



An
Bord
Pleanála

Inspector's Report ABP-316203-23.

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	Bracknagh, Co. Offaly
Local Authority	Offaly County Council.
Local Authority Reg. Ref.	RZLT-D-09
Appellant	Patrick Behan
Inspector	Irené McCormack

1.0 Site Description

1.1. The site comprises lands at Bracknagh, Co. Offaly.

2.0 Zoning

2.1. The site is zoned New Residential in the Offaly Development Plan 2021 – 2027

2.2. Land Use Zoning Objective – New Residential -It is an objective of the Council to: LUZO-04 Provide for new residential development and other services incidental to residential development.

2.3. CSO-05

It is an objective of the Council that development proposed on new residential zoned land and on mixed use / town or village centre zoning should proceed on a sequential basis with priority given to lands closest to the centre and / or closest to key transport infrastructure.

3.0 Planning History

3.1. Site

None

4.0 Submission to the Local Authority

4.1. The appellant made a submission to the Local Authority seeking to have its lands removed from the draft map.

4.2. The lands in are not served by public infrastructure and have also been in active agricultural uses and continue to do so.

5.0 Determination by the Local Authority

5.1. The local authority determined that the site was in scope and should remain on the map. The local authority consideration stated that land is zoned and serviced.

5.2. Uisce Eireann were consulted by the local authority and reported that the area is serviced from a Group Water Scheme (GWS). Wastewater also located 15m away via

the public road, the R442, adjoining the land parcel.

6.0 The Appeal

6.1. Grounds of Appeal

- The lands are not serviced including foul sewerage, surface water drainage or water supply and do not meet criteria for inclusion.
- The lands remain in agricultural use.

7.0 Assessment

7.1. The legislation clearly sets out that land in scope will be zoned for residential development or a mixture of uses including residential; be serviced or have access to servicing by water, wastewater, road, footpath and public lighting; and not be affected by contamination or significant archaeological remains which would preclude development taking place. Section 4.1.1 iii) Services to be considered of the guidelines state that *“in assessing whether land or landbanks are able to connect to services, Planning Authorities should take into account the following:- In the first instance, where the infrastructure is located adjoining, intersecting, at a boundary or corner of a landbank, in a nearby public road, or is connected to an existing development adjoining the landbank, the lands should be considered to be ‘connected’ or ‘able to connect’ and therefore are in-scope”*.

7.2. The guidelines states that where the infrastructure does not meet the threshold above, the following needs to be considered:

- *Where no planning permission is in place, are the works to connect the landbank to the services on public land under the control of the local authority or land which will be available to the landowner/developer, in which case the land may be in-scope?*
- *Do the connections to services involve minor works, in which case the land may be in-scope?*
- *Do the connections to services require access to 3rd party lands or 3rd party development to take place, in which case the land may be out of scope.*

7.3. Regarding concerns raised about connection to service infrastructure- water and wastewater, the LA in their assessment indicate that the site is serviced. I note the submission from Uisce Eireann reported that the sites are in close proximity to a group

water scheme and the wastewater network is ca. 15m away. Neither the PA or UE raise concerns regarding capacity or connection. On this basis, it is reasonable to consider that the lands to be '*connected*' or '*able to connect*' to the existing wastewater network.

- 7.4. The fact that the lands are in agricultural use does not qualify for omitting the lands from the map under section 653B.
- 7.5. The appeal grounds do not raise any exclusions that would apply to the subject lands and warrant its removal from the map, with reference to the Taxes Consolidation Act 1997 as amended and the RZLT Guidelines

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. The site is part of an established village with services available and no capacity or other reasons have been identified that would prevent the development of these lands for residential purposes. The site does satisfy the criterion for inclusion on the map set out in section 653B(c) of the Taxes Consolidation Act 1997, as amended.

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.

Irené McCormack
Senior Planning Inspector

11th August 2023