



An
Bord
Pleanála

Inspector's Report ABP-316533-23

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	Annahill, Castleblayney, County Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS28
Appellant(s)	Janet Coogan
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands, consist of an almost rectangular shaped site located to the south west of Castleblayney, Co. Monaghan. A short section of the south western boundary adjoins the 'Old Coach Road' which is a local road serving a number of houses and agricultural fields. The lands are overgrown with trees and other vegetation and there are variations in levels between the site and the public road.
- 1.2. The adjoining lands are in similar agricultural uses/ under grass or in residential development, mostly in the form of detached houses on individual sites.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Castleblayney Town Settlement Envelope, forming part of the Monaghan County Development Plan 2019 – 2025. The site is zoned 'Proposed Residential B' with an objective 'To facilitate for serviced low density residential development in a structured and co-ordinated manner.'

Under the description the following is stated:

'Principal permitted use is low density residential development. The location of the low-density development can be relocated within any landbank in single ownership provided a comprehensive layout for the entire land bank is being proposed and where the overall amount of 'Proposed Residential B' zoning is not reduced. Only 50% of this land use zoning shall be developed over this plan period.

Single houses will be considered on these lands provided that they do not compromise the overall objective of comprehensively developing the lands for sustainable urban housing in the future. In such cases the applicant will be required to demonstrate by way of an overall plan for the development of the lands, how the proposed development would not adversely affect the comprehensive development of the lands in the future.'

3.0 Planning History

There are no recent, relevant, valid applications on these lands.

4.0 **Submission to the Local Authority**

4.1. The appellant made a submission to the Local Authority seeking to have their lands removed from the draft map on the basis that the lands cannot be easily accessed from the public road, the available width does not allow for the provision of a footpath, the existing Coach Road is not suitable as an access road, the site is landlocked and the site is not serviced with public lighting and foul/ surface water drainage. Electricity and water supply in the area would require upgrading to serve this site.

5.0 **Determination by the Local Authority**

5.1. The Local Authority determined that the site was in scope. Suitable services are available to enable the development of this land and the zoning allows for residential development. The lands can be serviced without having to cross third party lands.

5.2. Access to the site may be difficult due to the steepness of the gradient, however this is an issue for consideration under the Development Management process and not a consideration under this assessment.

5.3. The request to rezone lands is not a function of this process and may be addressed at a later stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The following points were made in support of the appeal:

- The suitable is currently inaccessible and an access would not comply with requirements in place at present.
- Access from the Coach Road would be constrained by the narrow road and the steep embankments that front the site. This road was previously a railway line, which closed over 70 years ago.
- Due to the listed constraints these lands cannot be developed.

- A Chartered Engineer was engaged by the landowner to assess the possibility of providing an access here. Details of this assessment are provided on file in support of the submitted appeal. This includes the options for a suitable road access point.

6.2. **Planning Authority Response**

- No further comment.

7.0 **Assessment**

- 7.1. The comments raised in the appeal are noted and the report of the Planning Authority with supporting reports are noted.
- 7.2. The 'Proposed Residential B' zoning does allow for development, but no more than 50% of the zoned lands shall be developed over the lifetime of the plan. The wording of the zoning is such that it does not prevent suitable development over the lifetime of the development plan.
- 7.3. The Planning Authority have reported that the lands can be accessed and although I note the reports of the appellant, I am satisfied that access can be provided to these lands. It is a function of the Development Management process to ensure that the access is suitable for this location. Similarly, all other necessary services may be provided to service this site considering the location of the lands and the quantum of established development in the area.

8.0 **Recommendation**

- 8.1. I recommend that the board accept the determination of the Local Authority and that the indicated lands be included on the maps.

9.0 **Reasons and Considerations**

- 9.1. The appellant requested that their site be removed from the map due to the fact that the lands cannot be developed due to their Proposed Residential B zoning, and due to a lack of services to facilitate the development of these lands.

9.2. The lands are assessed in accordance with the details provided in the appeal. The zoning of these lands allows for residential development subject to compliance with requirements set out in the Monaghan Development Plan 2019 – 2025, and no reason has been provided as to why they cannot be serviced for such development.

I confirm that the report represents my professional 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.

Paul O'Brien
Planning Inspector

22nd August 2023