



An
Bord
Pleanála

Inspector's Report ABP-316767-23

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	Glenview Heights, Killygoan, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS15
Appellant(s)	Siobhan McLoughlin, Fionnuala Galicic McLoughlin, Pdraig McLoughlin, Niamh McCormack
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands, of 10.6 hectares, consist of an irregular shaped site located to the east of Glenview Heights but is connected to the public street by means of a laneway serving a house and an agricultural business. The site consists of a number of fields that are subdivided by hedgerows. The lands extend on a south to north axis and are located behind residential development along Glenview Heights and Fairview Drive.
- 1.2. The adjoining lands to the west and south are in similar agricultural use with residential development to the west and a running track/ sports facility located to the north.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Monaghan 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'.

- 2.2. A small area that includes the house on site is zoned 'Existing Residential'.

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 on the basis that the lands are landlocked and cannot be connected to necessary services. The lands are also in use for farming in the form of cattle and chicken/ poultry production. The poultry farm means no residential development can be built within 400 m due to EPA guidelines.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that the site was in scope. The zoning allows for residential development, this has been clarified with the Department of Housing, Local Government and Heritage. The use of lands for agricultural purposes is not a consideration under this Act.

5.2. The Planning Authority have identified how suitable vehicular and pedestrian access can be provided to this site; access is possible through Ard Glas in Killygowan and also through the lands to the south of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The lands are zoned for Strategic Residential Reserve and may not be developed over the lifetime of the development plan. 75% of the other zoned lands have not been developed to date.
- There are existing buildings on the lands that would preclude development of this site. 100 m buffer zones apply to agricultural buildings and 400 m to poultry houses in accordance with EPA guidance. These structures are authorised developments.

- The lands are in use for agricultural purposes.
- The lands are not serviceable.

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 use of lands for agricultural does not allow for an exemption from inclusion on the RZLT maps. I note the comments made in relation to buffer zones around agricultural buildings, but this does not preclude the development of the site for residential uses.
- 7.3. Access to these lands is possible and therefore there is no reason why the lands cannot be suitably serviced. No issues in relation to foul drainage and/ or water supply were raised.
- 7.4. I note the comments regarding the Strategic Residential Reserve that applies to these lands. The zoning does allow for residential development over the lifetime of the development plan, albeit reliant on development of 75% of other zoned lands. I note that the Planning Authority have been advised by the department that this zoning does not exempt lands from inclusion on the maps.

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 these lands are in agricultural use, are zoned Strategic Residential Reserve and there are insufficient service available to allow for the development of these lands. The

Planning Authority consider the subject lands to be suitable for development and should be retained on the maps.

- 9.2. The zoning of these lands allows for residential development and no reason has been provided as to why they cannot be serviced for such development. The use of lands for agricultural purposes does not exempt them from inclusion on the maps. The lands as indicated should remain 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

14th August 2023