

**PLANNING
&
ECONOMIC
DEVELOPMENT
DIRECTORATE**

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DEVELOPMENT MANAGEMENT BAINISTIÚ FORBRAIUCHTA

INTRODUCTION

The Planning & Economic Development Directorate is charged with providing a policy framework to direct growth in the most sustainable manner while facilitating economic and social progress for the community. In preparing plans and managing development, the service aims to achieve an acceptable balance between encouraging appropriate development and at the same time preserving and enhancing the quality of our countryside, settlements and historic and environmentally sensitive areas.

The level of planning applications received during 2009 is expected to reach in the order of 3,000 which represents a 40% drop on the 2008 levels. This contraction of development activity, reflective of the slowdown across the country, now creates the opportunity for forward planning and enforcement. The report on enforcement herein shows the increased level of complaints received and the demands on the enforcement service to resolve a complex range of problems, some arising from unfinished or defective development schemes.

At the same time, the income from planning fees has fallen dramatically, largely because the bulk of current applications (74%) generate very little income. It is accepted nationally that the average cost of processing a planning application is circa €600, yet the planning fee for a dwelling house is €65. The Adopted Budget for 2009 was for income of €1,200,000 but the reality is that total receipts are likely to be approximately 50% of this figure (circa €600,000). The fee estimate for 2010 in the Draft Revenue Budget is for €474,000, reflecting the lower level of fee generating applications. In addition, the number of staff has already been reduced both as a result of contracts ending and redeployment elsewhere in the Council. More staff have contracts terminating in 2010. In 2008 there were 98 staff in the Directorate and the total number budgeted for in 2010 is 63 (wholetime equivalent) plus 3 funded from Capital headings. Of these 11 work in Policy and Conservation, 46 in Development Management and the remainder in Town & Village Renewal, Development Contribution Scheme (DCS) and Economic Development.

In the light of the reduction in resources, the way the Service is delivered will need to be restructured to protect frontline services and prioritise work. The proposed centralisation of Development Management should facilitate the remaining staff in providing better phone access, dedicated attendance at the Area level and other improvements such as over-the-counter validation. The review of the County Development Plan, which will formally commence in July 2010, should ensure that the County has up to date, appropriate and focussed policies to direct and facilitate development and contribute successfully to economic recovery when the upturn comes.

In the case of many towns and villages in the county they have been asking for new development plans. There is now an opportunity to include such town and village plans in the county development plan and work has already started on this approach, which will deliver the plans required.

The Table on the next page sets out the Work Objects/Processes and sets out Pay and Non Pay Costs as well as the numbers of staff working on the processes.

Planning & Economic Dev Work Processes								
Work Object	Sub-Service Code	2009			2010			WTE
		Pay	Non-pay	Total	Pay	Non-pay	Total	
29. To prepare and implement the County Development Plan	D0101 D0199	€513,390	€170,073	€683,463	€553,563	€90,557	€644,120	7.61
30. To prepare and implement development Plans for towns, Villages or localities	D0101 D0199	€210,300	€110,850	€321,150	€96,199	€46,613	€142,812	1.48
31. To determine applications for planning permission	D0201 D0299	€2,013,665	€277,050	€2,290,715	€1,782,913	€207,213	€1,990,126	33.30
32. To enforce the provisions of the Planning Act in relation to unauthorised development or non-compliance with the terms of planning permission	D0201 D0301 D0399	€821,102	€174,500	€995,602	€792,130	€168,755	€960,885	13.30
33. To levy, collect and distribute development contributions	D0201 D0299	€195,000	€29,400	€224,400	€126,797	€15,000	€141,797	3.00
34. To provide infrastructure and other supports for job creation/maintenance of employment	D0401 D0403 D0404 D0499 D1001 D1099	€212,021	€66,950	€278,971	€122,076	€47,600	€169,676	2.45
45. To enhance the facilities and appearance of towns and villages	D0901 D0902 D0999		€10,050	€10,050		€2,000	€2,000	
46. To protect and enhance the heritage of the County, including the built environment	D1101 D1102 D1103 D1199	€111,783	€140,867	€252,650	€118,378	€115,200	€233,578	1.83
84. To operate and maintain markets and Casual Trading areas	H0702 H0799		€29,600	€29,600		€29,600	€29,600	
Totals		€4,077,261	€1,009,340	€5,086,601	€3,592,056	€722,538	€4,314,594	63

