



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316727-23

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<b>Development</b>	Inclusion of the land on the residential zoned land tax draft map.
<b>Location</b>	Woodpark, Lismonaghan, Co. Donegal.
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	DNCC-C3-DCC-121
<b>Appellant(s)</b>	Irene Scott
<b>Inspector</b>	Rachel Gleave O'Connor

## 1.0 Site Location and Description

- 1.1. The site is situated to west of residential estates at Wood Park, Hillview and Oakwood Park. The site is identified by parcel ID DLLA0000361 on the RZLT maps.

## 2.0 Zoning and Other Provisions

- 2.1. The site is zoned 'Strategic Residential Reserve' in the County Donegal Development Plan 2018-2024 as varied (part C Map 12.1B for Letterkenny).
- 2.2. Section 1.6 'Local Area Plan Programme' page 8 of the Plan, states that *"This CDP is the first consolidated County Development Plan for the entire of County Donegal, (including the former Town Council areas of Letterkenny, Bunrana and Bundoran). It therefore continues the current land use and zoning frameworks in respect of Letterkenny, Bunrana and Bundoran and consolidates their associated written texts."*
- 2.3. Policy H4: Release of 'Strategic 'Residential Reserve' of the Letterkenny & Environs Town Development Plan 2009-2015 states that *"The Councils will ensure the adequate supply of future strategic landbank for the purposes of housing beyond the life of the plan through the identification of lands as 'Strategic Residential Reserve.' The Councils will examine the release of 'Strategic examine the release of 'Strategic Residential Reserve' lands on the basis of justification in the context of an annual housing monitor, the continued assessment of need and levels of supply, and availability of or requirements for physical and social infrastructure in the context of cial infrastructure in the context of the neighbourhood strategy. the neighbourhood strategy. Release of 'Strategic Residential Reserve' lands Release of 'Strategic Residential Reserve' lands shall only be carried out in the context of a variation to the development plan."*

## 3.0 Planning History

- 3.1. No records of any relevant planning history.

## 4.0 Submission to the Local Authority

4.1. The appellant made a submission to the Local Authority seeking to have its land removed from the draft map. The submission stated that:

- The submission is submitted on behalf of the Landowner (from the Landowners son).
- The submission states that maps are to follow to identify the site.
- All land is currently being farmed.
- Land is not serviced.

4.2. PLANNING INSPECTOR NOTE: No map is included with the submission. See later comments with respect to site location referred to in determination by the Local Authority in section 5 and map submitted with appeal grounds section 6 below.

## 5.0 Determination by the Local Authority

5.1. The Local Authority indicates the location of the site marked 'X' in two areas. This relates to land parcel IDs DLLA0000361 and DLLA0000365 on the RZLT Maps.

5.2. The local authority provided an assessment of the site with reference to the RZLT Guidelines, confirming the following:

- The site is zoned as 'Strategic Residential Reserve' in the County Development Plan Part C 2018-2024 (as varied) and is therefore in scope.
- There is no previous planning permissions on the site.
- The public road network adjoins the subject sites. There is also public lighting and footpaths along the road network.
- The public wastewater network is within close proximity to the subject sites.
- An Irish Water mains adjoins the subject site along the public road.

5.3. The local authority determined that the site was in scope and should remain on the map.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.2. The grounds of appeal include a map to identify the lands subject to the appeal. The subject site identified is situated within land parcel ID DLLA0000361 on the RZLT maps. Land parcel DLLA0000361 is formed of a larger site area, the subject site identified in the map submitted with the appeal forms a small part of land parcel DLLA0000361, and is situated to the west of Wood Park, with lands separating the subject site from nearby residential estates. The grounds of appeal state the following:

- The land is not serviced by roads, footpath, public sewer and the water pressure is low.
- The only access is via an agricultural right of way which is 2.7m wide and not with the landownership.
- The zoning of the land is not Residential, Strategic Residential Reserve, Mixed Use / Opportunity or Established Development, rather this land is zoned as Local Environmental in the Draft Letterkenny Local Area Plan.
- Policies under the Donegal County Development Plan would not permit a multiple development on the land.
- The site is not derelict or speculative and is actively farmed.

