess of the 300 units allowed for by the planning authority in its calculations.
- The *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)* (the "Sustainable Residential Development and Compact Settlements Guidelines"), which issued subsequent to the making of the Local Area Plan, sets higher density target ranges for Regional Growth Centres than have been applied by the planning authority. These density ranges will inform the assessment of future planning applications and is likely to result in a further increase to the number of units allowed for by the planning authority in its calculations. The Office has considered the Sustainable Residential Development and Compact Settlements Guidelines in circumstances where one of the submissions from a member of the public states that making the plan without PR17 would be inconsistent with these Guidelines.

Therefore, the omission of PR17, alone and taken with the other sites subject of the Direction, will not materially restrict the growth of Letterkenny Regional Growth Centre.

² The section 31AO(5) letter dated 20th November 2023 erroneously calculates this as 99.16ha.

³ The section 31AO(5) letter dated 20th November 2023 states this as 43.16 ha, however only 50% of Opp Site 8 and Opp Site 10 are identified for residential development.

The Office further notes that the NRWA submission did not raise any concern regarding the ability of Letterkenny to achieve its growth targets arising from the reduced area of land zoned Primary Residential.

The NWRA opposes the omission of PR17 (in addition to MA31 PR11) on the basis that the zoning objectives would contribute to the consolidation of the Killylastin / Killyclug and Glencar Scotch areas. The elected members' position, as expressed at the special plenary meeting of 6th February 2024, is generally consistent with that of the NWRA, as are those of some other parties.

However, the Local Area Plan zones four sites in the vicinity of the neighbourhood centre (General Employment land use zone at the crossroads) at Killylastin / Killyclug, which best contribute to the consolidation of the neighbourhood, consistent with RPO 3.1, RPO 3.2 and RPO 3.7.22 for 40% compact growth for Letterkenny Regional Growth Centre. Together, PR7, PR8, PR16 and PR19 provide c.8.7ha Primary Residential zoned land.

The submission from the member of the public states that the making of the Local Area Plan without PR17 would be inconsistent with the Sustainable Residential Development and Compact Settlements Guidelines. However, the Office is satisfied that the making of the Local Area Plan without PR17 would not be inconsistent with these Guidelines as they provide for increased density standards for Regional Growth Centres. At 50 units per hectare net density⁴ these lands could deliver at least 325 units, or 14% of the total housing target for Letterkenny. Therefore, the Office is satisfied that the omission of PR17 (alone and taken with MA31 PR11) does not result in an inconsistency with the provisions of the RSES for this area or the *Sustainable Residential Development and Compact Settlements Guidelines*.

Further, the Office is satisfied that PR5 and PR18, which total c.15.9 ha provide for the consolidation of Glencar Scotch on sequentially preferable lands in accordance with RPO 3.7.29, consistent with RPO 3.1, RPO 3.2 and RPO 3.7.22 for compact growth. In contrast, PR17, which the Office considers is located wholly outside of the

⁴ As applies to such lands in Regional Growth Centres under the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

CSO settlement boundary⁵, would expand the neighbourhood and would not contribute to the compact growth target, would be inconsistent with objective UB-O-2 of the Development Plan to prioritise the most centrally located sites of the settlement first, and would be inconsistent with RSES objectives for compact growth. Further, the Office confirms that the site does not have the benefit of extant planning permission.

The Letterkenny Chamber of Commerce did not make a specific submission in respect of PR17, but expressed in relation to the draft Direction generally, that housing is a major concern, that it doesn't understand why these sites that were deemed suitable for housing in the Local Area Plan and are within the CSO boundary are being omitted and that the draft Direction is contrary to the housing needs and ambitions for Letterkenny and will discourage housing development.

The Office considers that the reasons for the omission of the lands which are subject of the draft Direction, including PR17, both individually and cumulatively are clearly set out in the section 31AO(7) Notice Letter dated 8th December 2023 in the first instance, and additionally in this notice letter insofar as additional matters have been raised during the public consultation period. Specifically, the concerns regarding housing needs and ambitions for Letterkenny are addressed above. The Office has addressed the location of each site relative to the CSO settlement boundary, where relevant.

Uisce Éireann, addressing the draft Direction, generally submits that a more focused approach, with fewer zoned sites, would assist in Uisce Éireann forward planning for future infrastructure needs and support the principle of compact growth. The Office accepts the rationale set out in Uisce Éireann's submission.

