



05 April 2024

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

Dear Sir/Madam,

Re: Proposed Material Alterations to the Draft County Donegal Development Plan 2024-2030

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 control and strategic infrastructure developments as they relate to Ireland's heritage, namely built, cultural and natural heritage. We welcome the opportunity to comment on the Proposed Material Alterations to the Draft County Donegal Development Plan. Our comments deal with both built/ cultural heritage and natural heritage, as the matters appear in each of the proposed material alterations. Ireland's national heritage is defined in the Heritage Act, 1995 as including: 'monuments, archaeological objects, heritage objects, architectural heritage, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens, and parks and inland waterways'.

National and Local Policy Context

It is important to state from the outset that the **National Planning Framework – Project Ireland 2040**, identifies “*Enhanced Amenities and Heritage*” as one of our national strategic outcomes. Within this, the NPF correctly notes that built, cultural and natural heritage has intrinsic value in defining the character of urban and rural areas, adding to their attractiveness and sense of place. National policy objectives 16, 17 and 52 in the NPF give further support to this ambition and there is a need to reflect this in LAPs.

Development Plans – Guidelines for Local Planning Authorities were prepared for county and city councils in June 2022. Within these guidelines, there are detailed requirements for local forward planning objectives. Features of special architectural, historical, or natural value are our heritage assets, and mandatory objectives under the themes of ‘heritage and landscape’ have been identified throughout these guidelines. There is an obligation on local authorities to ensure the inclusion of such objectives in their statutory plans.

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The 4th edition of Ireland's **National Biodiversity Action Plan (NBAP) 2023 – 2030** was published in January 2024. The NBAP states that "local authorities play a key role in biodiversity conservation through the planning system". There are several targets identified under Outcome 2A (*The protection of existing designated areas and protected species is strengthened and conservation and restoration within the existing protected area network are enhanced, regarding designated areas and protected species*) that are relevant for local authorities in their plan making functions. However, of key importance is Outcome 3C (*Planning and development will facilitate and secure biodiversity's contributions to People*). Action Numbers 3C2 and 3C3 are especially important, whereby the objectives of the NBAP are to be aligned and integrated within the statutory land use plans. In addition, actions 1B9, 1C5 should also be key considerations for all plans.

Heritage Ireland 2030 was published in February 2022, and details several action points relevant for local authorities and these should be included in local area plans. Most importantly are Action 22 - *Introduce policies on supports for urban biodiversity and tree planting*; Action 26 - *Support nature-based solutions for land-use management*; and Acton 37 - *Integrate heritage considerations into urban and rural regeneration to ensure that built and natural heritage objectives underpin the planning and development process and inform the 'Town Centres First' policy approach*.

The **Guidelines for Planning Authorities on Architectural Heritage Protection** were developed in 2004 and give expression to the provisions of the Planning and Development Act 2000, with regards to built heritage. Chapter 2 and 3 give detailed guidance on the role of statutory county level plans with regards to the Record of Protected Structures and Architectural Conservation Areas. The Office of the Planning Regulator has also provided guidance on **Archaeology in the Planning Process** through **Planning Leaflet 13**.

Specific comments on relevant material alterations.

Please note that we have noted each material alteration reference and the text. However, in cases where the text was overly long, for the sake of expediency, only the proposed material alteration reference is noted.

Material Alteration Reference: 2.1

2.4: Key Strategic Objectives of the County Development Plan

Insert additional Key Strategic Objective: 'S-O-xx-To retain, promote, and drive Donegal's position as a premier domestic and international tourism destination, with a focus on developing green, regenerative and sustainable tourism'.

Comment: Given that a viable tourism product relies on an attractive natural environment and existing built heritage character, heritage should be included in this objective or in a strategic objective of its own. The geological, natural, and built heritage of Donegal is an irreplaceable asset. We would recommend a single strategic objective for heritage

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protection, or at the very least recognise via proposed material alteration 2.1 that this objective is reliant on the protection of the county's heritage assets.

Material Alteration Reference: 2.2

2.4: Key Strategic Objectives of the County Development Plan

Insert additional Key Strategic Objective: 'S-O-xx: To maintain the strategic function, capacity and safety of the national roads network, and to ensure that the existing extensive transport networks, discrete sections of which have been enhanced are maintained to a high level to ensure quality levels of service, safety, accessibility and connectivity to transport users.'