## 7.0 Assessment

7.1. The Local Authority have assessed lands identified by land parcel IDs DLLA0000361 and DLLA0000365 on the RZLT Maps situated either side of Garage Court and adjacent to Rowan Park. There does not appear to have been a map included with the submission to the Local Authority. However, the appellant has included a map with the grounds of appeal, which identify a different site, which while within land parcel ID DLLA0000361, is situated to the west of Wood Park and is separated to residential estates by other lands, which do not appear to be in the same landownership. As such, the subject site is 'landlocked' and cannot access road, pedestrian or utility infrastructure without crossing what appears to be third party

lands. The lands do not have frontage onto the main road and are separated from that road by other land parcels. The RZLT Guidelines are clear in Section 4.1.1 (iii) Services, that where connections to services require access to 3rd party lands or 3rd party development to take place, land may be out of scope.

7.2. In addition, the lands are zoned Strategic Residential Reserve. To satisfy the criteria as identified in section 653B of the Taxes Consolidation Act 1997 (as amended) land must be zoned residential use or for mixed uses including residential. The site is zoned 'Strategic Residential Reserve' in the County Donegal Development Plan 2018-2024 as varied (part C Map 12.B for Letterkenny). Section 1.6 'Local Area Plan Programme' page 8 of the Plan, states that *"This CDP is the first consolidated County Development Plan for the entire of County Donegal, (including the former Town Council areas of Letterkenny, Bunrana and Bundoran). It therefore continues the current land use and zoning frameworks in respect of Letterkenny, Bunrana and Bundoran and consolidates their associated written texts."* Policy H4: Release of 'Strategic 'Residential Reserve' of the Letterkenny & Environs Town Development Plan 2009-2015 states that *"The Councils will ensure the adequate supply of future strategic landbank for the purposes of housing **beyond the life of the plan through the identification of lands as 'Strategic Residential Reserve.'** ....Release of 'Strategic Residential Reserve' lands Release of 'Strategic Residential Reserve' lands shall only be carried out in the context of a variation to the development plan."* While the Letterkenny & Environs Town Development Plan 2009-2015 has expired, the current County Donegal Development Plan 2018-2024 incorporates the land use zoning frameworks and associated texts of the Letterkenny Plan as detailed above. Policy H4 of the Plan defines Strategic Residential Reserve lands as comprising a landbank for housing beyond the lifetime of the plan. As such, the subject site is not available for housing under the current County Donegal Development Plan 2018-2024.

7.3. While the plan expressly prohibits development of Strategic Residential Lands for multiple housing developments, a set of criteria are provided, which if satisfied, enable development of the lands for single dwelling housing. However, the RZLT Guidelines outline that the purpose of the RZLT *"is to activate existing planning permissions and zonings where housing is permitted and where the land is connected to, or has access to services, but remains undeveloped. It is primarily*

*intended to influence behaviour towards increased housing output.”* This clearly relates to the delivery of multiple housing units on sites and is not targeting the delivery of one-off housing. As such, the site cannot be considered zoned for residential development (for the purposes of the RZLT) during the lifetime of the plan.

- 7.4. In conclusion, and with reference to the Strategic Residential Reserve zoning of the site which restricts multiple housing development; the site is not currently zoned for residential development, and therefore is not in scope for inclusion on the RZLT map. In addition, the subject site is situated adjacent to lands, which lie between the subject site and the public road. In this sense, the site is landlocked and access would be required across third party controlled lands to achieve connection to the public road.

## **8.0 Recommendation**

- 8.1. I recommend that the board set aside the determination of the local authority and allow the appeal.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the determination by the local authority, the submitted grounds of appeal, the provisions of the section 653B of the Taxes Consolidation Act 1997, as amended, and the advice in section 3.1.2 of the Guidelines for Planning Authorities on the Residential Zoned Land Tax, the site is zoned ‘Strategic Residential Reserve’ under part C Map 12.B Letterkenny Land Use Zoning in the County Donegal Development Plan 2018-2024. The County Development Plan incorporates the land use zoning frameworks and associated texts of the Letterkenny & Environs Town Development Plan 2009-2015 (page 8 of the County Plan). Policy H4: Release of ‘Strategic ‘Residential Reserve’ of the Letterkenny & Environs Town Development Plan 2009-2015 confirms that lands for Strategic Residential Reserve will be considered for residential growth over the longer-term period, beyond the life of the plan. As such, the site is not currently available for residential development within the lifetime of the County Donegal Development Plan 2018-2024, and as such cannot be considered in-scope for the RZLT. In addition, with reference to Section 4.1.1 (iii) of

the RZLT Guidelines, the site is not served by existing services and would require the provision of new road and footpath infrastructure that would cross lands that appear to be in third party ownership, and as such cannot be considered in-scope for the RZLT.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Rachel Gleave O'Connor  
Senior Planning Inspector

15 August 2023