In their submissions under section 31(10), the elected members also submitted that the dezoning of PR17 would not have regard to the policy and objective of the Development Plans Guidelines concerning the dezoning of land zoned for housing in an existing development plan. However, as stated in the Office's section 31AO(7) Notice Letter, the site is not serviced and was not zoned for housing under the

⁵ As per Endnote 17 of the National Planning Framework (Appendix 4 References).

previous Letterkenny Local Area Plan (incorporated into the Development Plan). The subject policy and objective does not therefore apply.

The member of the public submitted that the SEA Environmental Report predicted positive impacts for Population and Human Health and for Material Assets in respect of PR17 and that rezoning of these lands will have potential environmental impacts on these factors of the environment that have not been assessed by the Minister. However, the SEA Environmental Report anticipated positive impacts on Population and Human Health and Material Assets for all Primary Residential and Opportunity Site zoned lands. As land has been zoned for housing development significantly in excess of that required to achieve the RSES targets, the positive impacts in terms of Population and Human Health and for Material Assets can be anticipated to arise without PR17. As the Direction requires the land to revert to 'unzoned', the site will not be subject to development during the plan period. In light of the above, the Office does not consider that an SEA is required to consider the potential environmental impacts of the rezoning. Following consideration of the submissions and CE's Report, there is no basis to amend the recommendation of this Office in respect of Part 2 (a)(i), having regard to PR17 Glencar Scotch and Killyclug being inconsistent with UB-O-2, and with RPO 3.1, RPO 3.2 and RPO 3.7.22 for compact growth, would undermine the achievement of the RSES 'People and Places' Growth Ambition, and fails 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.

In response to Part 2(b) (i) MA30(B) PR12 Creeve

The CE's Report recommends that the Minister reconsiders the proposed draft Direction in respect of MA30(B) PR12, having regard to the submissions received from Letterkenny Chamber of Commerce and from a member of the public.

The elected members, as expressed at the special plenary meeting of 6th February 2024, noted that public water infrastructure upgrades area required in this area, but collectively referred to the suitability of the site for residential development.

Other submissions, including that of the Letterkenny Chamber of Commerce, assert that the site is serviced. Members of the public submit that the site is within the CSO

boundary and is an example of sequential compact growth. However, the Office is of the view that, as set out in the section 31AO(7) Notice Letter the site is not currently serviced by suitable public roads, public lights and footpaths. Further, as referred to in the section 31AO(7) Notice Letter, Uisce Éireann's submission of 8th September 2023 stated that *'the area supplied by the Rahan reservoir (south side of Swilly, Oldtown and Ballymacool, including site PR12) is currently constrained'* and details the measures required to provide additional capacity in the short term. Uisce Éireann also indicated that localised extension will be required to connect to the sewer.

The site also lies outside of the CSO settlement boundary⁶. The site would not, therefore, contribute to achieving 40% compact growth for the Regional Growth Centre in line with RPO 3.1, RPO 3.2 and RPO 3.722. In relation to sequential growth, this peripheral site on the southwest fringes of Letterkenny would further extend the footprint of the settlement.

The site leapfrogs extensive undeveloped lands closer to the centre of Letterkenny, including draft Local Area Plan PR10 and draft Local Area Plan PR11. It therefore does not have regard to the Development Plans Guidelines' policy and objective to implement the sequential approach to zoning, that is that planning authorities prioritise for development the most spatially centrally located development sites in settlements first. The Office is satisfied that the zoning of this peripheral, non-sequential site is inconsistent with objectives UB-O-2 and CS-O-2 of the Development Plan. Therefore, within the current policy framework, the site is not suitable for residential development.

The submission of the NWRA supports the removal of MA30(B) PR12.

Following consideration of the submissions and CE's Report, the Office considers that there is therefore no basis to amend its recommendation in respect of Part 2 (b)(i), having regard to MA30(B) PR12 being inconsistent with Development Plan objectives UB-O-2 and CS-O-12 and with RPO 3.7.22 and RPO 3.1, RPO 3.2 for compact growth, would undermine the achievement of the RSES 'People and Places' Growth Ambition and fails to have regard to the policy and objective of the

⁶ As per Endnote 17 of the National Planning Framework (Appendix 4 References).

Development Plans Guidelines to prioritise the most centrally located development sites in a settlement first.

In response to Part 2(b) (ii) MA31 PR11 Killyclug

The Chief Executive recommends that the Minister reconsiders the proposed draft Direction in respect of MA31 PR11, having regard to the submissions received from the NWRA, the Letterkenny Chamber of Commerce and from a member of the public.