Comment: There is no mention of sustainable transport in this objective. At the very least amend to say, "safety of the national roads network, as well as walking and cycling routes...". Or because the national road network is primarily for vehicles, consider if it is useful to have a separate objective for the general enhancement of the road network in Donegal, in particular around its towns and tourist routes, with the focus on pedestrian and cyclist safety for residents and visitors to the county.

Material Alteration Reference: ?

Figure 3.2 – Distribution of projected population growth

Comment: There is no specific material alteration reference. We note that the plan aims to accommodate 'genuine rural housing need'; however, to achieve more compact growth and, as stated, the viability of villages, it is unfortunate that there is a situation where the combined figures for "service towns" and "rural settlements" is expected to accommodate 524 housing units less than the "open countryside". It also seems unsound that there is "an allocation" for 2133 units in the open countryside during the lifetime of the plan. The provision of housing in the countryside should be based on the rural housing policies and the need identified within these, rather than a target type allocation for what is essentially an unsustainable pattern of development. This also relates to vacancy, and the table associated with the material alteration should be amended to include statistics on vacancy in each location, which then can be monitored. See also comment below on Material Alteration 6.3.2.

Material Alteration Reference: 4.1

Section 4.2 'Legal and Policy Context' and Section 4.3 'Objectives

(b) Insert new Policy CA-P-xx: To integrate Green Infrastructure into new developments, where feasible, to contribute to the County's green infrastructure network by its extension and enhancement and to provide for the environmental resilience of new development.

Comment: We welcome the additions included in this material alteration. We would recommend that the wording be amended slightly for the suggested policy to capture that green infrastructure networks are key 'connections' between habitats/ environmental

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designations. Mapping of these networks/connections would be a valuable contribution to the county development plan.

Material Alteration reference(s) 5.1 and 5.2

‘Policies’

Insert new Policy TV-P-xx:

- *‘Promote heritage -led regeneration in the County’s towns and villages*
- *Require that adaptative re-use of older buildings and historic centre heritage-led regeneration adheres to best conservation practice and principles.*
- *There will be a presumption against the demolition of older buildings considered to be intrinsic elements of the character of a place where restoration or adaption is a feasible option.’*

Comment: We strongly support and commend the insertion of material amendments 5.1 and 5.2. Additional bullet points should be added here i.e. that development management standards will be applied flexibly for designated and non-designated buildings in inner village and town cores; and an objective that supports the pragmatic and sensitive restoration of existing housing stock to improve the residential quality, adaptability, and their energy rating.

There cannot be a situation where vacancy of centrally located buildings in towns and villages remain vacant due to the blunt application of car parking standards, residential amenity standards etc. Refer to the *Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities*, published in January 2024.

Material Alteration Reference: 6.3.2

‘Objectives’

Amend Objective RH-O-5: ‘To facilitate the positive re-use of existing vacant rural housing stock in the County and to deliver at least 20% of all new housing in rural areas on brownfield sites to seek to prevent further deterioration and dereliction.

Comment: The intention is good. However, there is a need to clarify what are brownfield sites in this context i.e. existing vacant and derelict buildings in the open countryside? Similarly, are ‘rural areas’ essentially the 25% open countryside allocation, therefore 20% of the 2133 units ‘allocated’ to the open countryside? Finally, is this based on an audit of sites in rural areas or where did the figure come from? There is a need for county development plans to have policies that are evidence based and justified and this policy needs to be clarified.

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Material Alteration Reference: 6.3.5

'Policies'

Insert new Policy RH-P-3: 'To consider proposals for new one-off housing within 'Structurally Weak Areas' from any prospective applicants for a dwelling house, subject to siting and design considerations and compliance with all other relevant policies of this Plan including Policy RH-P-9. New holiday homes will not be permitted in these areas.

Comment: There is no reason why good siting and design considerations should only apply to 'structurally weak areas', the retention of natural features and good design is needed also for proposals in 'Areas Under Strong Urban Influence'.

