



13 February 2026

CDP Variation No.1,
Central Planning Unit,
Donegal County Council,
County House,
Lifford,
Co. Donegal,
F93 Y622

Dear Sir/Madam

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

Comment

The Heritage Council was established in 1995 as a statutory body under the Heritage Act 1995 with a Council (the Board of the body) appointed by the Minister. The Heritage Council is a prescribed body under the provisions of the Planning and Development Acts 2000-2010 and S.I. No. 600/2001 of the Planning and Development Regulations, section 28 inter alia, in accordance with its functions under Section 6 of the Heritage Act, 1995. We seek to provide submissions on forward planning, development management and strategic infrastructure developments as they relate to Ireland's heritage, namely built, cultural and natural heritage.

The Heritage Council wish to comment specifically on the following aspect of the variation with the view to clarify the statutory obligations on local authorities in their plan making function, with specific regard to proposed Natural Heritage Areas.

- To replace 'proposed Natural Heritage Area (pNHA)' designations with a zoning of 'Local Environment' within the Letterkenny Plan Land Use Zoning Map

The rationale given for this variation is "*as pNHAs are not in fact a statutory designation/do not constitute a land use zoning and should be replaced by an appropriate zoning to effectively guide development*"

The Heritage Council believes there is a misinterpretation of planning and development legislation and policy in relation to this part of the variation. This is evident in the rationale given for this variation.

Section 10 (2) (c) of the Planning and Development 2000 requires the content of the development plan to include objectives for:

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“the conservation and protection of the environment including, in particular, the archaeological and natural heritage and the conservation and protection of European sites and any other sites which may be prescribed for the purposes of this paragraph”

Section 50 of the Planning and Development Act 2024, which replaces the 2000 Act, states that

“A planning authority shall prepare a strategy for the conservation, protection, management and improvement of the natural, archaeological and built heritage and landscape in the functional area of the planning authority”

And that this:

“shall include objectives for the conservation, protection, management and improvement of

*European sites and the Natura 2000 network in accordance with the Habitats Directive and the Birds Directive (including objectives to encourage the **management of the features of the landscape that are of major importance for wild flora and fauna** in accordance with Article 10 of the Habitats Directive,*

biodiversity in accordance with the EU Biodiversity Strategy and the National Biodiversity Action Plan** including in particular the protection of trees, groups of trees or **other features of ecological significance,

an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000

(Our emphasis)

To aid the implementation of the Planning and Development Acts, national policy, primarily through the National Planning Framework 2025, and Section 28 Guidelines, most specifically the *Development Plans – Guidelines for Local Planning Authorities* provide statutory guidance which authorities must be materially consistent with when drafting forward plans.

In terms of the *Development Plan Guidelines* – the following is important to note with respect to this variation:

*A comprehensive network of protected areas has been established in Ireland in recent years. This network is made up of sites of European importance (Special Areas of Conservation and Special Protection Areas) known collectively as European Sites and **also sites of national importance (including proposed Natural Heritage Areas (pNHAs), Natural Heritage Areas (NHAs) and National Nature Reserves (NNRs)***

(Our Emphasis)

In addition, National Policy Objective 85 of the NPF 2025 notes that “the conservation, enhancement, mitigation and restoration of biodiversity is to be supported” by:

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- *“Integrating policies and objectives for the protection and restoration of biodiversity, including the avoidance and/or minimisation of potential biodiversity impacts, in statutory land use plans*
and the
- *Retention of existing habitats which are currently important for maintaining biodiversity (at local/regional/national/international levels), in the first instance, is preferable to replacement/restoration of habitats, in the interests of ensuring continuity of habitat provision and reduction of associated risks and costs (Our emphasis)*

Proposed Natural Heritage Areas (pNHA) are the most important sites that have been mapped, identified and described, that exist outside the statutory designations (e.g Natura 2000 sites and NHAs). Justification for changes to forwards plans should not be confined to what has been designated or not in separate legislation, in this case the Wildlife Act¹, but rather the relevant planning acts/regulations and associated national policy/guidance. Section 50 of the Planning and Development Act 2024 specifically notes biodiversity in a general sense, as well as “other features of ecological significance”. Statutory guidelines and the National Planning Framework 2025, both of which require material consistency, emphasise that this includes sites outside of the designations, which range from local to national. pNHAs are the most important of these sites.

While there is some discretion for local authorities on the terminology in zonings, whether a pNHA is a statutory designation or not, as provided for in different legislation, is not a valid rationale for changing the zoning, for the reasons described above. The Heritage Council considers this a misreading of the legislation. Furthermore, a proposed Natural Heritage Area is generally considered to be of national significance, (or in some cases minimum regional significance), therefore describing them as “Local environment” is not ‘appropriate’.

Whilst zoning maps tend to use general terms², for local area plans, the Heritage Council have no objection to more detail e.g. ACAs, specific nature sites etc, in the same manner that the ‘ATU’ zoning and the ‘TEN-T’ project has been identified in the zoning map for the Letterkenny LAP. It should also be stated that neither of these are a standard land use zoning.

Our comments here are confined to the proposed variation with respect to the pNHA involved [River Swilly Valley Woods], however, we would remind the local authority that these points should be borne in mind for how proposed Natural Heritage Areas or any other ecological feature should be treated in all forward plans

Yours sincerely

¹ Whilst adopted NHAs are specifically prescribed as a mandatory inclusion in forward plans in the Planning Act, this does not mean that the local authority is confined, in policy terms, only to NHAs adopted in the Wildlife Act, as part of their plan making functions. The full provisions of the planning and development acts need to be also considered and there is no barrier to include pNHAs also.

² Please review the *Development Plans - Guidelines for Planning Authorities 2022* for guidance on zoning objectives.

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