



**PLANNING  
&  
ECONOMIC  
DEVELOPMENT  
DIRECTORATE**

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**Planning/Economic Development**

## DEVELOPMENT MANAGEMENT BAINISTIÚ FORBRAIOCHTA

### INTRODUCTION

The aim of the Planning & Economic Development Services is to ensure that development is planned in accordance with the principles of sustainability, provides for economic and social progress, promotes the efficient use of resources and protects the environment. The service also aims to achieve a balance between the need to encourage sustainable development whilst at the same time preserving and enhancing the quality of our countryside, towns and villages, historic buildings and wildlife areas.

For the first time in a number of years the level of development activity slowed considerably during 2008 especially in recent months. From a high of 9353 planning applications in 2006 the estimated number of applications this year is 5000. Applications for multiple housing developments are now very few. Single house applications, while slowing, are still being submitted in considerable numbers. The report herein on planning enforcement sets out the very significant increase in activity this year, which was facilitated by the increase in resources approved, and the reduction in planning applications. Looking forward to 2009 the Council, including the Planning & Economic Development Directorate will be operating within much tighter fiscal conditions, which will bring new challenges. Planning fee receipts in 2008 were estimated at €1.950m. The figure is estimated to outturn at €1.2m approx. The estimate for fees in 2009 is €1.2m a considerable reduction on previous years which will impact on the Planning Directorate with staff contracts terminating this year and into 2009. However while resources will be scarce it is important that frontline services are prioritised. The level of service available to planning applicants must be maintained and the Planning and Economic Development Directorate must remain pro-active to encourage and facilitate development thereby contributing to the economic recovery, which will come. Now is also the time to plan ahead and it is important that resources are maintained as far as possible to continue the ambitious plans agreed by the Council by way of Local Area plans as referred to later in this report.

On the capital side the Council will be investing almost €2.5m of its own resources (Development Charges) in town regeneration projects in 2009, a considerable sum that will provide jobs and town renewal including car parking, new streets and opening up lands for development.

**DEVELOPMENT MANAGEMENT  
BAINISTIÚ FORBRAIOCHTA**

**Draft Budgeted Expenditure: €5,145,496**  
**Draft Budgeted Income: €2,012,010**

The following pages set out the above for all the relevant Divisions.

**DEVELOPMENT MANAGEMENT  
BAINISTIÚ FORBRAIOCHTA**

**Draft Budgeted Expenditure: €5,115,896**

**Draft Budgeted Income: €1,999,010**

**(Pages 18-20 of blue pages)**

**THE CENTRAL PLANNING UNIT**

The past twelve months has proved to be the busiest year so far for the Central Planning Unit. A series of Plans at different levels, involving diverse and distinctive areas of the County have progressed through their various stages. Public consultation and involvement once again was high on the agenda, while the level of feedback and involvement was reflected in the size and volume of the Manager's Reports which were prepared for each project.

**1. THE COUNTY DONEGAL DEVELOPMENT PLAN - VARIATION NO. 1, 2008**

Following a commitment to review a number of policies in The Development Plan, an intensive period of policy examination/scrutiny resulted in the publication of the first Variation to the Development Plan in the Summer. The Variation clarified, sharpened and made more flexible, a range of policies, particularly those in housing in regard to urban and rural policies, but also updated others in regard to current government publications and guidelines. The Variation also introduced new tourism product related policies and provided advice on Language Impact Assessments. The Manager's report was subsequently considered and the Variation adopted by the County Council in September.

With the forthcoming Planning Bill, and other important changes in Planning occurring at National level, it is anticipated that a further Variation to the Development Plan will be required during 2009.

**2. THE BUNCRANA AND ENVIRONS DEVELOPMENT PLAN**

In April 2008 following a 2-year period of successful collaboration between the County Council and Buncrana Town Council, the Buncrana and Environs Development Plan 2008-2014 was adopted. For the first time a Development Plan was subject to the Strategic Environmental Assessment process, introduced by the Directive 2001/42EC and subsequent Regulations SI 1435/6.

The SEA process, which is integrated and runs parallel to the planning process, introduced innovative biodiversity policies for the first time, pushing forward the horizons for planning policy formulation.

