



An
Bord
Pleanála

Inspector's Report

ABP-316857-23

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	Lands at Crievesmith, Old Town, Letterkenny, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	DNCC-C3-DCC-124
Appellant(s)	Dermot Gildea
Inspector	Rachel Gleave O'Connor

1.0 Site Location and Description

- 1.1. The site is situated to the south of the L1114 (Leck/Old Town Road). To the north the site has an informal access to this road. The site adjoins the rear boundaries to residential properties to the north west and west, and abuts agricultural land to the east and south. The site is identified by parcel ID DLLA0000366

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). In addition, an Open Space designation runs along the southern and eastern boundary of the site and there is a Flood Risk Area designation to the eastern edge the site.
- 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 land as identified DLLA 0000399 & DLLA 00001903 is zoned strategic Residential Reserve & Established Development.
- The only access to this land is from the Leck/Old Town Road that is presently subject to a new road design layout by Donegal County Council known as New Southern Relief & Strategic link. As the design for this road 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 New Southern Relief & Strategic links road project.

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 '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 site. It is located to the southern side of Letterkenny, and there is public lighting and footpath facilities in place.
- The public sewer network adjoins the site immediately to the north, along the road. An Irish Water mains runs immediately to the north of the site through part of the subject site.
- Reference to the Southern Relief and Strategic Link is noted, however the RZLT Guidelines requires that determinations must have regard to the statutory zoning in place.

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

- 6.2. The grounds relate to appeal ABP ref. no.'s 316857 and 316861.
- The land is zoned Strategic Residential Reserve & Established Development.
 - The only access is from Leck/Old Town Road that is subject to a route selection for a new road layout by Donegal County Council known as New Southern Relief & Strategic Link, leaving no access to public road or footpath for a housing development. As the design for the road is at an early stage, it affects the ability to proceed with any design, planning application and construction for a residential development on the land until a clear and final design has been completed for the New Southern Relief & Strategic Links road project. The current design that Donegal County Council as presented has left no direct access for this land to the proposed new public road and footpath layout, access will only be gained through a third parties land (as presented in the local authority design – map attached).
 - There has been no upgrade of any foul drainage network or water supply network necessary in this location to service any additional residential developments.

7.0 Assessment

7.1. 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, 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.” 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.

- 7.2. 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.
- 7.3. In relation to serving and access, I note the appellants comments with respect to future road provisions, however this assessment is based upon the current adopted statutory provisions and conditions of the site. There are existing road and footpath infrastructure available to the site.
- 7.4. I note the grounds appeal raise the matter of water infrastructure capacity. The capacity register for Uisce Éireann confirms that with respect to wastewater Letterkenny has capacity. With respect to water supply, the capacity register states that Letterkenny has ‘Potential Capacity Available - LoS improvement required’. This

means that capacity constraints exist, and connection applications will be assessed on an individual basis considering their specific load requirements. Level of service (LoS) improvements are required to meet 2032 population targets. This does not demonstrate insufficient capacity to serve new residential development in Carndonagh, with applications to be assessed on an individual basis, and therefore I accept the Council's conclusions with respect to the ability to service the site.

- 7.5. 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.

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.

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