



An  
Bord  
Pleanála

## Inspector's Report ABP-316373-23.

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**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**

Foxcroft Street, Portarlinton, Co. Laois

**Local Authority**

Laois County Council.

**Local Authority Reg. Ref.**

LS-C46-RZLT-16

**Appellant**

Clive Wardrop

**Inspector**

Irené McCormack

## 1.0 Site Description

1.1. The site comprises lands to the south of Foxcroft Street, Portarlington, Co. Laois.

## 2.0 Zoning

2.1. The Laois County Development Plan 2021-2027 was adopted on 25th January 2022 and came into effect 8th March 2022.

2.2. The land is zoned Town Centre (Primary / Core Retail Area) R in the Laois County Development Plan 2021-2027 and the Portarlington Joint Local Area Plan 2018 – 2024.

2.3. Town Centre (Primary / Core Retail Area) Objective - *To protect and enhance the special physical and social character of the existing village centre and to provide for and improve retailing and commercial activities.*

2.4. The lands form part of Opportunity site 4 (Area 4.08ha.) as set out in the Portarlington Joint Local Area Plan 2018 – 2024. The LAP includes the following comments:

- *Prime location adjacent to the town centre with vehicular access from Foxcroft Street and potential pedestrian access from Main Street.*
- *A 4.08ha. greenfield, backland and infill site.*
- *Fully serviced site.*
- *Portion of the site is located within Flood Zone B.*
- *Opportunity to create a sustainable and compact urban quarter with a mix of uses.*
- *Pedestrian and cycle links and pocket parks between Main Street, Sandy Lane and Foxcroft Street should form key features to any proposal.*
- *Adjoining private amenity spaces of neighbouring residential properties should be protected through the design and layout of any proposal.*
- *A high-quality public realm will be required in any development.*

2.5. The western portion of the appellant's landholding is located in Flood Zone B

## 3.0 Planning History

3.1. None

## 4.0 Submission to the Local Authority

4.1. The appellant states that lands identified are where he lives and works and that he is never likely to develop the lands.

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

5.1. The local authority issued a split decision.

5.2. The local authority determined following further information from the applicant that the lands, namely the backland site north of Foxcroft Street not to be vacant or idle and should be removed from the map.

5.3. The lands to the south of Foxcroft Street were not considered to be exempt in accordance with Section 653B.

## 6.0 **The Appeal**

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

- The appeal relates to the inclusion of the lands to the south of Foxcroft Street on the RZLT.
- The lands are being farmed at present.
- It is also noted that the main access to the field is narrow at approx. 4m wide.

## 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. The lands the subject of this appeal is located on zoned, serviced lands in the settlement of Portarlington.

7.2. The fact that the lands are in agricultural use does not qualify for omitting the lands from the map under section 653B.

7.3. Regarding the issue of access to the site, the appellant sets out that access to the lands is via a narrow 4m wide entrance. The guidelines states that land which satisfies the relevant criteria is a reference to land that— *(b) it is reasonable to consider may have access, or be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water*

*supply, necessary for dwellings to be developed and with sufficient service capacity available for such development.* Notwithstanding the limited access width (as stated by the appellant) for the purposes of the RZLT, the lands have direct access to the public road and public footpath. Therefore, it is reasonable to conclude that the lands are accessible. I note the PA raise no concerns in this regard.

7.4. Regarding the location of a portion of the western section of the land in Flood Zone B, subject to compliance with the Flood Risk Guidelines (2020) this does not preclude the development of the site for residential purposes.

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. 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 considered in scope for the purposes of the RZLT 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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Irené McCormack  
Senior Planning Inspector

7<sup>th</sup> September 2023