### **3. NEWTOWNCUNNINGHAM AND LIFFORD LOCAL AREA PLAN**

The two Plans originally prepared under the Border Village Local Area Plan programmed funded by the Peace process, were adopted in 2007, but minor changes arising in development and infrastructural requirements necessitated amendments to the Plans during 2008. These amendments went through the statutory consultation process during the year and were successfully adopted by the Council to ensure both Plans were up to date and relevant.

### **4. KILLYBEGS LOCAL AREA PLAN**

The Killybegs Local Area Plan was adopted by the County Council during 2008 and marked an important step forward for the potential development of the town. An important policy approach is to encourage diversification of its economic base and to encourage tourism at a difficult time for the fishing industry in the Country.

### **5. BALLYBOFEY/STRANORLAR LOCAL AREA PLAN**

The review and subsequent Amendment of the Local Area Plan continued and was completed by September 2008. It included a significant number of changes reflecting changes in the Special Areas of Conservation which ran through the Finn Valley and various physical, social and economic policies which required updating. The twin towns now have a solid basis for development and investment for the future.

### **6. LETTERKENNY AND ENVIRONS DEVELOPMENT PLAN**

The Letterkenny and Environs Development Plan 2003-2009, is subject to the 4-year review process, which commenced in 2007. During 2008, the Draft Plan was published for public consultation. The period runs from October through to January 2009 and the input from the consultation process will inform the latter stages of the Plan to final adoption before the end of Summer 2009.

The Development Plan for this important linked Gateway settlement will set out a long-term vision for the sustainable development of the town, and seek to safeguard and promote the future, economic, social and cultural prosperity of Letterkenny. It will also aim to meet the challenge of accommodating future population growth, whilst maintaining and improving the overall growth and vitality of the natural and built environment. A Strategic Environmental Assessment accompanies the Draft Plan in the form of an Environmental Report which informs and compliments the formulation of planning policy.

Separate strategies for Housing, Retail development and Childcare provision are also included in the Draft Plan, while more complex Flooding and Transportation Strategies will follow on in the future to guide the development process.

#### **7. BALLYSHANNON AND ENVIRONS LOCAL AREA PLAN**

The Draft Ballyshannon and Environs Development Plan was published for public consultation during 2008, and this process generated a considerable amount of public interest with final adoption of the Plan expected in the Spring of 2009. Ballyshannon is an important heritage town in need of rejuvenation and regeneration and the policies and provisions in the Local Area Plan reflect this priority.

#### **8. BUNDORAN AND ENVIRONS DEVELOPMENT PLAN**

With the engagement of Tom Phillips and Associates Planning Consultants, work has commenced on the statutory Review of the Bundoran Development Plan originally adopted in 2004. This joint Development Plan to be prepared on behalf of both the County Council and Bundoran Town Council now includes the areas on the outskirts of Bundoran, and will therefore have a broader remit. As with other Plans it will have an SEA, Housing, Retail and Childcare strategies. A Draft Development Plan has been prepared and will be considered by the Town Council and the County Council in January 2009 before public consultation. It is on course for adoption by both Councils in 2010.

#### **9. BORDER VILLAGES ELECTORAL AREA LOCAL PLAN**

A new approach to the preparation of Local Area Plans was endorsed by the County Council in July 2008. The new innovative, novel approach will group a number of settlements within one overall plan document. The following settlements/control points are included; Convoys, Carrigans, Raphoe, Ballindrait, Muff, Drumoghill, Burt, Burnfoot, Bridgend, Tieveban, Fahan, Inch, Killea, St. Johnston and Porthall. Work has commenced on this extensive and challenging plan and progression to draft stage to include preparation of a Strategic Environmental Assessment and extensive public consultation will continue throughout 2009.

#### **10. INISHOWEN PENINSULA LOCAL AREA PLAN**

A further Electoral Area based Local Plan commenced with initial surveying, investigation and analysis work in Carndonagh towards the end of 2008. This Plan will include the settlements/control points of Merville, Carndonagh, Culdaff, Ballyliffin, Clonmany, Gleenely, Drumfries, Eskaheen, Greencastle, Redcastle, Quigley's Point, Malin, Glengad, Carrowmenagh and Shrove.

