



An
Bord
Pleanála

Inspector's Report ABP-316894-23

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

Tully, Monaghan, County Monaghan

Planning Authority

Monaghan County Council

Planning Authority Reg. Ref.

DMS82

Appellant(s)

John Patton

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands, of approximately 8.3 hectares, consist of an irregular shaped site located to the east of the Mullaghmatt Road, to the south of Monaghan town centre. The subject lands consist of a number of fields and are under grass/ in agricultural use.
- 1.2. The adjoining lands are primarily in agricultural use/ under grass. To the north east of the site is Manor Wood, a residential development.

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.'

Under the description the following is stated:

'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.'

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 the lands are zoned for Strategic Residential Reserve, they do not have adequate road access and there are no access to other necessary services.
- 4.2. Request that the land be rezoned, but no alternative type of zoning has been provided.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that the site was in scope. Access may be provided through Manor Wood, which has been taken in charge, and in turn services may be provided through this area.
- 5.2. Uisce Éireann have reported that watermains are available in the area and similarly foul drainage connections can be made. Capacity is limited and some upgrade works may be required.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The Strategic Residential Reserve does not allow for the development of these lands over the lifetime of the development plan.
- There is a requirement for services to be provided to enable the development of these lands. Particular reference is made to the need for roads, footpaths, public lighting, foul drainage, surface water drainage and water supply.

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 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 Monaghan are developed but the wording of the zoning is such that it does not prevent suitable development over the lifetime of the plan.
- 7.3. The Planning Authority and Uisce Éireann have confirmed that services are available in the area to enable the development of these lands for residential purposes. Whilst there may be capacity constraints, Uisce Éireann have identified how capacity can be suitably increased.

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 capacity constraints/ lack of suitable services.
- 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. Uisce Éireann have confirmed that water supply and foul drainage can be provided for, and the Planning Authority have confirmed that road/ footpath connections may be possible through the Manor Wood Estate.

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