



An  
Bord  
Pleanála

## Inspector's Report ABP-316822-23

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<b>Type of Appeal</b>	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
<b>Location</b>	Pollerton Little, Carlow
<b>Planning Authority</b>	Carlow County Council
<b>Planning Authority Reg. Ref.</b>	CLW-C27-11
<b>Appellant(s)</b>	Kevin Murphy
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

1.1. The subject site is located in Pollerton Little, Carlow, approximately 2.9 km to the north east of the town centre. The irregular shaped site, with a stated area of 16.8 hectares, is to the south of the Dublin to Sligo railway line/ and the Royal Canal and is located to the west of the Porterstown Road, though does not directly adjoin this road. The site does not have any direct road frontage and is under grass in agricultural use.

## 2.0 Zoning and Other Provisions

- 2.1. The Carlow County Development Plan 2022 – 2028 was adopted in May 2022 and came into effect on the 4<sup>th</sup> of July 2022. Carlow town is included within this plan and a separate town plan is proposed over the life of the County Development Plan.
- 2.2. The site is located outside of the ‘Carlow Town Council Boundary’ and the lands are not zoned. The site is not therefore subject to residential or mixed-use zonings.
- 2.3. The site was within ‘Residential 2’ lands of the Joint Spatial Plan for the Greater Carlow Graiguecullen Area 2012 – 2018. This plan was extended up to the 4<sup>th</sup> of November 2022.

## 3.0 Planning History

3.1. None.

## 4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have its lands removed from the draft map for the following reasons:
- The lands are in agricultural use and have been since the 1930’s.
  - The lands are in use and are not idle.
  - The family home and farmyard etc. is located on these lands.
  - The development of the lands would result in the end of the farm business.

- The site is not serviced in terms of water supply, foul drainage, gas, and public lighting.
- The road networks requires upgrading and is currently dangerous.
- There is a 110kV powerline crossing the site.
- The topography of the site would prevent development.
- The existing zoning makes no sense.

## **5.0 Determination by the Local Authority**

- 5.1. The Local Authority recommended that the site be removed from the RZLT map due to the nature of development on the site, the lack of suitable services and a reconsideration of the zoning that applies to the site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Notes that the Planning Authority have recommended that the site should be omitted from the map under Section 653(b)(c). Requests that the lands be de-zoned.

## **7.0 Assessment**

- 7.1. The submitted appeal is not relevant to the process under assessment. The Planning Authority have recommend that the lands be omitted from the map and I agree with this, primarily for the reason that the lands are not zoned for residential or appropriate mixed uses.
- 7.2. I therefore consider that the site should be omitted from the map.

## **8.0 Recommendation**

- 8.1. I recommend that the board omit these lands from the map.

## 9.0 Reasons and Considerations

- 9.1. The subject lands are not zoned for residential uses. Therefore, the site does not satisfy the criterion for inclusion on the map set out in section 653B(c) of the Taxes Consolidation Act 1997, as amended.

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.

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Paul O'Brien  
Planning Inspector

8<sup>th</sup> June 2023