



An
Bord
Pleanála

Inspector's Report ABP-316763-23

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	Edenamo, Inniskeen, County Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS33
Appellant(s)	PJ & EJ Doherty Limited
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands, of approximately 2.31 hectares, are located to the western side of Inniskeen, Co. Monaghan. The lands are located to the south of a local road and adjoin residential development to the south and east. Lands to the west are in agricultural use.
- 1.2. The subject lands are under grass, though sections of the land have been cleared to allow for site development works. A house and a number of sheds/ agricultural buildings are located to the south east of the site.
- 1.3. Older maps indicate the presence of a sports ground on this site and this is further confirmed by the submission to the Planning Authority and the subsequent report of Monaghan County Council.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Inniskeen 'Proposed Development Limit forming part of the Monaghan County Development Plan 2019 – 2025. The lands within the development boundary are not zoned for different land uses such as residential development but allow for a range of uses.

- 2.2. Section 9.19 Tier 4 Settlements of the plan states:

'Ballinode, Emyvale, Glaslough, Inniskeen, Newbliss, Rockcorry, Scotshouse, Scotstown, Smithborough, Threemilehouse. The village envelopes are based on the existing established footprint with the aim to consolidate existing development and promote the regeneration of existing derelict and/or vacant sites. Lands are not zoned for specific uses within the village plans in order to provide for a less restrictive approach to the suitable expansion and growth of the villages.

Notwithstanding this, development constraints may exist which include protected structures, protected monuments and flood risk areas. Residential development within the village envelope will be considered on its merits in terms of quantum, location and in accordance with the relevant polices set out in this Plan including the Core Strategy. Section 15.7.8 and Policy RDP5 as set out in the Development Management Chapter is open to consideration in those Tier 4 settlements which have capacity in their public foul drainage systems. Otherwise, permitted

development within these settlements will be on the basis of individual wastewater treatment systems, on minimum site areas of 0.2 hectares (0.5 acres). This is considered necessary in order to protect the environment and preserve a degree of consistency in design and scale.'

3.0 Planning History

PA Ref. 21/378/ ABP Ref. 313034-22 refers to an August 2022 decision to refuse permission for 23 units, creation of new access points to the land, electricity substation and associated site works.

The reasons for refusal included concern about the development of the settlement in a sequential manner and there was an absence of suitable pedestrian infrastructure to serve the development. The development would be contrary to Policy VIL 1 of the Monaghan Development Plan 2019 – 2025.

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 not zoned for residential development, there are existing structures on site that are authorised, and a copy of a High Court Judicial Review Case (M. Redmond and An Bord Pleanála – Durkan Estates) is provided in support of their request to remove the subject lands from the map.
- 4.2. The landowner also considers that the grant of permission for a development and its subsequent construction allows for the continued use of the lands for the approved purposes. Existing structures on site should continue in place and not be subject to inclusion on the maps.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that the site was in scope. They consider that the designation of a development envelope allows for development including residential use and therefore it is appropriate that the site remains on the RZLT map.
- 5.2. The relocation of a GAA club away from this site in 2009 has resulted in the existing facility and lands becoming vacant/ idle.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- Inniskeen is a Tier 4 settlement and there are no separate zonings for the lands within the development envelope. The lands are not zoned for residential use.
- The lands are occupied by existing buildings and are not therefore vacant/ idle.
- Permission was refused for the development of these lands as concern was raised about the sequential development of Inniskeen. It therefore appears that the lands are not suitable for residential development and should not be included on the map.

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 Tier 4 Settlements in County Monaghan, as per the Monaghan County Development Plan 2019 – 2025, ‘..are not zoned for specific uses within the village plans..’. Section 653B of the act provides a list of criteria of which lands should be:
(a)(i) ‘solely or primarily for residential use, or

(a)(ii) for a mixture of uses, including residential use,'

- 7.3. From the details provided in the development plan, the lands within the development envelope are not specifically zoned and any type of development that may be considered appropriate would be assessed under the development management process as appropriate. Residential development is therefore not assigned to any specific parts of the lands within the development limit of Inniskeen, and the lands should not be included on the maps.
- 7.4. The other two issues raised in the appeal are noted. The lands appear to be vacant and idle, though a case could be made for their continued use for the purposes that they have permission for. This may be a matter for the landowner and the Planning Authority to address. The Planning History is noted, but there may be a solution to this issue, though again, this is not a matter for the current process.

8.0 Recommendation

- 8.1. I recommend that the board reject the determination of the Local Authority and that the indicated lands be removed from 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, located in Inniskeen, were not zoned for residential or any other such use.
- 9.2. The lands are assessed in accordance with the details provided in the appeal. The Tier 4 Settlements, including Inniskeen, are not zoned for specific uses; therefore, the subject site does not demonstrate compliance with Section 653B. (a)(i) and (ii) in that the lands are not zoned solely or primarily for residential use or for a mixture of uses, including residential use. Development of these lands is assessed within the Development Management Process. In the absence of suitable zoning, the site should not be included on the maps.

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

24th August 2023