**DEVELOPMENT MANAGEMENT
BAINISTIÚ FORBRAIUCHTA**

Draft Budgeted Expenditure	€4,314,594
Draft Budgeted Income	€992,140

The following pages set out the above as per each relevant division.

**DEVELOPMENT MANAGEMENT
BAINISTIÚ FORBRAIUCHTA**

Draft Budgeted Expenditure: €4,284,994

Draft Budgeted Income: €982,140

(Pages 18-20 of blue pages)

THE CENTRAL PLANNING UNIT

Further progress has been made during 2009 on the publication of a number of important Development and Local Area Plans. With the ongoing Review of the Regional Planning Guidelines, policy development at a strategic level has also been high on the agenda. This will have an impact upon the Review of the County Development Plan as will the passing of the new Planning and Development (Amendment) Bill 2009 which is progressing through Dáil Éireann.

**1. THE REVIEW OF THE COUNTY DONEGAL DEVELOPMENT PLAN
2006-2012**

The formal Review of the County Development Plan will commence in the summer of next year, but in line with advice from the Department of the Environment, Heritage and Local Government, preliminary work has commenced on the Strategic Environmental Assessment process and the collection and analysis of data and information, to facilitate the planning process. A large part of this preliminary work has involved the initial work on the extensive County wide Local Area Plan programme, which is to be integrated into the County Development Plan. The reason for this change in direction is due to a number of factors such as the requirement in the impending legislation and the Regional Planning Guidelines to produce a core strategy with a sustainable settlement hierarchy for the County, the consequent resource implications, the size of the task, with the inclusion of up to 90 settlements and also to facilitate meaningful public interaction and consultation. The current approach to preparing individual plans for towns and villages is not sustainable and will not deliver the plans required within a reasonable timeframe. The existing adopted Local Area Plans are due to be reviewed as follows:-

Muff, Bridgend, Burnfoot, and Killea in 2010.

Donegal Town, Castlefin and Rossnowlagh in 2011.

Ballybofey / Stranolar and Pettigo in,2012.

2. LETTERKENNY AND ENVIRONS DEVELOPMENT PLAN

The adoption of the plan was completed in September with the publication of the plan on the 26th October 2009. The Development Plan establishes the policy framework for the next 6 years and reaffirms the town's Gateway status as a key regional focus for growth and investment.

Key policy areas within the plan involve economic development, town centre vitality, neighbourhood development, the environment and community infrastructure, each of which is set against an agenda of best urban design practice. In the context of the future development of the town as a Gateway centre, the Development Plan has the Neighbourhood Strategy as a core aspect of policy to guide growth and infrastructural investment. To ensure that this strategy can be implemented by providing clear development guidance it is important that the series of design briefs required by the strategy are completed during 2010.

The plan is accompanied by an Environmental Report that guided policy development throughout the process, and by specific strategies for Housing, Retail and Childcare provisions.

3. LETTERKENNY LANDUSE AND TRANSPORTATION STUDY

Summer 2009 saw the completion of this key piece of work, through which Planning were actively involved in the project led out by the Roads Directorate. This integration of landuse and transportation in the planning for multi-modal approach to traffic and transport in Letterkenny is effective in establishing infrastructural priorities and guiding future development.

4. LETTERKENNY AND ENVIRONS DEVELOPMENT PLAN VARIATION NO.1

Arising from specific design improvements and amendments to the Swilly Roads and Bridges project, a variation process has been initiated to provide a clear policy framework for this strategically important transport link. It is anticipated that the process can be completed in Spring 2010.