### **11. DUNGLOE LOCAL AREA PLAN**

The review of the Dungloe Town Plan by the Local Area Planning Team, will progress through the various stages towards a working Draft stage to be considered by Members during 2008.

### **12. LOCAL AREA PLAN FOR THE GLENCOLMCILLE AND KILCAR GAELTACHTS**

Work commenced during 2008 on the preliminary stages of the Local Area Plan for the settlements of Glencolmcille and Kilcar, but also extending to nearby Carrick, Teelin, Meenaneary, Malinbeg and Malinmore. This project which is co-funded by An Roinn Gnothai Pobail, will provide for the first time a local area plan for this extensive area rich in heritage and natural beauty in the Gaeltacht. Positive meetings have already occurred with the Parish Council's in Glencolmcille and Kilcar and the main issues have been discussed. Work on the Plan will progress throughout 2009 to the final adoption stage.

### **13. ARDNAGAPPERY LOCAL AREA PLAN**

It is proposed to advance the work in this case by employing an Architect to assist planning staff in the preparation of the Plan. The area involved is sensitive and contains a number of environmental designations which must be fully considered. There is however considerable potential to develop the area, create jobs and enhance the amenity value of the landscape. The first stage, which will get underway as soon as possible in the New Year, is the local consultation which will be facilitated by the employment of the Architect. The Council is working closely with Udaras na Gaeltachta in this case.

### **14. THE BIG ISLE**

The Big Isle lands located close to Manorcunningham are owned by the County Council. The EU Habitats Directive and the designation of the lands within a Special Protect Area (SPC), Natural Heritage Area (NHA) and Special Area of Conservation (SAC) reflecting the importance of the lands for the overwintering of rare bird species and the general biodiversity value of the lands, have constrained the use of the lands. An environmental study into potential uses is to commence shortly.

## CONSERVATION

The Conservation Officer continues to provide a specialist service in providing information on the conservation of the historic built fabric in the County. The overall objective is to raise awareness of the value of our historic built heritage and alleviate any fears about legislation and its impact on development potential. The overall objective of the Council is to encourage the sustainable development of historic buildings.

In 2008 the County Council made grant aid of €174,000 available for twenty projects. The 2009 Draft Revenue Budget anticipates grants at the same level.

While the operation of the Conservation Grant Scheme is both complex and time consuming, it certainly raises the awareness and importance of the County's built heritage.

The table below details the grants which were allocated during 2008.

Property	Amount Allocated
Former Presbyterian Church/Recreation Hall, Raphoe.	€13,000
Porthall, Lifford.	€4,000
Cavanacor House, Ballindrait, Lifford.	€7,000
3 Mount Southwell Place, Letterkenny.	€9,000
2 Mount Southwell Place, Letterkenny.	€7,000
Old School Hall, Crossroads, Gartshooley, Bogay, Killea.	€3,750
Greencastle Maritime Museum, Ballybrack, Moville.	€8,000
Monreagh Presbyterian Church, Tonagh, Carrigans.	€10,000
Barn, Carrowmore, Glentogher, Carndonagh.	€8,000
All Saints Church of Ireland, Colehill, Newtowncunningham.	€15,500
Donaghmore House, Donaghmore Glebe, Castlefin.	€25,000
Donaghmore Parish Hall, Hillhead, Castlefin.	€12,000
Old Ferry House, Killydonnell, Ramelton.	€8,325
St. Paul's Church, Church Street, Ramelton.	€10,000
Stone Cottage, Ballyboe, Falcarragh.	€3,000
Stone Cottage, Ballyconnell, Fort Town, Falcarragh.	€9,000
Christ Church, Loughaask, Demesne, Barnesmore, Donegal Town.	€10,500
Glebe House, Lismintin, Ballintra.	€5,500
Salthill House, Mountcharles.	€4,000
Dorrians Thatch Pub, Bishops Street, Townparks, Ballyshannon.	€1,425
<b>Total</b>	<b>€174,000</b>

A new initiative in Conservation commenced in 2008 with the appointment of a Traditional Buildings Officer, in a programme co funded by Udaras Na Gaeltachta. The work will involve working closely with local committees providing a full dimensional photographic survey of the built heritage of the Islands and a subsequent detailed report, which can feed into the County Record of Protected Structures.

