



An
Bord
Pleanála

Inspector's Report ABP-316750-23

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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 | Tully, Monaghan, Co. Monaghan |
| Planning Authority | Monaghan County Council |
| Planning Authority Reg. Ref. | DMS57 |
| Appellant(s) | Family of the Late Owen McGuinness |
| Inspector | Paul O'Brien |

1.0 Site Location and Description

- 1.1. The subject lands contain an irregular shaped site of 8 hectares, which forms part of a larger landholding. The subject site is located to the south of Manor Wood housing development and consist of lands that are under grass/ in agricultural use. The site is located to the south west of Monaghan town centre.
- 1.2. The adjoining lands are primarily in similar agricultural use, though in addition to Manor Wood, there are houses to the east.

2.0 Zoning and Other Provisions

- 2.1. Monaghan is a Tier 1 – Principal Town as per the Core Strategy. The site is located within the Monaghan Town Settlement Envelope and is zoned as a ‘Strategic Residential Reserve’ in the Monaghan County Development Plan 2019 – 2025. Core Strategy Policy CSP 9 states:

‘To ensure that the amount of lands zoned for residential uses in the County is consistent with the requirements of the Core Strategy as set out in Table 2.4 and 2.5. Any land considered appropriate for zoning in excess of these requirements shall be included as Strategic Reserve for potential development beyond this plan period.’

- 2.2. The zoning objective states the following:

‘To protect lands that are considered strategic in location for future residential development’.

Principal permitted use is residential. The comprehensive development of these lands will only be permitted in instances whereby 75% of the proposed residential lands have been developed. Any development which would prejudice the principle use of these lands for urban residential expansion in the future will be resisted.

Single houses for landowners or their immediate family members 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. Justification for a dwelling in this instance will have to be demonstrated by the applicant including documentation to show that the landholding has been in family ownership for at least 5 years. 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.'

- 2.3. A section of the site is zoned for 'Landscape Protection/ Conservation'.
- 2.4. An 'Indicative New Road Proposals' is provided to the south of the subject lands.

3.0 Planning History

- 3.1. There are no recent, relevant, valid applications on this site.

4.0 Submission to the Local Authority

- 4.1. The appellant's agent made a submission to the Local Authority seeking to have their lands removed from the draft map as access is limited from the existing Tully housing development to the subject site.
- 4.2. The site is zoned for Strategic Reserve and the lands may not be developed over the lifetime of the development plan.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that part of the site was in scope. The site is suitably zoned for residential uses, and the Department of Housing, Local Government and Heritage have reported that they remain within scope despite their Strategic Reserve status.
- 5.2. The submission was referred to Uisce Éireann and water supply and foul drainage were available to serve the site with suitable capacity also available subject to upgrades in the local network. Access to the site is available through Manor Wood

and would enable the development of these lands for suitable residential use. The Planning Authority have provided a detailed report on how the site can be accessed.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- Query over the site measurement/ details.
- The Strategic Reserve designation does not allow for the development of this site in the immediate future. Other zoned lands in Monaghan remain undeveloped.
- Part of the site contains a dwelling and farm yard.
- There is an objective to provided for a road on part of the lands; full details of this road are not provided, and the associated buffer zone prevents development on parts of these lands.
- The lands are not serviced.

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 is noted. I not in particular the comments of the Planning Authority regarding the information provided by the Department of Housing, Local Government and Heritage in relation to Strategic Reserve lands.

7.2. The lands are located within a Strategic Reserve area and generally these lands would not be developed over the lifetime of the plan. The wording of the zoning objective does not though, prevent the development of housing over the lifetime of the plan and is dependent on the development of other lands in Monaghan. If 75% of the other lands are developed, then there is an opportunity for the development of these lands.

- 7.3. Whilst I am not aware of what the current uptake of land in Monaghan is, the wording of the zoning does not rule outright the development of these lands for residential use over the lifetime of the plan, therefore I agree with the Planning Authority that the lands should be retained on the RZLT maps.
- 7.4. I note the comments regarding services, and I agree with the Planning Authority that access can be provided to the site. Uisce Éireann have confirmed that the site can be serviced, though capacity may be limited, it can be provided through the separation of existing foul and surface water drainage. This would be standard practice in the development of new residential units.
- 7.5. The presence of an existing house on site does not prevent the development of the rest of the lands. Similarly the proposed road to the south of the site can be seen as a reason that allows for residential development on these lands, such a road would provide for a suitable access and allow for a comprehensive development of this area.

8.0 Recommendation

- 8.1. I recommend that the board accept the determination of the Local Authority and that the indicated site be retained on the map.

9.0 Reasons and Considerations

- 9.1. The appellant sought to get the lands removed from the RZLT maps as they were zoned for 'Strategic Residential Reserve' in the Monaghan County Development Plan 2019 – 2025. The zoning does allow for residential development if 75% of the proposed residential lands in Monaghan have been developed. As the limitation does not prevent development over the lifetime of the plan, it is considered that the lands should be retained on the RZLT maps.
- 9.2. The site is within an area with available services and capacity in terms of foul drainage can be provided for to serve the development of these lands. The lands were zoned for residential development at the time of determination by the Planning Authority, dated March 2023.

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.

Paul O'Brien
Planning Inspector

10th August 2023