Material Alteration Reference: 8.4.1

'Policies'

To require the use of Sustainable Urban Drainage Systems (SUDs) including flood attenuation areas, wetlands, the controlled release of surface waters and use of open spaces and

a) Support the removal of existing stormwater discharging to combined (foul and storm) sewers using nature-based solutions.

b) Not to support the discharge of additional surface water to combined sewers, semi-permeable hard surfaces for urban development proposals

Comment: We support the inclusion of nature-based solutions; however, this should be mentioned also in the context of general flood defence systems. Please refer to the relevant actions in the National Biodiversity Action Plan 2023-2030 in this regard.

Material Alteration Reference 9.1.4

General Policies'

Insert new Policy E-P-xx: It is the policy of the Council to support utility scale solar installation of a scale and design that would assimilate into the landscape, subject to other objectives and policies of this plan

Comment: Clarify what is utility scale? In general, and regarding solar farms please include the need to account for archaeology in the siting and fixing of PV panels.

Material Alteration Reference: 9.2(a).1

9.2 (para. starting 'Map 9.2.1 ...')

After second sentence insert new text: 'the Sieve Mapping Methodology's set out at Appendix x of this Plan.

Comment: We recognise the need for renewables to reduce our carbon emissions. We welcome the work that has gone into the environmental constraints mapping and the

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clear distinction between “not permissible” and “open to consideration”. However, there will be grey areas and the importance of site-specific surveying will be needed. At this spatial scale specific archaeological or architectural features will not be captured, therefore there is a need for Policy WE-P-3 to be robust enough to cater for this and other site-specific issues. As an example, if there is mapping to illustrate where windfarms are to be accepted in principle, this is likely to not capture site specific archaeology and architecture.

A further issue is the need for a buffer zone around the nature designations. The potential effects of a designation, based on the distance from that designation, is highly specific on the qualifying interests of that designation. Therefore, in the areas open to consideration there will be a need for robust survey work and documentation to support such applications.

Finally in this regard there is a need to identify cultural landscapes, and if they include urban areas in relation to the term ‘cultural quality’ noted in the ‘*normally not permissible areas*’ section in the proposed appendix. Please also clarify what the black dots on each map area are. We assume these are settlements.

Material Alteration Reference: 11.1.2

‘Policies’

Amend Policy BIO-P-1.

(b) Provide for the protection of animal and plant species listed in Annex IV of the EU Habitats Directive and the Flora Protection Order.

(c).Manage Protect and enhance features of the landscape (such as rivers, riverbanks, field boundaries, ponds and small woods) which are of major importance for wild fauna and flora and the ecological coherence of the Natura 2000 network

Comment: We support the additions in this section. However, an additional bullet point should be included for “the retention of natural features, hedgerows, treelines in new developments”. As identified in the development plan guidelines, the majority of the country “lies outside of the network of protected sites, and that there are many other sites which are of local importance for flora and fauna”. Local authorities have an important role to play in preventing the loss of such sites, which are regularly non designated. Features such as hedgerows, river corridors, ponds and small stands of trees etc. provide important habitats; and plans can play an important role in protecting these assets. There is often needless removal of mature trees and hedgerows, of considerable character and ecological value, as part of site works to ‘tidy’ the site before construction commences. We encourage active TPO work to identify and protect existing trees of character and ecological value.

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Material alteration Reference(s): - 11.1.3, 11.1.4 and 11.2(a).1

Several policies.

Comment: The need to caveat and condition these three policies for a specific infrastructure project is not warranted. A county development plan will inevitably have policies that conflict with one another, as is inherent in the conflict between environment and development. Presumably the TEN-T Priority Route Improvement Project and other infrastructure developments, have suitable policy provision in the transport sector, therefore the need for these in three biodiversity policies is questionable.

Material alteration reference(s): 11.2(b).1 to 11.2(b).3

Several policies.

Comment: There needs to be a greater evidence base and justification for changes such as this. It may be that this is to make the amenity categorisation standardised across the country. Regarding lands in Redcastle, and considering material alteration (A 9.2(b)), it appears that change is justified to suit the wind energy mapping i.e. to change an area from 'Not Normally Permissible' to 'Open to Consideration'. Amenity designations should be based on a landscape assessment of the inherent and intrinsic value of the amenity site in question, irrespective of potential future development. It may be on balance that wind energy development in this location is preferable in the interests of the common good, however there is need to clarify the justification for the change to ensure it is clear for decision makers.

