



An
Bord
Pleanála

Inspector's Report

ABP-316450-23

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	Lissywollen, Athlone, Co. Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	WM-C49-RZLT-29
Appellant	Alanna Homes Ltd
Inspector	Rachel Gleave O'Connor

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1.0 Site Location and Description

- 1.1. The site is situated south of the N6 and north of the Old Rail Trail Greenway, west of the R916. The site is bound by an undeveloped site to the east and residential estates at Brawney to the west.

2.0 Zoning and other provisions

- 2.1. The site it is included in the Lissywollen South Framework Plan 2018-2024 as Area 4 – Residential with a small part towards the south east of the site zoned Area 5 – Mixed Use. The site is not zoned in the current Westmeath County Development Plan 2021-2027. The site was formerly zoned residential in the Athlone Town Development Plan 2014-2020, however with the adoption of the Westmeath County Development Plan 2021 which includes the administrative area of Athlone, the zoning under the former Town Development Plan is no longer applicable.
- 2.2. Section 10(8) of the Planning and Development Act 2000 states that ‘There shall be no presumption in law that any land zoned in a particular development plan (including a development plan that has been varied) shall remain zoned in any subsequent development plan’.
- 2.3. There is no current Local Area Plan applicable to the location of the appeal site. As such, the subject site is currently unzoned.

3.0 Planning History

- 3.1. ABP – 309513-21 – SHD Planning Permission Granted on 15th June 2021 for 576 no. residential dwellings (285 no. houses, 291 no. apartments), creche and associated works.

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 lands should be excluded from the RZLT Map as the subject lands do not meet relevant criteria with regard to services and public infrastructure.

5.0 Determination by the Local Authority

- 5.1. The submission requests the exclusion of the subject lands from the RZLT Maps as it is submitted that the subject lands do not meet relevant criteria with regard to services and public infrastructure including roads, footpaths, cycle lanes, foul sewerage etc.
- 5.2. Uisce Éireann in response to a further information request have confirmed that water and wastewater facilities are available in the subject lands. They stated with respect to water networks, that a DN100mm water main exists within the site, the site layout would have to take account of the proximity of the water main and its associated wayleaves. With respect to wastewater networks, a c.525mm sewer exists within the site and the site layout would have to take account of the proximity of the sewer and its associated wayleaves, it is essential that these assets are protected and access is maintained at all times.
- 5.3. The provision of infrastructure to the subject lands are considered to be in the control of Westmeath County Council and Uisce Éirean. Having consideration to the afore, it is determination of the Planning Authority that the subject lands are in scope and therefore retained within the RZLT Final Map.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.2. While the lands are zoned for residential development, it is submitted that the lands are not appropriately serviced at present and should therefore be excluded from the final map, on the basis that the land constituting the site does not satisfy the relevant criteria under section 653B(b) of the 1997 Act.
- 6.3. Irish Water have advised that approximately 580m of watermain within the control of Irish Water will need to be upgraded to cater for development of the land and as such the subject lands cannot be considered to have reasonable access, or be connected to water services.

7.0 Assessment

- 7.1. Section 653B of the Taxes Consolidation Act 1997 as amended, sets out the criteria for inclusion in the map, and states that the first consideration for inclusion in the map is land which in subsection (a) 'is included in a development plan' or 'local area plan' zoned solely or primarily for residential use, or for a mixture of uses including residential.
- 7.2. The subject site is not zoned for residential use under either the Westmeath Council Development Plan 2021-2027 or under a Local Area Plan. As such the site is not zoned and therefore should be removed from the RZLT map.
- 7.3. I address the other matters raised in the Grounds of Appeal below, however, as set out above the subject site is not zoned for residential use and therefore cannot be considered in scope for the RZLT for that reason.
- 7.4. With respect to infrastructure, the appellant states that the site is not serviced by water infrastructure. Uisce Éireann has confirmed that water networks for both supply and waste exist on the site, as such, the subject site would not be considered outside of the scope of the RZLT for this reason alone. Notwithstanding, and as described at the start of my assessment, the site is not currently zoned under a Development Plan or Local Area Plan, and therefore is not in-scope for the RZLT.

8.0 Recommendation

- 8.1. I recommend that the board set aside the determination of the local authority and allow the appeal.

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, the site is not zoned under a current Development Plan or Local Area Plan for the area, and as such cannot be considered in-scope for the RZLT.

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

25th May 2023