



An
Bord
Pleanála

Inspector's Report ABP-316875-23.

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

Knock, Lanesboro, Co. Longford.

Local Authority

Longford County Council.

Local Authority Reg. Ref.

Submission Reference: 003

Appellant

Padraig Farrell

Inspector

Dáire McDevitt

1.0 Site Description

The appeal lands identified as 'Submission Reference 003 by the local authority, Plot B by the appellant refer to Parcel ID LDLA202207219. The lands with a stated area of c.0.69 hectares are located on the eastern fringe of Lanesboro town and front onto the north side of the Longford to Ballymahon Road (R392).

I note that throughout the documentation the spelling Lanesboro and Lanesborough are both used.

2.0 Zoning

The lands are zoned under land use objective 'New Residential' in the Longford County Development Plan 2021-2027 which was the plan in effect at the time the local authority made its Determination.

3.0 Planning History

None stated.

4.0 Submission to the Local Authority

The appellants made a submission to the local authority in relation to two plots of land identified as Plot A (Parcel ID LDLA 202207078) seeking to have their lands removed from the draft map on the basis that the land is in agricultural use, the lands is not serviced, there is an existing house on site (payment of LPT) and the presence of a historical graveyard and structures. In relation to Plot B (Parcel ID LDLA 202207219) seeking to have this plot removed from the draft map on the basis that the land is in agricultural use and not serviced.

5.0 Determination by the Local Authority

The local authority determined that Plot A (Parcel ID LDLA 202207078) be removed from the map as there is an existing house on the site subject to LPT, there is an old graveyard on site and there is no footpaths and no access to surface water drainage.

and Plot B (Parcel ID LDLA 202207219) be retained as land has access to all services and the land is zoned for residential purposes in the Longford County Development Plan 2021-2027.

6.0 The Appeal

6.1 Grounds of Appeal

- The plot has the potential to be connected to foul and surface water drainage infrastructure which are both located outside the north western boundary of the lands. But neither are adequate or sustainably appropriate to facilitate the requirements to any residential development which may be proposed for this plot.
- There is no footpath or access to surface water drainage.
- Self sustaining town objective. The town already has more has its fair share of unoccupied residential properties.
- Used for farming.

7.0 Assessment

While not raised in the grounds of appeal I note that lands are zoned 'residential uses'. In this regard I am satisfied that the lands come within the scope of section 653B(a).

The grounds of appeal set out that the lands identified as (Parcel ID LDLA202207219) should be excluded as there is deficit/inadequacy of drainage and pedestrian infrastructure to support residential development.

While I note that the grounds of appeal do not specifically raise the use of the lands for agricultural purposes. The grounds of appeal includes copy of the original submission to Longford County Council dated 19th December 2022 as such I consider them part of the current appeal. The submission set out that the lands should be excluded as the lands were in agricultural use which I address below.

With regard to the use of the lands for agricultural purposes. As noted in the 2022 RZLT Guidelines the use of land for agricultural or horticultural purposes are not considered to be exempted from scope as they are not subject to rates. Based on the information available I have no evidence that this is the case. I am satisfied that the lands do not meet the criteria for exclusion set out in section 653B(c)(i).

Pg. 24 of the RZLT guidelines state:

If the works required to connect the land to services are materially significant, for example require access to 3rd party lands which are in private ownership or would require CPO or planning permission in themselves, then the land should be considered to be out of scope.

The provision of infrastructure to the subject lands are considered to be in the control of Longford County Council and Uisce Éireann and it is determination of the local authority that the subject lands are in scope and therefore retained within the RZLT Final Map.

There is no correspondence on file from Uisce Éireann. Whilst infrastructure elements/connection may not be in place at present, these would be expected to be provided in conjunction with the development of a site, generally developer led. Issues relating to capacity have not been raised. Based on the information available I have no evidence that this is the case. I am satisfied that the lands meet the criteria for inclusion set out in section 653B(b).

With regard to the provision of footpaths, I note that the local authority in their assessment excluded (Parcel ID LDLA202207078) (Plot A) on the basis that there are no footpaths but determined that the current appeal site fell within the scope of RZLT. I note that the site at present has no foot paths running along its road frontage with the R392 There are paths on the opposite side of the road which a housing

development. For the purposes of falling within the scope of RZLT the criteria is whether it to 'is reasonable to consider'. The land at present is not connected to the existing footpath network in Lanesboro however it is in principle reasonable to consider that the provision of a footpath along the R392 may be provided where land is in the control of the landowner or local authority. On this basis the land, therefore, does satisfy the criteria cited in section 653B(b) of the Taxes Consolidation Act 1997, as amended

Having regard to the foregoing I consider that the lands identified as (Parcel ID LDLA202207219) meet the qualifying criteria set out in section 653B of the Taxes and consolidation Act 1997, as amended, and that there are no matters arising that warrant exclusion from the map.

Conclusion

The site is located on lands zoned for residential uses. Having reviewed the documentation on file, submissions and grounds of appeal I consider that the lands identified as (Parcel ID LDLA202207219) meet the qualifying criteria set out in section 653B of the Taxes and consolidation Act 1997, as amended, and that there are no matters arising that warrant exclusion from the map.

7.0 Recommendation

I recommend that the board confirm the determination of the local authority and direct the local authority to retain the lands identified as (Parcel ID LDLA202207219) on the map.

8.0 Reasons and Considerations

The lands identified as (Parcel ID LDLA202207219) meet the qualifying criteria set out in section 653B of the Taxes and consolidation Act 1997, as amended, and that there are no matters arising that warrant exclusion from the map.

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.

Dáire McDevitt
Senior Planning Inspector
22nd June 2023