The Department of the Environment, Heritage and Local Government is carrying out a County by County Survey under the National Inventory of Architectural Heritage. The Survey is currently underway on an Electoral Area basis in County Donegal and Stranorlar and Donegal Electoral Areas have been examined. After publication the Minister will then make recommendations to include potentially up to 900 additional structures on to the Record of Protected Structures. This is a significant area of work facing the CPU in 2009\2010.

#### **TORY ISLAND AERODROME**

The Council is working closely with An Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta and Udaras Na Gaeltachta to acquire the lands to provide an aerodrome on Tory Island. The lands required for the aerodrome are for the most part situate on commonage lands with a large number of individual ownerships involved. The only viable option to acquire clear title to the property and to determine the proper amount of compensation payable is by way of Compulsory Purchase Order. The CPO was published week ending Friday 28<sup>th</sup> November 2008. The Council's costs in this case will be recouped from An Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta.

#### **PLANNING BILL & REGIONAL PLANNING GUIDELINES**

The New Planning Bill to be published in early 2009 and the review of the Regional Planning Guidelines may have implications for Development Plan/Local Area Plan preparation and adoption.

#### **TOWN RENEWAL TAX INCENTIVE SCHEME**

The budget provision for 2009 is €10,000. The Town Renewal Scheme, which was introduced in 2000, designated 210 sites within 5 towns for tax relief incentives if same were developed in accordance with the site-specific criteria for each site. Incentives were offered on sites either to be refurbished or new built for commercial or residential development, or a combination of both.

The five towns which were designated for tax relief were Ardara, Ballybofey/Stranorlar, Ballyshannon, Moville and Ramelton. To date, 30 Final Certificates of Consistency have issued to applicants complying with the Scheme.

### **IRISH CENTRAL BORDER AREA NETWORK (ICBAN)**

The Irish Central Border Area Network (ICBAN) was formed in 1995 and consists of the 10 member authorities of Armagh, Cavan, Cookstown, Donegal, Dungannon, Fermanagh, Leitrim, Monaghan, Omagh and Sligo.

ICBAN was established to provide a collective body which would seek to improve the economic and social development of the region through a cohesive and co-ordinated approach in the provision of infrastructure, transportation, environment, civic and community services.

The Planning and Economic Development Directorate had previously received ICBAN funding for the Seaside Towns Project and in 2008, submitted an application for funding for urban renewal projects under the Settlement Regeneration Initiative which has been approved in principle at this stage.

Funding applications were also submitted under the North West Cross-border Group for Interreg IV funding and a decision is also awaited regarding same. A provision of €30,000 has been included in the Budget to co-fund the secretariat and other interregional activities including NASC.

### **DEVELOPMENT CONTROL**

There has been a noticeable change in both the volume and character of planning applications received during 2008. Overall activity levels slowed, particularly during the second half of the year and the total number of applications is estimated at around 5000. On the other hand the Planning Office has significantly increased activity in the investigation and pursuit of unauthorised development from complaints through to regularisation and/or legal action.

Enforcement is a very time consuming and demanding activity which is frequently contentious. Like the process to be followed in determining planning applications, it is highly regulated by statute and since the ultimate sanction for a breach of planning control may be Court action, it requires rigorous discipline and accuracy in all activities as Court action requires the same evidential approach used in criminal cases.

Significant efforts have been expended in 2008 to improve training and reporting processes, to respond promptly to issues brought to the attention of the Planning Authority and to assess the action needed. The table overleaf demonstrates the major uplift in activity across the board with a 77% increase in cases in the last two years.

Enforcement action brings a range of benefits. The provision of appropriate enforcement protects the environment, provides a level playing field for economic operators, ensures that everyone pays their share of development costs, safeguards communities, our natural heritage and public investment. For example, poor development permitting surface water discharge onto public roads gives rise to:-

- (i) Structural damage and public safety concerns.
- (ii) Non compliance with conditions relating to effluent disposal arrangements.
- (iii) Pollution threats to water bodies.
- (iv) Unplanned expenditure incurred by the Council in order to provide a remedy where mechanical and electrical equipment has not been properly provided or maintained.
- (v) Non-compliance with required financial contributions resulting in increased budgetary problems and constraints.
- (vi) Potentially halting schemes which could benefit the community.