As in the case of PR17, the NWRA opposes the omission of PR11 which it considers would contribute to the consolidation of the Killylastin / Killyclug and Glencar Scotch areas and to the growth of Letterkenny. The elected members' position, as expressed at the special plenary meeting of 6th February 2024, is generally consistent with that of the NWRA, as are those of some other parties.

However, as noted above, the Local Area Plan zones four sites in the vicinity of the neighbourhood centre (General Employment land use zone at the crossroads) at Killylastin / Killyclug, which best contribute to the consolidation of the neighbourhood, consistent with RPO 3.1, RPO 3.2 and RPO 3.7.22 for 40% compact growth for Letterkenny Regional Growth Centre.

As with PR 17 above, the Office is satisfied that the omission of MA31 PR11 (alone or taken with PR17) does not result in an inconsistency with the provisions of the RSES for this area, and the Office adopts the same reasoning here.

In response to a public submission, as summarised in the CE's Report, the Office accepts that although the vast majority of these greenfield lands were zoned as part of very extensive bank of strategic residential reserve lands in the Development Plan a small portion (c. 0.5ha) of the lands in parallel to the boundary of the neighbouring residential development were zoned Established Development, notwithstanding that they lie outside that development. This is not, however, considered material. The Office can also reconfirm that there is no record of an extant planning permission on the PR11 lands.

The Office is satisfied that the zoning of this peripheral, non-sequential site is inconsistent with objectives UB-O-2 and CS-O-2 of the Development Plan and 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.

The site falls largely outside the CSO settlement boundary⁷ and would not be consistent with the achievement of 40% compact growth for the Regional Growth Centre under RPO 3.1, RPO 3.2 and RPO 3.7.22.

Following consideration of the submissions and CE's Report, there is no basis to amend the recommendation of this Office in respect of Part 2 (a)(ii), having regard to MA31 PR11 being inconsistent with Development Plan objectives UB-O-2 and CS-O-2 and with RPO 3.1, RPO 3.2 and RPO 3.7.22 for compact growth, would undermine the achievement of the RSES 'People and Places' Growth Ambition' and fails 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.

In response to Part 2(b) (iii) MA34 PR2 Castlebane

The CE's Report recommends that the Minister implement the draft Direction in respect of MA34 PR2, noting that those submissions received all express strong planning reasons for doing so.

The elected members, as expressed at the special plenary meeting of 6th February 2024, assert that these lands are suitable for residential development and that public services are available. As stated in the Office's section 31AO(7) Notice Letter, p.38 of the *Proposed Material Alterations to the Draft Letterkenny Plan and Local Transport Plan 2023- 2029* (August 2023), stated that the site is not serviced but is serviceable.

Five submission s were received from members of the public by the Chief Executive in support of this part of the draft Direction on the basis that the draft Direction was supported by the national, regional and local policy framework, that adequate zoned greenfield lands were available closer to the centre, that services are remote to the site and that it would increase traffic hazard on the main road.

⁷ As per Endnote 17 of the National Planning Framework (Appendix 4 References).

The NWRA submission in support of this part of the draft Direction points out that there are two significant residential sites to the south along the Kilty Road, which are more suitable in terms of access and proximity to town centre and services.

The Office would concur with this position and would reiterate that the zoning of this peripheral site is not sequential and leapfrogs undeveloped land, including 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 Development Plan and 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.

Following consideration of the submissions and CE's Report, there is no planning basis to amend the recommendation of this Office in respect of part 2(b) (iii), having regard to MA34 Castlebane being inconsistent with UB-O-2 and CS-O-2 and fails 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.

In response to Part 2(b) (iv) MA44 Ballymacool:

The Chief Executive recommends that the Minister implements the draft Direction in respect of MA44 Ballymacool, noting the comments of the Department of Education and NWRA, and notwithstanding the comments of the Letterkenny Chamber.

The elected members, as expressed at the special plenary meeting of 6th February 2024, submit that these lands are suitable for community and education provision and, in particular, childcare facilities being proximate to residential development, sporting and leisure facilities and are walkable to the town centre, and that there is an identified need for these services. This position is generally echoed by the Letterkenny Chamber of Commerce.

The Office is satisfied that the lands are peripheral and non-sequential and are therefore inconsistent with objective CS-O-12 and policy CCG-P-1, and that they are not accessible by active and sustainable modes and are therefore inconsistent with policy CCG-P-1 objective CS-O-17 of the CDP.