5. BALLYSHANNON AND ENVIRONS LOCAL AREA PLAN

The Ballyshannon and Environs Local Area Plan was adopted by the County Council in February 2009. Ballyshannon is an important heritage town in need of regeneration and rejuvenation and the suite of policies and provisions included in the Local Area Plan, not only reflect this priority, but they facilitate this revitalisation.

6. BUNDORAN AND ENVIRONS DEVELOPMENT PLAN

Work continued throughout the year on the Development Plan with the publication of the Draft Plan, Material Alterations and final adoption in October 2009. The joint Plan prepared on behalf of both the County and Town Council has a broader remit, including for the first time land on the outskirts of the town. It is appropriate to note that the Development Plan was delivered and adopted several months ahead of schedule.

7. GLENCOLMCILLE AND KILCAR, GAELTACHT LOCAL AREA PLAN

Work has continued up to Draft stage of the Local Area Plan for the settlements of Glencolmcille and Kilcar, but also extending to nearby Carrick, Teelin, Meenanearry, Malinbeg and Malinmore. This project co-funded by An Roinn Gnothai Pobail, has developed policies which reflect the unique, rich, distinctive natural and cultural heritage of the area. It is anticipated that the Local Area Plan will be integrated in due course into the County Development Plan.

8. THE BIG ISLE

The Environmental Study was undertaken by Consultants on behalf of the Council on lands at the Big Isle, near Manorcunningham. Under the EU Habitats Directive the lands are designated as within a Special Protect Area (SPC), Natural Heritage Area (NHA) and a Special Area of Conservation (SAC). The Big Isle is an important area for the overwintering of rare bird species and the biodiversity value of the lands severely constrain the opportunity for development potential. It is proposed to bring the Study and a Masterplan for the lands to the Council Members early in 2010 for consideration.

9. ARD NA gCEAPAIRÍ PLANNING ASSESSMENT

Working closely with Udaras na Gaeltachta and Consultants this planning assessment has been produced and sets a blueprint for the extent of development in this sensitive area of the Gaeltacht.

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 aim of the Council is to encourage the sustainable development of historic buildings.

In 2009 the County Council paid grants totalling €115,000 to fourteen projects. The 2010 Draft Revenue Budget anticipates grants at a reduced level at €100,000.

While the operation of the Conservation Grant Scheme is both complex and time consuming, it raises the awareness and importance of the County's built heritage. With this in mind, at the November Council Meeting, recipients of this year's grants were invited to the Council Chamber to receive the grants and acknowledge the work done by the owners in upgrading and maintaining their important buildings.

Extensive survey work was undertaken by the Department of the Environment, Housing and Local Government, in updating the Natural Inventory of Architectural Heritage in the County. The purpose of this initiative is to identify, record and evaluate the post 1,700 architectural heritage of the County. It will provide the basis for recommendation from the Minister for significant additions to the Record of Protected Structures in 2010 and the years ahead.

DEVELOPMENT MANAGEMENT

In common with National trends, the County has experienced a significant drop in the overall numbers of larger development schemes being submitted for planning approval. The projected year end total for all applications is circa 3000 with the vast majority of these (74%) in categories which generate very little in terms of fee income. Most are single houses or extensions, the fees for which range from €34 to €65. In consequence, the income derived from applications in 2009 has been greatly reduced compared with recent years.

Although only 25% of applications are in the more complex categories, there is still some activity of a more commercial nature - mixed uses, retailing, windfarms for example. The Council remains proactive in accommodating any preplanning discussions necessary to facilitate any appropriate development particularly where such development will result in the generation or retention of employment opportunities in the County. The most noticeable cessation of new activity during 2009 has been in multiple housing schemes with limited such schemes proceeding to application stage.

