



An Taisce

The National Trust for Ireland

5 Foster Place

Dublin 2, Ireland

D02 V0P9

Forward Planning,
Planning Department,
Leitrim County Council,
Áras an Chontae,
Carrick-on-Shannon,
Co. Leitrim.

Submitted via online consultation portal.

1st September 2026

Re: Proposed Material Alterations to Proposed Variation No. 1 of the Leitrim County Development Plan 2023-2029.

A Chara,

We thank you for referring the above consultation to An Taisce for comment, for which we have the following observations.

We are in the midst of a very serious housing crisis, and therefore the need to provide housing and associated infrastructure is very urgent. At the same time, zoning for residential development purposes should not compromise the needs of biodiversity conservation and restoration, the achievement of compact settlement objectives, or the need to avoid zoning in flood risk areas. These issues are critical in their own right, but zoning that compromises these other needs will also likely make it harder to permit specific proposals on those lands.

1. Biodiversity Policy and Legal Context

We would highlight the requirement of Article 10 of the Habitats Directive which seeks to preserve stepping stones and ecological corridors including nature conservation sites (other than European sites), habitat areas and species' locations:

*"Member States shall endeavour, where they consider it necessary, in their land-use planning and development policies and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the **management of features of the landscape** which are of **major importance for wild fauna and flora**.*

Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or

An Taisce is a membership-based charity | Join us at www.antisce.org/membership

An Taisce – The National Trust for Ireland | *Protecting Ireland's heritage, safeguarding its future*

Registered Office: Tailors' Hall, Back Lane, Dublin, D08 X2A3, Ireland | www.antisce.org | +353 1 707 7076 | info@antisce.org

Company Limited by Guarantee no. 12469 | Charity CHY4741 | Charity Regulator no. 20006358 | EU Transparency Register no. 275657497595-21

Directors: Terri Morrissey (Chair), Neil Whoriskey (Vice Chair), John Conroy (Treasurer), Laura Segura Gutierrez (Secretary),

Finbarr Murray, Helen Shaw, Tony Holohan

their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species."

[An Taisce emphasis]

It should be ensured that proposed additional new residential zonings will not exacerbate further fragmentation of biodiversity habitat which would be detrimental to the movement of certain species and would hinder species richness and lead to declines in genetic diversity.

It is submitted that proposed additional zonings require assessment in light of the goal of the landmark Kunming-Montreal Global Biodiversity Framework to halt and reverse biodiversity loss by 2030, which filters through the EU Biodiversity Strategy, National Biodiversity Action Plan and county/local level plans, including the County Leitrim Biodiversity Action Plan, to ensure the absence of conflicting objectives and actions between the implementation of these plans and the ambitious Housing Growth Requirements.

It should also be ensured that sites of ecological significance capable of natural regeneration and assisted restoration, which could contribute to Nature Restoration Law (NRL) implementation, are taken into consideration when activating new residential lands, e.g. peatland sites of rehabilitation/restoration potential, pNHAs/NHAs, SAC/SPAs, nature reserves, locally important biodiversity sites, Ancient and Long-Established Woodland sites (ALEWs) etc.

Forward planning should seek to avoid future development pressures on these sensitive sites, and should consider the need for buffer zones between zoned lands and ecological areas, as well as ensuring ecological connectivity at a landscape level. Independently conducted Ecological Impact Assessments (EcIAs) could be a useful tool for informing zoning designations which may impact on ecologically significant areas. Furthermore, zoning which may impact such sites may create difficulties at the development consent stage leading to a delay in housing delivery.

Proposed activation of residential sites should also consider the requirements of adherence to the Habitats Directive, Water Framework Directive, Birds Directive, Floods Directive etc.

Section 59(B) of the Wildlife (Amendment) Act 2023 provides for public bodies to have regard to plans, programmes or strategies concerning the promotion of biodiversity conservation and the objectives/targets of the most recent National Biodiversity Action Plan (NBAP) in the performance of its functions. It is submitted that this applies to the Council's forward planning decision-making function when assessing proposed rezonings.

Furthermore, the planning authority is also governed by the National Planning Framework (NPF) in carrying out its decision-making duties, where in Section 21(2)(f) of the Planning and Development Act (PDA) 2024 (as commenced on 2 October 2025) it is stated that the NPF must consist of, *"the integration of the pursuit and achievement of the national climate objective and National Biodiversity Action Plan into plan-led development in the State."* It is submitted that the proposed residential zonings require assessment for their adherence to the NBAP to ensure the absence of adverse impact upon biodiversity.

Additionally, Section 21(3)(d)(ii)&(iii) identifies how the NPF makes provision for the conservation of the environment, including ecology and biodiversity, which the Council should have regard to. Close consideration should also be given to Section 50 of the PDA 2024 (as commenced on 31 December 2025) which seeks the protection of trees and other significant ecological features within planning authority strategies, in accordance with the EU Biodiversity Strategy and NBAP:

"50. (1) 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.

