

An
Bord
Pleanála

Board Order
ABP-317124-23

Taxes Consolidation Act 1997, as amended

Planning Authority: Monaghan County Council

Planning Register Reference Number: DMS63

Appeal by JC Developments (NI) Limited care of Genesis Planning Consultants of Dean Swift Building, Armagh Business Park, Hamiltonsbawn Road, Armagh in accordance with section 653J of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the map of the Residential Zoned Land Tax by Monaghan County Council on the 31st day of March, 2023 in respect of the site described below.

Lands at: Dundalk Road, Castleblayney, County Monaghan.

Decision

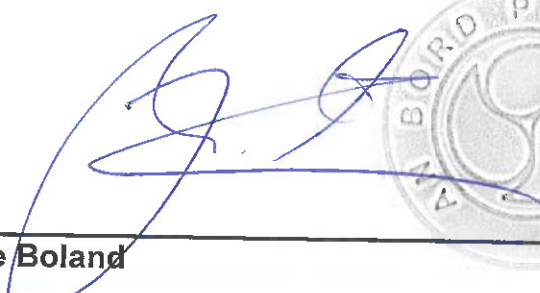

The Board in accordance with section 653J of the Taxes Consolidation Act 1997, as amended, and based on the reasons and considerations set out below, hereby decides to set aside the determination of the local authority and allow the appeal.

Reasons and Considerations

The Board noted that the lands are identified as 'Strategic Residential Reserve' in the Monaghan County Development Plan 2019-2025, being lands with a stated objective 'to protect lands that are considered strategic in location for future residential development'. As set out in the development plan, the comprehensive development of such lands will only be permitted in instances whereby 75% of proposed residential lands have been developed (within the lifetime of the current plan). In this regard the Board was not satisfied that the subject lands could reasonably be considered to be lands that are available for residential development during the lifetime of the development plan. The Board was therefore not satisfied that the lands met the qualifying criteria set out in section 653B of the Tax Consolidation Act 1997, as amended.



In deciding not to accept the Inspectors recommendation that the lands on the indicated site be retained on the RZLT maps, on the basis that the zoning does allow for residential development if 75% of proposed residential lands in Monaghan have been developed, the Board considered that this does not mean that the lands can be developed and a more reasonable view is that with such a constraint, the applicable 'strategic residential reserve' land is generally land that is not available for residential development during the lifetime of the current development plan. The Board was accordingly not satisfied that the lands could be considered as falling within scope or having met the qualifying criteria set out in section 653B of the Tax Consolidation Act 1997, as amended.

Joe Boland
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this *20TH* day of *September* 2023