It is anticipated that the level of activity associated with Planning Applications will be similar to 2009 and the number of whole time equivalent staff required to deliver the Development Management service (including Development Contributions) is 51, of whom just over 13 are whole time in unauthorised development.

While activity in processing applications has fallen from its height in 2006/2007, there is significant activity ongoing in pursuing alleged unauthorised development (enforcement). This involves both investigating new complaints and continuing action on cases that were initiated in previous years. The chart below (Figure 1) demonstrates the increase in new cases arising since 2007.

Enforcement action is time consuming and resource intensive but the Council is committed to pursuing offenders by all necessary means if a satisfactory resolution cannot be achieved by agreement. The table below shows the level of ongoing activity. While many cases are concluded (whether by agreement or after legal measures), the level of new cases arising coupled with the need to be proactive in systematically monitoring compliance with permissions is a significant ongoing task.

Figure 1: Enforcement Activity 2000-2009

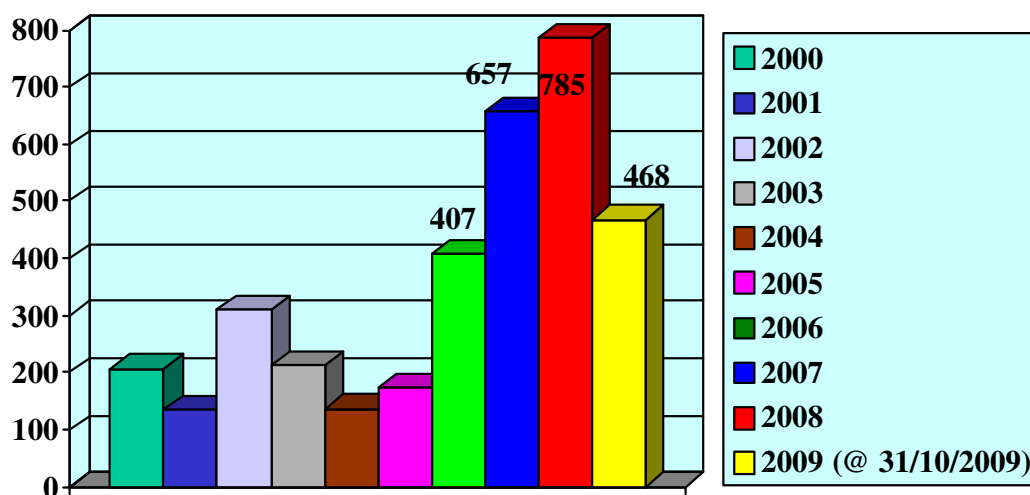


TABLE 1 - ENFORCEMENT ACTIVITY - 2009 (31/10/2008)

Year »	2006	2007	2008	2009 (@ 31/10/09)
Cases	407	657	785	468
Warning Letters Issued	205	316	390	310
Submission Rec'd (following issue of W.L.)	152	193	328	176
Regularised retention permission granted	10	21	103	70
Enforcement Notices	21	20	68	70 (+ 19 with solicitors)
Injunction proceedings	10	12	15	7
District Court prosecution			14	24
Cases Closed	19	108	225	263

VALIDATION

In last year's report it was noted that in advance of any e-government solution the Planning Section had continued to review its processes and procedures in an attempt to reduce the level of invalid applications. They have reduced from about 25% in 2007 to an average of 16% across the County in 2008 with some areas significantly lower. The level of invalids up to end October this year has further reduced to 14%.

SERVICE IMPROVEMENTS 2010

PRE-VALIDATION OF PLANNING APPLICATIONS

It is proposed to introduce pre-validation of planning application for all apart from the most complex applications in 2010. This will be facilitated by the proposed restructuring and centralisation of some of the Service which will make available the technical resource to review applications which are brought to the main Planning Counter. Applicants will then wait to have the content of their proposed submission checked for completeness before formally submitting the application. This will have the benefit of providing timely advice to a prospective applicant on whether their application is valid and ready to begin processing and if not, what needs correcting. It will also ensure the Council's resources are more efficiently used if potentially invalid applications are screened out before administrative and other activities are carried out on an application which has to be returned.

