



An
Bord
Pleanála

Inspector's Report

ABP-316755-23

Type of Appeal	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
Location	Pearse Road, Letterkenny Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	DNCC-C3-DCC-126
Appellant(s)	MBC Building Contractors Ltd.
Inspector	Rachel Gleave O'Connor

1.0 Site Location and Description

- 1.1. The site is situated to the south east of Pearse Road, south of Station Roundabout. The site is occupied by retail warehouse and industrial/commercial sheds. The surrounding area is characterised by mixed commercial and residential uses.

2.0 Zoning and other provisions

- 2.1. The site is zoned 'Town Centre Boundary' under Part C, Map 12.1B (Letterkenny) in the County Donegal Council Development Plan 2018-2024.
- 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, Buncrana and Bundoran). It therefore continues the current land use and zoning frameworks in respect of Letterkenny, Buncrana and Bundoran and consolidates their associated written texts."*
- 2.3. Policy H1 of the Letterkenny & Environs Development Plan 2009-2015 states that the Council will consider new housing development within the town centre subject to policies set out in Part B, section 7.0 of the Plan. As such, the site is zoned for mixed uses including residential.

3.0 Planning History

- 3.1. No records of any relevant planning history. Planning history on the site relates to retail warehouse structures and advertisements.

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. It stated that:
 - The land identified as DLLA000018 & DLLA0000379 which the subject site forms part of, is affected by the Letterkenny 2040 Regeneration Strategy. The published plan for this strategy affects this land and also restricts the only suitable development entrances to access the land.

- As the design in the strategy is at an early stage, this affects the ability to proceed with any design and planning application for a development on the land until a clear and final design has been completed for the Letterkenny 2040 strategy.

5.0 Determination by the Local Authority

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

- The site is zoned as 'Town Centre' in the county Development Plan Part C 2018-2024 (as varied) and is therefore considered in scope.
- The public road network adjoins the subject site. it is located in the centre of Letterkenny, with frontage to the Pearse road and there is public lighting and footpath facilities in place.
- The public sewer network adjoins the site immediately adjacent along the north western edge to the public road.
- An Irish Water mains runs immediately to the west of the site along the roadside boundary.
- The lands in scope have immediate access to the adjoining access road. There is no third parties prohibiting access to the site.

5.2. 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

- The land is affected by the Letterkenny 2040 Regeneration Strategy. The published plan restricts the only suitable development entrances access for road and footpath on Pearse Road.
- The design for this strategy is at an early stage, but has recently received funding to proceed to the next stage, affecting the ability to proceed with any design.

- A narrow land along the rear of the land known as Isle Land is insufficient in width for either roadway or footpath and there is no consent from third party owners for widening or upgrading or laying the necessary public infrastructural services.
- A previous planning application to the local authority, the use of this laneway was not allowed due to the width of the laneway, third party consent and due to the laneway access point being too close to the Station Roundabout.
- The land has a number of industrial units on it.

7.0 **Assessment**

7.1. The sites are identified under land parcel IDs DLLA000018 and DLLA0000379. The landownership forms a part of these land parcels which extend to a wider area. The appellants landownership of the site as it overlaps DLLA000018 includes frontage to Pearse Road and their landownership as it overlaps DLLA0000379 is situated immediately adjacent to DLLA000018, and therefore access to the subject site is within the landowners control and available from Pearse Road, which provides road, pedestrian and access to services via publicly owned land.

7.2. I note that the appellant refers to the Letterkenny 2040 Regeneration Strategy, however this does not form adopted planning policy, and therefore would not inhibit development of the land or proposals for the same. In any case, I have also reviewed the masterplan under this strategy, which is also attached to the appellants grounds of appeal and note that the illustrations show development of the subject site with access from Pearse Road.

8.0 **Recommendation**

8.1. I recommend that the Board confirm the determination of the local authority and direct the local authority to include the site on the map.

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 considered in scope for the purposes of the RZLT map.

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.

Rachel Gleave O'Connor
Senior Planning Inspector

15 August 2023