The Planning Authority will continue to pursue unauthorised development in 2009. While significant effort is made to deliver a resolution to planning breaches through negotiation in the first instance, the Council has no option but to employ the full rigours of the law where a satisfactory resolution cannot be achieved by agreement.

**TABLE 1 - ENFORCEMENT ACTIVITY - 2008 (31/10/2008)**

<b>YEAR</b>	<b>2006</b>	<b>2007</b>	<b>2008 figures (to 31/10/08)</b>
Cases	407	657	720
Warning Letters Issued	205	316	391
Submission Rec'd (following issue of W.L.)	152	193	267
Regularised retention permission granted	10	21	91
Enforcement Notices issued	21	20	64 (+29 with Solicitors)
Injunction Threatened	-	4	10
Injunction Sought	10	8	5
Injunction obtained	-	3	2
Cases Closed	19	108	210

**VALIDATION**

In last year's report it was noted that new regulations had been introduced relating to validation and that despite engagement with private sector professionals (agents and architects) the level of invalid applications had remained persistently high. In advance of any e-government solution the Planning Section has continued to review its processes and procedures in an attempt to reduce the level of invalid applications. While these had been running at an average of 25%, by Autumn 2008 invalids had been reduced to an average 16% with some areas significantly lower.

**SERVICE IMPROVEMENTS 2009****Online Submission of Planning Applications.**

The Council has been exploring with the Department of the Environment, Heritage & Local Government, the option of on-line submission of planning applications. The department have advised that financial support will not be made available to help fund this e-government initiative. There are significant advantages for both the planning applicant and the Council, therefore it is proposed to pursue the introduction of on-line submission of certain categories of planning applications in 2009 on a pilot basis.

### **Panel of Proposed Site Assessors.**

During 2008, the Planning Directorate has made significant advances in setting up a Site Suitability Assessor panel seen as a significant advance which should bring a range of benefits. Since the introduction of the 2006 Planning and Development Regulations, all planning applications where it is proposed to dispose of effluent not to a public mains, must be accompanied by a site suitability assessment. This assessment provides comprehensive evidence of the suitability of the proposed means of effluent disposal for use at the particular application site.

Not surprisingly, given the nature of the Donegal area, there is a significant number of applications requiring such a report. The quality of submissions has been variable and some appeals against approvals have been successful where, inter alia, An Bord Pleanála did not accept that the proposed arrangements were acceptable. After due consideration, therefore, it was decided to compile a Select List of assessors. The purpose of this approach is to set standards of competency to be attained by anyone engaging in this work. It has a number of benefits including:

1. It guarantees that applicants will be engaging someone who can demonstrate they have sufficient knowledge of the issues and methodology to deliver an assessment that is fit for purpose. This should provide for a satisfactory end development and ensure the Planning Applicant benefits.
2. It ensures that proper regard is had to the issues of importance and (as required by EPA guidance) proper consideration is made of the Local Environmental context in addition to the specific site. This ensures that the environment benefits and the Council is less likely to find it is in default on its environmental obligations, including protecting water quality and river basin systems.
3. It will provide for more efficient monitoring in a more cost effective manner.

The Planning Directorate organised interviews and assessment of the applications for inclusion on the list and the public have now been alerted that the new procedure will commence in February 2009. The list will be revisited annually to facilitate any additional Assessors of proven competence to be added.

## **BREAKDOWN OF PLANNING DECISIONS**

The following table shows the breakdown of decisions on planning applications between 1<sup>st</sup> January and 30<sup>th</sup> November, 2008.

