



22ú Aibreán 2024

Mr. John G McLaughlin,
Chief Executive,
Donegal County Council,
County House,
The Diamond,
Lifford,
Co. Donegal.
F93 Y622

Section 31 of the Planning and Development Act 2000 (as amended)
Decision to Issue a Direction to Donegal County Council regarding the
Letterkenny Plan and Local Transport Plan 2023-2029

Dear John,

I am writing to inform you of the following in relation to the section 31 draft Direction that issued to Donegal County Council on 20th December 2023, and the subsequent consideration by the Office of the Planning Regulator ('the Office') of your report and the submissions made directly to the Office in connection with the Letterkenny Plan and Local Transport Plan 2023-2029, as adopted by the elected members of Donegal County Council on 13th November 2023.

The Office notified my office pursuant to section 31AP(4) of the Planning and Development Act 2000 ('the Act') on 12th March 2024 and recommended that I, as Minister, issue the Direction.

The draft Direction can be summarised as follows:

- Part 2(a) Delete a residential zoning objective from specified lands in the adopted plan.
- Part 2(b) Reinstate the zoning objectives and associated text to that of the draft plan at five locations.



A copy of the notice letter and proposed final Direction was submitted to me by the Office along with supporting documentation, which included the following:

- Donegal County Council Chief Executive's Report issued under section 31(8) of the Act;
- A copy of submissions received by the Office pursuant to section 31(10) of the Act.

Having reviewed and considered the Office of the Planning Regulator's notice letter under section 31AP(4), your report of 20th February 2024 on the draft Direction and submissions received, and the submissions made directly by elected members of the Council to the Office, I am of the opinion that the Direction should be issued to effect recommendations (2)(b)(i), (2)(b)(iii), (2)(b)(iv) and (2)(b)(v) of the Office, and in that regard, I refer you to the Statement of Reasons set out in the enclosed Direction.

I have decided not to include recommendations (2)(a)(i) and (2)(b)(ii) made by the Office under Section 31AP(4) in the Direction, which would have required the following:

(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.*

and

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

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



My reason(s) for reaching this decision are set out as follows:

1. The subject lands are located in close proximity to existing residential and mixed use development and would serve to consolidate the existing pattern of development in this area of Letterkenny.

In light of my decision you will note that there are consequent changes to the numbering of the elements of the Direction in its final form.

In reaching my decision to issue the Direction I have noted your recommendations as Chief Executive under section 31(9) of the Act. I further note the Office's consideration of, and response to, those matters in its subsequent recommendation to me, as Minister, under section 31AP(4) of the Act.

Accordingly, Donegal County Council should **TAKE NOTICE** that on 22 April 2024 I have issued a Direction pursuant to section 31 of the Planning and Development Act 2000 (as amended). Pursuant to section 31(17) of the Act this Direction is deemed to have immediate effect and its terms are considered to be incorporated into the plan. A copy of this Direction is enclosed.

In light of the foregoing, Donegal County Council is required, pursuant to section 31(2) of the Planning and Development Act 2000 to comply with this Direction so as to rectify the matter in a manner that, in my opinion, will ensure that the Letterkenny Plan and Local Transport Plan 2023-2029 sets out an overall strategy for proper planning and sustainable development and meets the requirements of the Act.

The Council should ensure that the Direction is available for inspection at its offices and on its website.



My officials remain available to assist you, as necessary, in complying with the foregoing process.

Yours sincerely,



**Darragh O'Brien, TD,
Minister for Housing, Local Government & Heritage.**

Copied to:

- Cathaoirleach, Donegal County Council, County House, The Diamond, Lifford, Co. Donegal, F93 Y622.
- Director, Northern and Western Regional Assembly, The Square, Ballaghaderreen, Co. Roscommon, F45 W674.
- Office of the Planning Regulator, Fourth Floor, Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWV4.

DIRECTION IN THE MATTER OF SECTION 31

OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Letterkenny Plan and Local Transport Plan 2023-2029

“Local Area Plan” means the Letterkenny 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 for 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 consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AP(4) of the Act, hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Letterkenny 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) 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) MA34 PR2 Castlebane – i.e. the subject lands revert to Local Environment from Primarily Residential
 - (iii) MA44 Ballymacool – i.e. the subject lands revert to Local Environment from Community and Education

- (iv) 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, one of which is outside the CSO boundary, and would encourage a pattern of development in particular locations which is inconsistent with the objectives of the County Donegal 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 Development Plans 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 could accommodate a range of social, community and education uses. The land is located in a peripheral location largely 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 County Donegal

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 a plan making Justification Test. This zoning objective is inconsistent with the County Donegal 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 31AO of the Act.
- V. In light of the matters set out at I to 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 Official Seal,



Darragh O'Brien TD
Minister for Housing, Local Government and Heritage

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