PANEL OF PROPOSED SITE ASSESSORS.

It is proposed, with the approval of Council, to set up a Panel of Site Assessors which will 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.

Given the nature of the Donegal landscape, 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 introduce a Select List of assessors which would provide

for the setting of 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 Council is due to debate the implementation of this approach in December and, if approved, the Panel approach will commence early in the New Year. The list will be subject to review and additional assessors can be added periodically provided they demonstrate the competency required.

ONLINE SUBMISSION OF PLANNING APPLICATIONS.

Donegal County Council and a number of other Counties have pursued the introduction of on-line submission of certain categories of planning applications and it is recognised that there are significant advantages for both the planning applicant and the Council. The introduction of on-line submissions needs to be further considered to ensure that the implications are fully examined and this shall be further pursued in 2010.

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 2009.

SECTION 140 PLANNING MOTIONS CONSIDERED BY THE COUNCIL IN 2009

Ref No	Description	Refusal Reasons	Outcome	Decision
09/40090	Retention of siteworks and erection of 2 no warehouses	Contrary to Spatial strategy Adjacent to early ecclesiastical site	Passed	Granted

BREAKDOWN OF PLANNING DECISIONS 2009

The table below shows the breakdown of decisions on planning applications between 1st January and 31st October 2009

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	132	61 (84%)	12 (16%)	60 (45%)	99 (75%)	33 (25%)	10 (7.5%)	5 (50%)	5 (50%)
Individual Houses	1096	647 (92%)	56 (8%)	398 (36%)	928 (85%)	168 (15%)	47 (4%)	9 (19%)	38 (81%)
Other - Not requiring EIA	839	619 (96%)	28 (4%)	192 (23%)	768 (92%)	71 (8%)	28 (3%)	22 (79%)	6 (21%)
Other - requiring EIA	33	22 (96%)	1 (4%)	10 (30%)	32 (97%)	1 (3%)	3 (9%)	1 (33%)	2 (67%)
Total	2100	1349 (92%)	120 (8%)	660 (31%)	1827 (87%)	273 (13%)	88 (4%)	37 (42%)	52 (58%)

Note some duplication may occur where a number of applications that had an Further Information (FI) request were determined within 8 weeks hence figures may appear not to add up consistently.

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 an urban renewal project (Dungloe Foreshore Phase II) under the Settlement Regeneration Initiative (as part of the multi-annual plan). A scoping study has been carried out in support of the application which is being forwarded to the Special EU Programmes Body for consideration.

A funding application was also submitted under the North West Region Cross-border Group (NWRCBG) for Interreg IV funding for an Urban Renewal project and following rejection and subsequent appeal made by Planning & Economic Development, the project is currently being appraised by the Special EU Programmes Body. The urban renewal project is a cross-border project which aims to implement environmental improvement works in Lifford town centre and Railway Road, Strabane.

A provision of €20,500 has been included in the Draft Revenue Budget 2010 to co-fund the secretariat and other interregional activities including NASC.

URBAN & VILLAGE RENEWAL

The Planning and Economic Development Directorate will continue to progress the Urban and Village Renewal Capital Programme for the next three year period, which will be included in the 3 year Capital Programme 2010-2012 which will be tabled with the Council early in 2010. The Draft Revenue Budget for 2010 includes provision for salary related and associated costs. The Draft Revenue Budget also includes a provision of €2,000 expenditure for Tree Planting.

Division H

**MISCELLANEOUS
ÉAGSÚIL**

Draft Budgeted Expenditure: €29,600
Draft Budgeted Income: €10,000
(Pages 31-33 of Blue Pages)

CASUAL TRADING

The Draft Revenue Budget for 2010 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 2010.

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