The NWRA and Department of Education support the draft Direction. The NWRA reiterates its position at material alterations stage that the subject lands are: problematic, without adequate access, inconsistent with compact growth, and unnecessary. The Department of Education considers these lands unsuitable for a school.

Following consideration of the submissions and CE's Report, there is no basis to amend the recommendation of this Office in respect of part 2(b) (iv), having regard to MA44 Ballymacool, being peripheral and non-sequential and not accessible by active and sustainable modes, is inconsistent with objective CS-O-12 for sequential growth, with the locational criteria under policy CCG-P-1 and with objective CS-O-17 of the Development Plan, which seeks to promote sustainable development and transport strategies.

In response to Part 2(b) (v) MA4 Bunagee

The Chief Executive recommends that the Minister implements the draft Direction in respect of MA4 Bunagee, noting the comments of the NWRA and notwithstanding the submission from a member of the public.

The elected members, as expressed at the special plenary meeting of 6th February 2024, consider that the removal of these lands will restrict existing businesses from further expansion and job creation. This position is also reflected in the submission from the member of the public that the land provides access to national primary route, thereby avoiding additional traffic in the town.

The Local Area Plan has zoned extensive greenfield lands General Employment in the Bunagee area, with indirect access to the national road network, which lands are located outside of the flood risk zone A. These lands have the potential to accommodate future employment growth.

The submission from the member of the public submits that development has been permitted for commercial / warehousing and light industrial development. The Office confirms that there is no record of an extant planning permission on this site.

The NWRA supports the draft Direction noting that the lands are liable to flooding and do not represent a sequential approach to employment and commercial development.

Following consideration of the submissions and CE's Report, there is no basis to amend the recommendation of this Office in respect of part 2(b)(v), having regard to the zoning of MA4 Bunagee to facilitate uses vulnerable to flood risk inconsistent with objective F-O-2 of the County Development, with RPO 3.10 and RPO 3.11, and having regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), as amended.

Recommendation

In light of the above and for the reasons given in our section 31AO(7) Notice Letter dated 8th December 2023, the Office remains of the view, as set out in this notice letter, that the Local Area Plan is inconsistent with the objectives of the Donegal County Development Plan 2018-2024 and with the objectives of the NWRA RSES.

Having regard to section 31AP(4)(a) of the Act, the Office recommends the exercise of your function under the relevant provisions of section 31 of the Act to issue the Direction as per the attached proposed final Direction.

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

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

“RSES” means the Regional Spatial and Economic Strategy for the Northern and Western Region

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:

(1) This Direction may be cited as the Planning and Development (Letterkenny Local Area Plan and Local Transport Plan 2023-2029) Direction 2024.

(2) The Planning Authority is hereby directed to take the following steps with regard to the Local Area Plan:

(a) Delete the following zoning objective from the adopted plan, i.e. the subject land is unzoned:

(i) PR17 Glencar Scotch and Killyclug - i.e. the subject lands change to unzoned from Primarily Residential.

(b) Reinstate the following zoning objectives and associated text to that of the draft plan:

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

and apply all necessary consequential updates to the text of the plan consistent with the foregoing.

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, some of which are outside the CSO boundary, and would encourage a pattern of development in particular locations which is inconsistent with the objectives of the Donegal County Development Plan 2018-2024 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 for Planning Authorities (2022) issued under section 28 of the Act.

- II. The Local Area Plan as made zones a circa 11.6 ha parcel of land for Community and Education, 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 where such facilities could be provided. The material alteration is therefore inconsistent with the objectives of the Donegal County Development Plan 2018-2024 to implement a sequential approach to development (Objective CS-O-12), to 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 zones land for vulnerable uses within flood risk zone A which has not been subject to and passed the plan making Justification Test. This zoning objective is inconsistent with the Donegal County Development Plan 2018-2024, 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. In this regard the Local Area Plan is not consistent with RPO 3.10 of the RSES, and fails to have regard to The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) issued under section 28 of the Act.

- 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.
- VI. The Local Area Plan as made is not consistent with the objectives of the RSES contrary to section 19(2) and section 27(1) of the Act.
- VII. The Minister is of the opinion that the Local Area Plan as made is not consistent with objectives of the National Planning Framework, including National Policy Objective 33 and National Policy Objective 57.
- VIII. The Minister is of the opinion that the Local Area Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- IX. 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 DD of MM YYYY.