



An
Bord
Pleanála

Inspector's Report

ABP-316861-23

Development	Inclusion of the land on the residential zoned land tax draft map.
Location	Lands at Crievesmith, Old Town, Letterkenny, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	DNCC-C3-DCC-125
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). The site abuts agricultural/greenfield areas to the south and west. The site is identified by parcel ID DLLA00001903.

2.0 Zoning and Other Provisions

- 2.1. The site is zoned 'Established Development' in the County Donegal Development Plan 2018-2024. The land use zoning allows for residential development.

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' [sic] in the County Development Plan Part C 2018-2024 (as varied) and is therefore in scope.

- 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.
- The property is within an area zoned as part 'Established Development' and part 'Strategic Residential Reserve'.

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. The site is zoned Established Development under Part C Map 12.B Letterkenny as part of 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). Established Development is defined in the Letterkenny & Environs Town Development Plan as 'To conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement.' 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, and therefore the site is available for residential development under the County Development Plan.
- 7.2. 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. It would be within the normal parameters of any development proposition that it include footpaths on road frontage, and as such the subject site has the ability to connect into the existing pedestrian network in the area. As the subject site incorporates frontage onto the public road, it has the ability to be serviced via publicly owned land.
- 7.3. I note the grounds of 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 a individual basis, and therefore I accept the Councils conclusions with respect to the ability to service the site.

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 should remain on 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