



An  
Bord  
Pleanála

## Inspector's Report ABP-316901-23

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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>	Duncar, Brownshill, Carlow, Co. Carlow
<b>Planning Authority</b>	Carlow County Council
<b>Planning Authority Reg. Ref.</b>	CLW-C27-12
<b>Appellant(s)</b>	Gerard and Kathryn Murphy
<b>Inspector</b>	Paul O'Brien

## **1.0 Site Location and Description**

- 1.1. The subject site contains an irregular shaped site located to the west of the 'Link Road' and south of the 'Hacketstown Road', Brownshill which is located to the eastern side of Carlow town. There are two houses to the north east and outside of the subject site lands.
- 1.2. The site has direct access to the Hacketstown Road and also the Link road. Lands to the west are in commercial/ light industrial use, the lands to the south, Cluain Riada are in residential use, and the remaining adjoining lands are 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 that will encompass the environs of the town.
- 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 the area 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. 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 its lands removed from the draft map for the following reasons:
  - There are insufficient services, in the form of foul drainage, surface water drainage, water supply, footpaths and public lighting to serve this development.

- Road access is poor, and it is not possible to provide for cycle lanes to serve this development.
- The lands are farmed and are not a derelict site.

## 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 adjoins public roads, and it can be assumed that it is therefore accessible. Public footpaths and lighting can be put in place to serve this site.
- Water supply and drainage (foul and surface water) can be provided to serve this development. Supporting letter from Uisce Éireann stating that the site can be suitably serviced.
- The land is zoned for residential use.
- There are no known restrictions, archaeological remains and or contaminants that would prevent the development of this site.

## 6.0 **The Appeal**

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

- Carlow County Council rely on the zoning objectives of the Greater Carlow Graiguecullen Area 2012 – 2018 for the residential zoning status of this site. This extended plan has not undergone Appropriate Assessment Screening.
- Query over the possibility of adequately servicing these lands in terms of water, drainage and roads provisions. An Engineers report has been submitted in support of the appeal.

## 7.0 **Assessment**

7.1. The site is located on lands that are outside the development boundary of Carlow and is not zoned according to the Carlow County Development Plan 2022 – 2028. The determination was issued by the Local Authority on the 27<sup>th</sup> of March 2023,

however the site was within the area of the Joint Spatial Plan for the Greater Carlow Graiguecullen Area 2012 – 2018 and this plan was extended up to the 4<sup>th</sup> of November 2022. Therefore the plan expired in advance of the issuing of the determination.

7.2. As the subject lands are not zoned for residential development, I 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 professional 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

21<sup>st</sup> June 2023