



An
Bord
Pleanála

Inspector's Report ABP-316829-23

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

Tullowphelim, Tullow, Co. Carlow

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

CLW-C27-8

Appellant(s)

Nimbus Property Company

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site is located to the north east of the Shillelagh Road and contains three separate tracts of land, one large site and two smaller sections of site. The two smaller sections of land contain houses and the larger area to the north west contains partially completed houses and undeveloped areas of land. A nursing home is located on an area of land between the three tracts of land.
- 1.2. The adjoining lands to the north/ east and west are in agricultural use, south of the Shillelagh Road are detached houses on individual sites, and beyond these are agricultural lands.

2.0 Zoning and Other Provisions

- 2.1. The Tullow Local Area Plan 2017 – 2023 is the operative plan for the area and the site is located within the development area of this plan. The site is zoned 'Existing Residential/ Infill' and residential development is allowed on such zoned lands.
- 2.2. The Carlow County Development Plan 2022 – 2028 refers to Tullow and the local area plan and states that a new plan for Tullow will be prepared for 2024.

3.0 Planning History

- 3.1. PA Ref. 22/216 refers to an application for site works, creation of a new access point to the lands from Shillelagh Road with provision of a new internal access road to facilitate vehicular and pedestrian access, the provision of a residential development comprising completion works to existing buildings as constructed on site pursuant to permissions 03/572 and 08/438 along with the erection of 8 no. semi-detached dwellings to provide for a total of 70 no. residential dwellings in total. No decision has been made to date on this application.

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 not serviced in terms of public lighting, and there are currently issues in relation to foul drainage, though works are underway to resolve the foul drainage issues.
- There are buildings on site and the lands cannot be considered to be vacant.

5.0 Determination by the Local Authority

5.1. The Local Authority recommended that the site be retained on the maps for the following reasons:

- The site is zoned for residential development.
- It is reasonable to consider that the site can be serviced, supporting details have been provided by Uisce Éireann.
- There is nothing on the land such as contamination, archaeology or historic remains that would prevent the development of the site.
- There are no exemptions for agricultural uses.

6.0 The Appeal

6.1. Grounds of Appeal

The land is not serviced with specific reference to public lighting and also the Tullow Wastewater Treatment Plant is operating above its designed capacity.

6.2. Planning Authority Comments

No further comments made.

7.0 Assessment

7.1. The site is located on lands that are zoned for residential development in accordance with the Tullow Local Area Plan 2017 – 2023. Some housing has been constructed on these lands, which indicates that the site can be serviced in terms of road, drainage, and water supply.

- 7.2. The appeal specifically refers to a lack of public lighting to serve this development. There are footpaths along the public road, and it should be possible to provide for public lighting without any great difficulty. In relation to wastewater capacity, Uisce Éireann have reported that a sewer exists along the public road and no issues of concern in relation to capacity were raised.
- 7.3. I note that planning permission was obtained in the past for development on this site and that permission is sought at present for 70 residential units. The site can be developed, is on residentially zoned land and there is no justification for not including it on the maps.

8.0 Recommendation

- 8.1. I recommend that the board confirm 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 requested that their lands be removed from the map due to a deficiency in available infrastructure, in terms of public lighting and foul drainage capacity.
- 9.2. The subject site is zoned for residential development and a local area plan is in place for the proper development of Tullow. Uisce Éireann have confirmed that water and foul drainage is available on lands that adjoin the subject site and road/ footpaths are also available.
- 9.3. The subject site is located within an established urban area with services available and no capacity or other reasons have been identified that would prevent the development of these lands for residential purposes. The site does 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.

Paul O'Brien
Planning Inspector

21st June 2023