



An
Bord
Pleanála

Inspector's Report ABP-316543-23.

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	Military Road, Crinkill, Co. Offaly
Local Authority	Offaly County Council.
Local Authority Reg. Ref.	RZLT-D-15
Appellant	Destvina Ltd.
Inspector	Emma Nevin

1.0 Site Description

- 1.1. The site comprises a parcel of land, located to the north of Crinkill village and the site is accessed via Military Road. The area of the subject site is stated 1.49 ha. The site is currently used as grazing agricultural land and forms part of a larger landholding, also in the appellant's ownership, comprising some 3.9 ha overall, which is also in use as agriculture land. The surrounding land use is primarily residential.

2.0 Zoning

- 2.1. The site is zoned new residential in the Offaly County Development Plan 2021-2027 under objective LUZO-04, with a stated objective to "*Provide for new residential development and other services incidental to residential development*".

Under this zoning objective, the primary land use is for the provision of new residential units. However, it may also provide for a range of other uses particularly those that have the potential to foster the development of new residential communities, for example, schools, childcare facilities, open spaces, etc.

3.0 Planning History

- 3.1. Relevant planning history pertaining to the subject and directly adjoining site in the appellant's ownership.
- Reg. Ref. 10213: Conditional planning permission was granted by Offaly County Council on the 14th of January 2011, and the decision to grant permission was upheld on appeal to An Bord Pleanála (PL19.2384) for the demolition of three existing agricultural buildings and the construction of 31 residential dwellings comprising a mix of 3 and 4 bedroom detached dwellings, vehicular access onto Military Road and all associated site works.
 - Reg. Ref. 08770: Planning permission was refused, for four reasons, by Offaly County Council on the 17th of October 2008, for the demolition of three existing agricultural buildings and the construction of a crèche (200 sq. m.), and 101 residential dwellings comprising a mix of 2, 3 and 4 bedroom semi-detached dwellings and all associated site works.

The reasons for refusal included, the layout and design of the development represented a repetitive house type, which fails to satisfy the vernacular architecture of Crinkill Village. The proposal did not comply with the Education, institutional and civic use of the Birr Town and Environs Development Plan 2004-2010 and as such would contravene the plan. The development was in an area at risk of flooding and the proposed internal road network, car parking and suitability of the road network for the increased traffic movements as a result of the proposed development.

- Reg. Ref. 071146: Planning permission was refused, for four reasons, by Offaly County Council on the 12th of September 2007, for the demolition of three existing agricultural buildings and a modern detached single storey house and the construction of a crèche (285 sq. m.), and 137 residential dwellings comprising a mix of 2, 3 and 4 bedroom, semi-detached, terraced, and single storey 'bungalow' style dwellings, parking, and all associated site works.

No details pertaining to this planning application could be located at time of assessment.

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 on the basis that there is a significant capacity issue with the existing wastewater treatment plant/pumping station in Crinkill and that there are no immediate plans to upgrade the local plant by Irish Water.

5.0 Determination by the Local Authority

- 5.1. The local authority determined that the subject site remains in scope based on the relevant criteria for assessment as set out in section 653B of the Taxes Consolidation Act 1997, as amended, ('the Act') namely the land;
- (i) Being zoned for Residential Use - section 653B (a) (i) of the Act.
 - (ii) The site is serviced - section 653B of the Act.

- (iii) The site is not unduly affected by matters to a sufficient extent to preclude the provision of dwellings - section 653B (c) of the Act.

The subject site is not affected by matters to a sufficient extent to preclude the provision of dwellings - section 653B (c) (iii) of the Act.

- 5.2. Uisce Éireann were consulted by the local authority and reported that a watermain exists 15m away via the public road, Military Road, adjoining the land parcel. In addition, a sewer exists in the vicinity of the land c. 15m away via the public road, Military Road, adjoining the land parcel. It was noted that there is limited capacity available in local Crinkle public sewer and it can be subject to CSO spills due to the combined nature of the wastewater networks. Capital upgrades to PS are required to cater for the entire development.