Material Alteration reference: 11.3.2

11.3.1 Introduction/Policies (General)

Insert new Policy AH-P-xx:

•Promote the maintenance and appropriate re-use of the existing buildings stock of buildings with architectural merit as a more sustainable option to their demolition and replacement'

•Ensure that measures to upgrade the energy efficiency of protected structures and traditionally built historic structures are sensitive to traditional construction methods, employ best practice and use appropriate materials and methods that will not have a detrimental impact on the material, functioning or character of the building

Comment: Similar to our earlier comment on material alteration 5.1 and 5.2, there is a need to ensure that development standards are not bluntly applied to such buildings. Consider if this is the best place for our previous comment on the application of car parking standards and residential amenity standards to the existing building stock of architectural merit.

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Material alteration references 11.3.6 to 11.3.8 and material alterations 11.4.1 to 11.4.3

Several policies

Comment: Similarly to the biodiversity policies, there appears to be an overzealous need to note infrastructure ambitions in the context of heritage policies. The integrity of the heritage policies in the draft plan are being undermined by the constant referral to specific infrastructure projects. This is unacceptable and mention of infrastructure projects should be removed from the heritage policies. There is adequate policy provision elsewhere for economic development and infrastructure projects. We would remind Donegal County Council that they need to comply with the mandatory objectives for heritage in both the National Planning Framework and Development Plan Guidelines.

Material alteration references 15.1.

15.1 Introduction

Public rights of way are an important recreational amenity for local people and visitors and their enjoyment of landscapes, as well as providing linkages to amenities such as shore fronts, lakes and forests. The Council recognise the importance of protecting existing public rights of way which often provide important access to recreational resources, the integrity of which should be protected. It is a requirement of the Planning & Development Act 2000 (as amended) to include an objective for the preservation of public rights of way. The identification on maps and listing of such public rights of way is a further requirement of the Act. The Planning Authority has reviewed the data available to it on this matter and, as a result, has identified 36 such public rights of way following consultation procedures undertaken in accordance with Section 14 of the aforementioned Act. These routes are listed in Table 15.1 below, together with a map identifying the route in each case. These routes shall be subject to Objective PROW-O-1 and Policy PROW-P-1 below. ~~is currently reviewing the data available to it on this matter with a view to presenting detailed information as a Material Alteration to the Plan later in the process.~~ Table 15.1: Public Rights of Way (To be populated with those public rights of way included in final adopted Plan.

Comment: The Heritage Council support the provision of public rights of way in the county development plan. It does appear that all the public rights of way identified, relate to beach/ coastal access. This is important but we would suggest that effort also be made to establish public rights of way elsewhere in the county. Given the increased dispersed nature of settlement in Ireland, rural roads are becoming more unsuitable for recreational everyday walking. Heritage trails and circular walks in and around villages are important for the everyday quality of life of citizens and their experience of cultural heritage.

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Material alteration references 21(a).2

'Land Use Zoning Policy relating to Settlement Frameworks'

Insert new policy:

Policy SF-P-xx: To guide development of all settlement frameworks including Lifford, Raphoe, Bunbeg-Derrybeg and Milford in a sequential manner, outwards from the core area in order to maximise the utility of existing and future infrastructure provision, promote the achievement of sustainability, avoid 'leap-frogging' to more edge-of -centre and edge-of -town areas and to make better use of under-utilised land. This policy shall not apply to small-scale business enterprises (excluding retail development) of circa 1 to 5 employees.

Comment: The Heritage Council strongly supports the insertion of this policy. The sequential approach based on town centre first is essential for the vitality and vibrancy of the villages and towns of Donegal. It is therefore even more confusing and disappointing that many of proposed expansion of the settlement boundaries identified in this section go on to ignore this new policy by identifying sites not just at the edge of settlements but sometimes with no physical connection at all, as is the case with the Carrick and Bruckless. The expansion of settlement boundaries needs to be revisited and be informed with the council's own suggested proposed alteration.

Conclusion

The Heritage Council strongly encourage Donegal County Council to acknowledge the primacy of the county's heritage resource. The built and natural heritage of the county should be the focus for guiding any future strategy. We recommend that this important heritage and character guide a sustainable future development trajectory for the county.

I trust these comments on the proposed material alterations will be considered carefully as the Council progresses the Draft County Donegal Development Plan 2024-2030.

Yours sincerely,

Virginia Teehan
Chief Executive Officer

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