



An
Bord
Pleanála

Inspector's Report ABP-316815-23

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	Mullagh Glas, Monaghan, County Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS81
Appellant(s)	Tommy Martin
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands, of approximately 0.56 hectares, consist of a rectangular area of land located to the south of the Mullach Glas residential development, located to the north of Monaghan town centre. The lands are under grass and there is a steep upwards slope on a west to east axis on the eastern half of the site.
- 1.2. The adjoining lands are in agricultural use/ under grass except for Tully to the north and Monaghan General Hospital to the east.

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 'Proposed Residential A' with the zoning objective 'To provide for new residential development and for new and improved ancillary services.' The description is:

'Principal permitted land use will be residential. However other uses open for consideration include education, nursing homes, creches, health centres, community facilities, guesthouses provided all such proposals are in keeping with the established built character of the area and do not adversely impact upon the amenity of existing residential properties.

Single houses 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. 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

- 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 there is a pumping station on the lands with no plan in place as to how it is to be accessed/ secured etc. The site is located within a flood risk area as indicated in the Monaghan County Development Plan. Issue also over the long-term access to the site and the actual sloping nature of the lands.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that the site was in scope. The pumping station is not on the subject lands and only a small part of the site is within Flood Zone A. Advice from the Department of Housing, Local Government and Heritage is that zoned lands that are subject to flooding should be retained on the maps.

5.2. In relation to the sloped area of the site, it is considered that this should be retained on the maps as the development of the site is subject to the development management process and the final layout can be agreed at that stage. Access and services are available to the site.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The landowner does not have access to the site.
- Part of the site is within a flood zone.
- No legal access to wastewater treatment facilities, as these are in third party ownership.

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.
- 7.2. The site is zoned for residential development and whilst part of it is restricted by flooding and topography, the nature of any residential development provided here would be subject to the development management process. The sloped section of land could be developed for amenity functions.
- 7.3. I note the report of the Planning Authority regarding services and access. The taking in charge process for Mullagh Glas was well underway (at the time of their report) and considering the time required to submit/ assess a planning application, it is likely that this would be resolved. Full vehicular/ pedestrian access is not an issue of concern according to the Planning Authority and similarly services could be provided here.

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 were subject to flooding, were not accessible and there was no access to foul drainage.
- 9.2. The lands are assessed in accordance with the details provided in the appeal. The zoning of these lands allows for residential development and issues in relation to flooding, which only affect a small section of the site, and topography can be addressed through the Development Management process.
- 9.3. Access to the site is possible and in turn, it is possible to provide for drainage and water supply to serve this site.

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

17th August 2023