6.0 The Appeal

6.1. Grounds of Appeal

The specific lands at Military Road, Crinkle, do not meet the criteria as under sub section (b) of Section 653B of the Act as follows:

- It is evident from the planning history of the lands and existing records of Section 247 Pre-Planning Consultation with Offaly County Council (dated January 2020), that there is a deficiency in the capacity of the foul water network of the Crinkill area, which requires further upgrade to accommodate new residential development.
- In terms of serviceability, there is only a 12" diameter water supply main in Military Road, there is also one existing water pumping station within the vicinity of the site. As clarified by Offaly County Council (pre-planning consultation, January 2020), that there is a significant capacity issue with the existing wastewater treatment plant/pumping station in Crinkill and that these lands were able to access the plant without significant upgrade works.
- There are no immediate plans to upgrade the local plant by Irish Water in the foreseeable future.

- To provide residential development on this site, materially significant works are required in relation to wastewater management and infrastructure. Materially significant works can be defined as works which require access to third party lands, which are in private ownership or would require CPO or planning permission in themselves.
- The sites proximity to Millbrook stream is a threat to the environmental sustainability of the area.
- The sites lack of services and vulnerability to flooding, due to its proximity to a flood risk zone, make the site highly unsuitable for inclusion on the RZLT map and should be exempt from RZLT.

7.0 Assessment

- 7.1. The appellant states that there is a deficiency in the capacity of the foul water network of the Crinkill area, which requires further upgrade to accommodate new residential development. In addition the appellant states that there is a significant capacity issue with the existing wastewater treatment plant/pumping station in Crinkill and that these lands were able to access the plant without significant upgrade works
- 7.2. The contents of the report from Uisce Éireann are noted and the planning authority concluded in their assessment that access to/connection to public infrastructure is available and the site is serviced.
- 7.3. It is noted the Birr / Kinnitty water resource zone (2500SC0015) is stated to have Capacity Available - '*Capacity Available to meet 2032 population*', on the Uisce Éireann Water Supply Capacity Register published in June 2023.
- 7.4. In my opinion there is a viable water supply/ connection available in proximity to the site and, therefore, the site can be reasonably serviced in terms of water supply, as per Section 653B (b) of the Taxes Consolidation Act 1997, as amended.
- 7.5. It is noted the Bracknagh WWTP (Ref. A0172) has a Green Status on the Uisce Éireann Wastewater Treatment Capacity Register published in June 2023. Green status is stated to mean '*spare capacity available.*'

- 7.6. In my opinion there is a viable wastewater connection available in proximity to the site and, therefore, the site can be reasonably serviced in terms of wastewater, as per Section 653B (b) of the Taxes Consolidation Act 1997, as amended.
- 7.7. In relation to servicing any future residential development on this site, the appellant states that ‘materially significant works are required in relation to wastewater management and infrastructure’, while capital upgrades to the system are required, it is noted from the Uisce Éireann report that *‘the site is serviced that a watermain exists 15m away via the public road, Military Road, adjoining the land parcel. In addition, a sewer exists in the vicinity of the land c. 15m away via the public road, Military Road, adjoining the land parcel’*. As such, the lands are considered to be ‘connected’ or ‘able to connect’ to existing services and, therefore, are in-scope as per Section 653B (b) of the Taxes Consolidation Act 1997, as amended.
- 7.8. The proximity to Millbrook Stream and the environmental sustainability of the area does not constitute criteria for omitting the subject land from the map under section 653B of the Taxes Consolidation Act 1997, as amended.
- 7.1. With respect to flooding, while the site adjoins an area of land with a ‘flood extent’ of low-medium as per the Offaly County Development Plan 2021-2027, the subject site is not located within this zone, however, this would not prohibit the ability to deliver residential use on the site and does not constitute criteria for omitting the subject land from the map under section 653B of the Taxes Consolidation Act 1997, as amended.

8.0 Recommendation

- 8.1. The lands identified as RZLT-D-15 are located within an established urban area with services available and no capacity or other reasons have been identified that would prevent the development of these lands in principle for residential purposes. The lands are accessible and there is no reason why they cannot be developed in principle in accordance with the residential zoning objective that applies to these lands. These lands identified as RZLT-D-15 meet the qualifying criteria set out in section 653B of the Taxes Consolidation Act 1997, as amended, and there are no matters arising that warrant exclusion from the map.

8.2. I recommend that the Board confirm the determination of the local authority and direct the local authority to retain the lands identified as RZLT-D-15 on the map.

9.0 Reasons and Considerations

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 lands identified as RZLT-D-15 are 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.

Emma Nevin
Planning Inspector

16th August 2023