



An
Bord
Pleanála

Inspector's Report ABP-316758-23

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	Liseggerton, Clones, County Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS51
Appellant(s)	Thomas Cassidy
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands, of approximately 4.1 hectares, consist of a site located to the south west of the Lower Millbrook Road to the north of Clones town centre, Co. Monaghan. To the north west of the site is Lios a Ghoirtin residential development. The lands are undeveloped and are under grass and slope downwards from the public road.
- 1.2. The adjoining lands are in agricultural use/ under grass except for Lios a Ghoirtin to the north west.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Clones Town Settlement Envelope, forming part of the Monaghan County Development Plan 2019 – 2025. The site is zoned 'Strategic Residential Reserve' with an objective 'To protect lands that are considered strategic in location for future residential development.'

Under the description the following is stated:

'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.'

3.0 Planning History

- PA Ref. 01/898 refers to an April 2002 decision to grant permission for a housing development consisting of 49 no. detached and 30 no. semi-detached four-bedroom houses with domestic garages (total 79 units) and connection to public services.

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 are restricted by the zoning that applies to this site and that the site is not serviced in relation to water supply and foul drainage but also road/ footpath access and public lighting. The land is actively used for agriculture. Query over the process of inclusion on the maps by the Planning Authority.
- 4.2. Request for the lands to be zoned for agricultural use.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that the site was in scope. The lands form part of a larger landholding and this assessment refers to Plot C – Land Parcel ID MNLA CS7.
- 5.2. The use of land for agricultural purposes is not a reason for removal from the maps. Suitable services are available to enable the development of this land. The zoning that applies to this site allows for residential development.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The Planning History of the site is described. Permission was granted for a residential development, this was partially completed and due to the recession, it was not possible to complete the development.

- The remaining lands were rezoned for Agricultural uses and for Strategic Residential Reserve.
- The Strategic Residential Reserve does not allow for the development of these lands over the lifetime of the development plan. Development in Clones has not proceeded to the level that these lands can be developed.
- Attempts have been made to sell the lands for development, details are provided in the appeal.
- Part of the submission refers to adjoining lands and specific issues associate with them.

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 Strategic Residential Reserve does allow for development in the case that 75% of proposed residential lands are developed. I have no information on what percentage of the lands in Clones are developed but the wording of the zoning is such that it does not prevent suitable development over the lifetime of the plan.
- 7.3. The Planning Authority have reported that the site can be suitably serviced.
- 7.4. The issues raised in relation to rezoning are not a matter for this process and can be addressed with the Planning Authority as appropriate.

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 Strategic Residential Reserve zoning, and that there were servicing and other reasons that did not allow for the development of the lands for residential use.
- 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. The lands can be serviced to enable their use for residential purposes.

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

24th August 2023