*...
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,"*

Finally, any change of land-use from a biodiversity rich site to one which would facilitate residential development requires assessment against the biodiversity objectives contained in the Leitrim Biodiversity Action Plan to ensure that biodiversity interests are balanced with housing need.

The housing crisis and need for rapid housing and infrastructure delivery can and should be addressed while upholding environmental safeguards. Compact settlement guidance and objectives with regard to prioritising brownfield sites rather than greenfield sites, in tandem with the need for reversal of biodiversity loss under international, EU, national and local biodiversity objectives, need to be borne in mind when assessing variations to the Development Plan such as that proposed.

2. Social and Community Infrastructure

When engaging in the exercise of activating additional lands for residential zoning purposes, it should be ensured that proportional consideration is given to the need for social and community infrastructure zoning provision to cater to the needs of future residents. It is recommended that a Social and Community Infrastructure Assessment should be carried out to determine the sufficiency of existing community infrastructure to meet the extra demand generated by additional residential zonings, as well as shaping plans for future community infrastructure if deficiencies are identified.

Proper provision of community and social infrastructure in tandem with housing is essential for building sustainable and properly planned communities. Issues with planning controls in previous times where housing development was rapidly rolled out without appropriate and proportional social and community infrastructure was noted by the High Court in *Jones v South Dublin County Council* [2024] IEHC 301, para. 230:

*"Insofar as controls on planning decisions by local authorities have been put in place in recent decades, much of that has, as Hogan J. noted, been driven by attempts to avoid the compromised planning process of a previous time where **swathes of land were zoned for housing without the necessary provision being made for schools and other social infrastructure.**"*

[An Taisce emphasis]

The Council should also draw upon the concept of the '15 minute city' to ensure compact settlement within walking and cycling range of local services, amenities and access to public transport. The pattern of low-density, suburban, car-based sprawl which has characterised much of the development of the last number of decades is entirely unsustainable. It is crucial that the Development Plan variation and associated additional residential zonings drive the provision of better designed and higher density urban areas and neighbourhoods with active and public transport connectivity to services, employment, and amenities. It is essential that we create communities of a high urban design standard that provide high quality affordable housing options, easy access to essential services, a high-quality public realm while breaking dependence on private car journeys and addressing our emissions reduction obligations. Compact settlement would also reduce development

pressures upon sites of biodiversity significance. Therefore, An Taisce would seek full alignment of the Development Plan with the Compact Settlement Guidelines (2024).

As noted in the Compact Settlement guidelines (2024, Section 1.3.2, p. 4):

*"This should be the overarching objective when planning for sustainable residential development and compact settlements. Planning authorities at settlement level should plan for an **integrated network of well-designed neighbourhoods** that can meet day-to-day needs (such as food, healthcare, education, sports and professional services) within a short 10 to 15 minute (approx.) walk of all homes. In the case of larger settlements, the residents of less central neighbourhoods should have opportunities to travel by **public transport and other sustainable modes** (e.g. greenways) to access higher order services, employment and amenities at more central and accessible locations. This will reduce the need for travel and the need for travel by private car, supporting the transition to a lower carbon society and the creation of settlements that are more **socially inclusive**."*

[An Taisce emphasis]

To begin to realise its compact settlement policies on the ground, we submit that the Development Plan variation should include a requirement that all new residential development in urban and built up areas be no more than a 15-minute walking distance from basic services and infrastructure e.g. public transport services with adequate capacity, supermarkets, childcare facilities, schools, post offices, medical facilities, recreational facilities, high quality green and open spaces, etc. This necessitates a holistic assessment approach to the activation of further lands for residential development. Active and public transport infrastructure must be in place in and around the development, linking it to services, employment centres and other neighbourhoods. Regional and local plans should be charged with determining such services and locations, and where there is a deficit, these services must be upgraded in tandem with housing development, including clean water and wastewater, as well as electricity connections. These simple principles, rigorously enforced, are possible and would go a long way in achieving the objectives of smart, compact growth.

To facilitate the inclusion of such a policy, An Taisce recommends that the Development Plan variation be amended to incorporate and enhance the seven location test standards for new housing in urban areas as outlined in the National Spatial Strategy 2002 (see below). These standards required that planning authority decisions for new housing developments be conditional on integration with existing communities, affordability and mix of housing types, walking and cycling access to local services and schools, transport access to employment locations, and availability of recreation facilities.

- The Asset Test: Are there existing community resources, such as schools etc, with spare capacity?
- The Carrying Capacity Test: Is the environmental setting capable of absorbing development in terms of drainage etc?
- The Transport Test: Is there potential for reinforcing usage of public transport, walking and cycling?
- The Economic Development Test: Is there potential to ensure integration between the location of housing and employment?
- The Character Test: Will the proposal reinforce a sense of place and character?
- The Community Test: Will the proposal reinforce the integrity and vitality of the local community and services that can be provided?
- The Integration Test: Will the proposal aid an integrated approach to catering for the housing needs of all sections of society?