Category	Number of applications determined	Applications determined Within 8 weeks (Further Info not requested)	Ext of time agreed	Applications where F.I. was requested	Applications Granted	Applications Refused	Applications appealed	Appeal - Decision Upheld	Appeal Over Turned
Housing Development	261	90 (74%)	32 (12%)	139 (53%)	189 (72.%)	72 (28%)	18 (7 %)	8 (44%)	10 (56%)
Individual Houses	2403	1373 (91%)	134 (6%)	898 (37%)	1927 (80%)	476 (20%)	47 (2%)	17 (36%)	30 (64%)
Other - Not requiring EIA	1335	992 (95%)	49 (4%)	296 (22%)	1201 (90%)	134 (10%)	26 (2 %)	14 (54%)	12 (46%)
Other - requiring EIA	5	2 (100%)	0	3 (60%)	4 (80%)	1 (20%)	4 (80%)	4 (100%)	0
<b>TOTAL</b>	<b>4004</b>	<b>2457 (92%)</b>	<b>215 (5%)</b>	<b>1336 (33%)</b>	<b>3321 (83%)</b>	<b>683 (17%)</b>	<b>95 (2%)</b>	<b>43 (45%)</b>	<b>52 (55%)</b>

While there has been a decrease in the total number of planning applications, there are still quite substantial levels of some types of application albeit it below the peaks in 2006/07. Analysis of application types shows a significant drop in 2008 up to 30<sup>th</sup> September 2008 on "agriculture" applications from 725 to 110 [an 84% drop]. The single house category is the "bread and butter" of many EA's such as Glenties and while this category has dropped from 2007, there have still been over 2400 such applications up to the 31<sup>st</sup> November, 2008. Volumes of some types are still demanding given the complexity associated with processing. It is acknowledged that multiple house proposals have dropped significantly [over 230 received to 30/9 compared with 430 in 2007] but overall the total level of commercial applications is only lower by 11% [340 down to 302]. Another significant category of applications - extensions, has had over 900 applications so far in 2008 compared with 1100 for the same period in 2007.

The number of appeals overturned has been the subject of some comment and analyses of decisions indicated a number of issues. Firstly, there remains the issue of the Council providing policy provision in the County Development Plan 2006-2012 in respect of access to National Roads on which basis the Planner may recommend approval. The NRA has continued to appeal decisions which it deems in conflict with National Policy and generally the Board have concurred.

One further category of case where the decision of the planning authority was overturned relates to the issue of premature development. While the local planning authority has in some instances approved developments with interim arrangements in advance of infrastructure coming on stream (e.g WWT improvements in Letterkenny; or additional water supply in Greencastle) the Board has overturned decisions as premature.

While the "performance" or outcome of appeals has been variable, the publication during 2008 of the Local Service Indicators 2007 provides a basis for comparing the performance of Donegal County Council planning section against other local authorities in terms of the processing of applications. Despite having the second highest level of planning applications in the Country, Donegal was the most efficient in terms of dealing with single houses and second best in terms of time taken to process multiple housing schemes and other applications not requiring an Environmental Impact Assessment. The full text of the Service Indicators is available at [www.lgmsb.ie](http://www.lgmsb.ie)

## **SECTION 140 MOTIONS UNDER THE LOCAL GOVERNMENT ACT 2001**

Under Section 140 of the Local Government Act 2001 the elected members of a local authority may, by resolution, direct that any particular Act, matter or thing be done or effected. I set out hereunder details of the Section 140 Planning Motion considered by the Council in 2008.

### **Section 140 Planning Motion considered by the Council in 2008**

<b>Ref No.</b>	<b>Description</b>	<b>Refusal Reasons</b>	<b>Outcome</b>	<b>Decision</b>
08/30368	Erection of dwelling with Wastewater Treatment System	1 Development located on skyline contravenes Policy RH2 and Appendix E	Passed	Granted

## **TREE PLANTING**

The Draft Revenue Budget for 2009 includes a provision of €10,000 expenditure for Tree Planting.

## Division H

### MISCELLANEOUS ÉAGSÚIL

Draft Budgeted Expenditure: €29,600  
Draft Budgeted Income: €13,000  
(Pages 31-33 of Blue Pages)

#### CASUAL TRADING

The Draft Revenue Budget for 2009 includes a provision of €29,600 expenditure under this heading.

#### CONCLUSION

I wish to acknowledge the co-operation and support of the Elected Members and I look forward to working with you in 2009.

**F Coyle**  
**Director of Services**  
**Planning & Economic Development**