



An
Bord
Pleanála

Inspector's Report ABP-316788-23

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	Dunsinaire, Monaghan, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS60
Appellant(s)	P.J. McKenna
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site consists of an irregular shaped site of 3.44 hectares located to the south west of Monaghan town centre. The site is located over a number of fields but does not include the entirety of these fields. The lands are under grass and are in agricultural use. A laneway off the Mullaghmatt road provides access to the site/ subject lands.
- 1.2. Adjoining lands are predominantly in agricultural use and are under grass.

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’ and described as follows:

‘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. To the southern border of the site is ‘Indicative New Road Proposals’ and part of the site is within ‘Flood Risk Areas’.

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 they are zoned for Strategic Residential Reserve and cannot be developed over the lifetime of the plan.

4.2. The proposed Monaghan by-pass which is located to the south of the subject site has never commenced. This landlocks the appellants lands.

4.3. There is a lack of services to enable the development of these lands; reference is made to the lack of roads and the lack of access to foul drainage and water supply.

4.4. Request made to rezone the lands to Agricultural use.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that the site was in scope. The lands can be developed for residential uses and suitable services can be provided to serve the site.

5.2. A report from Uisce Éireann has been received and water supply is available within 30 m of the subject site and similarly a foul drainage connection is available within 30 m. There is limited capacity for drainage, however upgrade solutions are suggested and which would enable an increase in capacity.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- Request that the subject lands be removed from the draft map on the basis that they are zoned for Strategic Residential Reserve and cannot be developed over the lifetime of the plan.

- The proposed Monaghan by-pass which is located to the south of the subject site has never commenced. This landlocks the appellants lands.
- There is a lack of services to enable the development of these lands; reference is made to the lack of roads and the lack of access to foul drainage and water supply.
- Request made to rezone the lands from development uses.

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 zoning 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 Carrickmacross are developed but the wording of the zoning is such that it does not prevent suitable development over the lifetime of the development plan.
- 7.3. Considering the location of the site and development in the immediate area, there is no reason why these lands cannot be serviced for the provision of housing here. The site is not landlocked as there are existing roads in the area that may be in the charge of the Local Authority. Such matters can be addressed more appropriately through the development management process.
- 7.4. The suggested rezoning of lands is not a function of this process and may 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 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 due to a lack of services to facilitate the development of these lands, with reference also to difficulty in accessing the site.
- 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.

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

22nd August 2023