3. Flood Risk

It should be ensured that a robust Strategic Flood Risk Assessment is conducted to inform proposed rezoning allocation to ensure the absence of future development in flood risk areas, with highly adverse implications for community wellbeing and safety. Inappropriate zoning within flood risk areas has afflicted the zoning practices of certain Councils over the years and should not be replicated within the current approach, given the fast-tracked nature of achieving the housing growth requirements. Inappropriate zoning within flood risk areas risks future development consent applications in these areas being refused by the planning authority, hindering the rollout of housing.

Proposed zonings should also take future climate change flooding scenarios into account given projected increases in frequency and intensity of weather events of this nature. Amended zoning should also avoid overlap with historic flood mapping layers. The OPW's Flood Risk mapping tool can be utilised to inform zoning designation and a clear rationale and methodology should be provided for how zoned areas have been deemed appropriate by the Forward Planning Unit. Sustainable Urban Drainage Solutions (SuDS) and nature-based management of rainwater should also be factored into Development Plan variations.

The following is specified in Article 7 of the Floods Directive:

"Flood risk management plans shall take into account relevant aspects such as costs and benefits, flood extent and flood conveyance routes and areas which have the potential to retain flood water, such as natural floodplains, the environmental objectives of Article 4 of Directive 2000/60/EC, soil and water management, spatial planning, land use, nature conservation, navigation and port infrastructure.

Flood risk management plans shall address all aspects of flood risk management focusing on prevention, protection, preparedness, including flood forecasts and early warning systems and taking into account the characteristics of the particular river basin or sub-basin. Flood risk management plans may also include the promotion of sustainable land use practices, improvement of water retention as well as the controlled flooding of certain areas in the case of a flood event."

[An Taisce emphasis]

Adherence to the requirements of the Directive should be demonstrated as part of the zoning allocation process.

4. Heritage

It is submitted that the Council should ensure that additional residential zoning activation closely considers potential impacts upon National Monuments, associated archaeological sub-surface features which may require testing, preservation and/or excavation, Protected Structures (including their curtilage) and buildings listed on the National Inventory of Architectural Heritage (NIAH). This would ensure that the zoning exercise considers and avoids such impacts in advance of the development permitting stage.

5. SEA Monitoring

The Strategic Environmental Assessment (SEA) Directive (2001/42/EC) requires that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment, including the proposed Development Plan variation. The compliance of the provided SEA Environmental Report with the requirements of the SEA Directive needs to be assessed and validated.

The SEA needs to identify, address and make concrete proposals for mitigation of climate impacts, reversal of biodiversity loss, deterioration in quality of life and general resource management sustainability to meet quality of life and wellbeing objectives.

Importantly, Article 10 of the SEA Directive sets out provisions for the monitoring of a plan or programme subject to SEA and the obligation for remedial action where unforeseen adverse effects arise:

1. *Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.*
2. *In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.*

The provisions of Article 10 are not just for monitoring but, notably, for the remediation of unforeseen adverse effects. Section 8.12 of the 2001 European Commission SEA guidance¹ states that:

"Unforeseen adverse effects is better interpreted as referring to shortcomings of the prognostic statements in the environmental report (e.g. regarding the predicted intensity of the environmental effect) or unforeseen effects resulting from change of circumstances."

An Taisce considers that a proper interpretation of Article 10 of the SEA Directive requires that the SEA monitoring process be based on quantitative, audited data and that qualitative data be provided on an ongoing basis during the lifetime of the plan or programme. This is needed to ensure that, following the required baseline assessment in the SEA, ongoing monitoring or auditing can identify unanticipated changes, allowing remediation to be carried out. Producing monitoring for its own sake would not be an adequate transposition of Article 10 of the Directive. It is only by auditing this ongoing monitoring data and clearly measuring any effects that the identification of any *"unforeseen adverse effects"*, as defined by Article 10, can be achieved and remediation can begin.

An Taisce has previously made a formal legal complaint to the European Commission regarding the systemic failures in Ireland to comply with Article 10 of the Directive.

It is also worth noting that if ongoing monitoring was being carried out in accordance with the provisions of Article 10, it would contribute very significantly to the general availability of environmental and ecological data in Ireland. Having such an extensive and dynamic database of ecological information would contribute greatly to environmental protection efforts and to ensuring effective spatial and strategic planning within environmental constraints. There would also be

¹ https://wayback.archive-it.org/12090/20151221015216/http://ec.europa.eu/environment/archives/eia/pdf/030923_sea_guidance.pdf

significant co-benefits for the Environmental Impact Assessment, Appropriate Assessment and other environmental assessment process.

We would highlight that it is an unambiguous legal requirement that monitoring and reporting of environmental impacts be carried out over the lifetime of the plan and that remedial actions be taken where unforeseen negative impacts are identified.

Please acknowledge our submission and advise us of any decision made.

Is mise le meas,

Seán O'Callaghan
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland