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Bord  
Pleanála

## Inspector's Report ABP-316932-23.

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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>	Castletown Road, Townparks, Dundalk, Co. Louth
<b>Local Authority</b>	Louth County Council.
<b>Local Authority Reg. Ref.</b>	LH-C2-RZLT-23
<b>Appellant</b>	Sisters of St. Louis Irish Trust
<b>Inspector</b>	Stephen J. O'Sullivan

## **1.0 Site Description**

- 1.1. The site lies adjoining the existing built-up area of Dundalk, Co Louth. It comprises 1.36 hectares of land in agricultural use with frontage along its southern boundary onto the R934 Castletown Road. A secondary school in the same ownership lies to the north-west of the site while housing occupies the land to the north-east. .

## **2.0 Zoning and other provisions**

- 2.1. The site is zoned for primarily residential use under zoning objective 'A2 New Residential Phase 1' in the Louth County Development Plan 2021-2027.
- 2.2. The map for the Sites and Monuments Record includes the site within the zone of notification for the zone of archaeological potential at Castletown a souterrain on the site LH017-011.

## **3.0 Planning History**

- 3.1. None cited.

## **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 on the basis that the property was effectively landlocked due to the difficulties in accessing the Castletown Road R934 because of traffic congestion and differences in levels of c3m, while access to the Bellew Bridge Road was constrained by the housing and school facilities between it and the site. The existing access to the school is bounded by protected structures and could not be widened to facilitate access to housing on the site.

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

- 5.1. The local authority determined that the site was in scope and should remain on the map. As the site benefits from road frontage it would be reasonable to consider that it are connected to the public road notwithstanding the road geometry issues and

constraints raised in the submission. Issues relating to protected structures can be addressed in the development management process.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- Road access to the site is constrained. Correspondence with the engineering staff of the local authority indicated that they would not favour access to the Castletown Road along the southern site boundary due to the alignment and width of that road, the difference in levels between it and the site, and the road's function in carrying traffic between the town centre and the M1. They did not favour a proposal for a new access to the Bellews Bridge Road to the east of the site as it would be too close to its junction with the Castletown Road. The council staff put forward an alternative arrangement whereby houses further north on the Bellewsbridge Road would be purchased and demolished to create a new access. As this would involve construction of road infrastructure outside the landholding it would not be reasonable to consider that the landholding has access to the public infrastructure in terms of roads on the basis of such a proposal. The provision of access to the Bellews Bridge Road from the applicant's landholding further north would require the demolition of a sports hall serving the school and works on lands zoned for community facilities rather than housing. The site should therefore be regarded as out of scope under section 653(b) of the act.
- The site is within the zone of notification for an area of archaeological potential at Castletown identified set out on the Record of Monuments and Places. There are recorded monuments in the vicinity including Bellew's Castle and a church in ruins. There are numerous souterrains in the vicinity. The site should therefore be omitted from the map under section 653B(c) as a greenfield site with archaeological remains in line with the RZLT guidelines.

## 7.0 Assessment

- 7.1. The site has extensive frontage onto an existing road in the urban area, the Castletown Road R934. As such it is reasonable to conclude that the site has access to physical infrastructure in terms of roads and footpaths within the meaning of section 653B(b). I note the correspondence between the appellant and the council exploring options for the provision of access for housing on the site whereby certain constraints were identified on the provision of access to the Castletown Road and alternative options were explored. This a normal part of the pre-application design process for housing. I would agree with the appellants that if access to roads from the site could only be taken through land occupied by existing houses or through the land occupied by the school and zoned for such, then this would take it out of scope for the map. However the issues raised about providing access for housing on the site to the Castletown Road, involving a change in gradient, the width and alignment of that road and the existing levels of traffic upon it, are not so fundamental as to support a conclusion that no such access could be provided and that that road cannot serve the normal function of an urban road in providing access to housing along it. The issues would affect the manner in which housing was provided on the site and may justify upgrades to the road on public land or on the site itself, but would not displace the conclusion that it is reasonable to consider that the site may have access to roads and footpaths.
- 7.2. The site is within the zone of notification for an area of archaeological potential identified in the Sites and Monuments Record. This establishes a reason to consider that the site may contain archaeological remains that would preclude the provision of housing there. It is entirely possible that archaeological investigations carried out in the course of preparing and considering an application for permission to build housing could exclude that possibility. However that information is not before the board. Section 3.1.2 of the Guidelines for Planning Authorities on the Residential Land Zoned Tax advise that brownfield sites within zones of notification may be regarded as in scope as the land there has already been subject to building works and outstanding issues of archaeological potential can be addressed during the development management process. However this is a greenfield site so that advice would not apply. The site should therefore be omitted from the map as the available information would not support a conclusion that the physical condition of the site

would not preclude the provision of housing due the presence of archaeological remains. .

## 8.0 Recommendation

- 8.1. I recommend that the board set aside the determination of the local authority and allow the appeal.

## 9.0 Reasons and Considerations

The site consists of greenfield land not previously subject to building works within the zone of notification for the area of archaeological potential at Castletown identified as LH007-118 on the Sites and Monuments Record. It is therefore not reasonable to conclude that the physical condition of the site would not preclude the provision of housing due to the presence of archaeological remains. 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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Stephen J. O'Sullivan  
Planning Inspector

19<sup>th</sup> May 2023