



An
Bord
Pleanála

Inspector's Report ABP-316764-23

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	Latlurcan, Monaghan, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS10
Appellant(s)	Jane Keenan
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands contain an irregular shaped site of 4 hectares, which forms part of a larger landholding that is under consideration for inclusion on the RZLT maps, with an area of 30.6 hectares. The subject site is located to the south of the N2/ Dublin Road and is to the south east of Monaghan town centre. The site contains a number of fields and is mostly under grass with an agricultural shed/ barn located towards the south-central part of the site. A laneway is located towards the south east of the site forming the boundary.
- 1.2. The adjoining lands are in similar agricultural use, though there detached houses located to the north west and north east of the site along the Dublin Road. Latlurcan Cemetery is located to the south east/ east of the subject site.

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. Part of the site is indicated as within a 'Flood Risk Area'.

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 made a submission to the Local Authority seeking to have their lands removed from the draft map as the lands cannot be developed under the current zoning, although it does allow for residential development. Also request that if the lands are retained on the map, that they be rezoned for a use that allows for development.

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. The site is suitably serviced to allow for development of a residential nature.

5.2. The issue of zoning will be considered in the context of the core strategy.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- Subject lands are in use for agricultural purposes.
- Would like the lands to be zoned for a use that would allow for development.
- 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 is located within a flood risk area.

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 note 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. No issues have been raised in relation to the provision of services to facilitate the development of these lands. I note the comments regarding flooding; however this refers only to a small part of the site and these lands may provide for an amenity or other suitable function.
- 7.5. The request for rezoning is not part of this process and should be addressed with the Planning Authority.

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 no capacity or other reasons have been provided as to why the lands cannot be developed. 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 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

10th August 2023