



An  
Bord  
Pleanála

## Inspector's Report ABP-316908-23.

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<b>Type of Appeal</b>	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
<b>Location</b>	Lands south of Dunnes Stores car park, Adelaide Street, Sligo
<b>Sligo</b>	Sligo County Council.
<b>Local Authority Reg. Ref.</b>	RZLT 39
<b>Appellant</b>	Better Value Limited Company.
<b>Inspector</b>	Dáire McDevitt

## **1.0 Site Description**

The appeal lands (Parcel ID SOLA00000683 and SOLA00000684) are located on lands south of the Wine Street Dunnes Stores carpark in the centre of Sligo town. Parcel ID SOLA00000683 is located along Adelaide Street opposite commercial properties 8-11 Adelaide Street and refers to a c.0.4ha plot. Parcel ID SOLA00000684 is bordered by Dunnes Stores carpark to the north and commercial properties (1 to 7 Adelaide Street) to the west, access is via Adelaide street and has a stated area of c. 0.2ha and links to Parcel ID SOLA00000683.

## **2.0 Zoning**

As per notices on the Sligo County Council website (updated 14 April 2021) “The Sligo and Environs Development Plan 2010-2016 (SEDP) was adopted in November 2009 and was due to expire in 2015. When Sligo Borough Council was abolished in 2014, the lifetime of the SEDP was automatically extended in accordance with the legislation. In August 2017, the provisions of the SEDP were further extended through incorporation into the Sligo County Development Plan 2017-2023 (CDP)”. The Sligo County Development Plan 2017-2023 has been extended to July 2024.

The lands which are the subject of this appeal are zoned C1 – City Centre Uses with a stated objective ‘ to protect and upgrade retail function within the city’s commercial/retail core and encourage the establishment of commercial/retail activities in the area reserved for the centre’s expansion.’

Under C1 land Use zoning Residential Apartments is ‘permitted in principle’ with Residential – Houses ‘not normally permitted’.

The lands are located within a designated Zone of Archaeological Potential (ZAP).

## **3.0 Planning History**

PA Ref. 06/9 refers to a 2007 grant of permission for a retail development (c.9376sq.m) and multi-storey carpark for 456 car parking spaces. Condition 19 referred to the requirement for an Archaeological Impact Assessment of the site.

PA Ref. 1370010 refers to a 2013 grant of permission to Dunnes Stores (Sligo) Ltd for the demolition of 2 no. derelict buildings located to the south of Dunnes Stores Adelaide Street car park. Completed July 2013.

PA Ref. PL.19/301 refers to a January 2020 grant of temporary permission (5 years) for a surface car park. Condition 3 requires the employment of an archaeologist to monitor all groundworks associated with the proposed development.

The appellant has set out in the documentation that an archaeological assessment has yet to be carried out for the site.

#### **4.0 Submission to the Local Authority**

The appellants made a submission to the local authority seeking to have their lands removed from the draft map on the basis that they are zoned C1 which has an express objective of protecting the retail function of the area and that site is within an archaeological priority area.

#### **5.0 Determination by the Local Authority**

The local authority determined that the land should be retained on the RZLT Draft Map as it was in scope and should remain on the map as 1) it is included in a development plan/local area plan and is zoned for residential development or a mixture of uses, that includes residential, 2) the land is serviced, or is reasonable e to consider may have access to services and 3) the land is not affected in terms of physical condition, by matters to a sufficient extent to preclude the provision of dwellings, including contamination or the presence of archaeological or historic remains and 4) it is considered that the lands that are the subject of the submission are vacant or idle.

#### **6.0 The Appeal**

##### **6.1 Grounds of Appeal**

- The appellant submits that the lands should be excluded as the site (Parcel ID SOLA00000623 and SOLA00000624) are located in a Zone of

Archaeological Potential (ZAP) and that it is not possible at this time to rule out the possibility of discovering archaeological or historic remains which could restrict the sites development potential. As such the lands do not meet the criteria for inclusion as set out in section 653B(c) of the Taxes Consolidation Act 1997 (as amended).

## 7.0 Assessment

While not raised in the grounds of appeal I note that under C1 land Use zoning Residential Apartments is 'permitted in principle' with Residential – Houses 'not normally permitted'. In this regard I am satisfied that the lands come within the scope of section 653B(a). The lands are vacant/idle and this is not disputed by the appellants.

The grounds of appeal set out that the lands should be excluded as the site (Parcel ID SOLA00000623 and SOLA00000624) are located in a Zone of Archaeological Potential (ZAP) and that it is not possible at this time to rule out the possibility of discovering archaeological or historic remains which could restricts the sites development potential . As such the lands do not meet the criteria for inclusion as set out in section 653B(c) of the Taxes Consolidation Act 1997 (as amended).

Page 9 of the Residential Zoned Land tax- Guidelines for Planning Authority June 2022 set out *'brownfield land which lies within a zone of notification may be scoped in, as development has taken place on the land and matters relating to resolution of potential archaeological remains can be dealt with during the development management process'*

The location of lands on lands designated a Zone of Archaeological Potential do not preclude it from development which would be assessed by the relevant planning authority through the Development Management process. Any application would be assessed on its own merits but in principle the location of the lands within a zone of archaeological potential is not an impediment to development. I do not consider that sections of the lands should be excluded on this basis, they do not comply with the criteria for exclusion set out in section 653B(c) and the grounds of appeal dismissed

## **Conclusion**

The location of lands on lands designated a Zone of Archaeological Potential do not preclude it from development which would be assessed by the relevant planning authority through the Development Management process. Any application would be assessed on its own merits but in principle the location of the lands within a zone of archaeological potential is not an impediment to development. I do not consider that sections of the lands should be excluded on this basis, they do not comply with the criteria set out in section 653B(c) and the grounds of appeal dismissed.

## **7.0 Recommendation**

I recommend that the board confirm the determination of the local authority and direct the local authority to retain the lands identified as Parcel ID SOLA00000623 and SOLA00000624 on the map.

## **8.0 Reasons and Considerations**

The lands identified as Parcel ID SOLA00000623 and SOLA00000624 meet the qualifying criteria set out in section 653B of the Taxes and consolidation Act 1997, as amended, and that there are no matters arising that warrant exclusion from the map.

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

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Dáire McDevitt  
Senior Planning Inspector  
20<sup>th</sup> June 2023