



An
Bord
Pleanála

Inspector's Report ABP-316985-23

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	Monacurragh and Blackbog Road, Carlow, Co. Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	CLW-C27-17
Appellant(s)	Barry, Liam and Thomas Nolan
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an irregular shaped site located to the east and to the west of the Blackbog Road, to the south of Carlow town centre. The lands are primarily in agricultural use, though a number of house and agricultural buildings are located to the east of this road.
- 1.2. Lands to the north are in residential use and residential development is located to the south of the subject lands, though are separated from the subject site by lands that are not part of this appeal.
- 1.3. The lands, located on either side of the public road, have direct road frontage/ access and the Blackbog Road has public lighting and footpath on the western side of the road.

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 4th 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 within the ‘Carlow Town Council Boundary’ and the lands are zoned C for ‘New Residential’ development. The zoning objective states: ‘To provide for new residential development, supporting community facilities and other facilities and services incidental to residential development’.
- 2.3. A section of lands to the north of the site is zoned E for ‘Neighbourhood Facilities / Centre’ uses.

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:

- Issue over a wayleave for services to access the site. Reference is made to foul drainage and water supply.
- The lands are farmed and cannot be considered to be vacant and idle.

5.0 Determination by the Local Authority

5.1. The Local Authority recommended that the lands zoned E be removed from the map and that the remaining lands be retained on the maps for the following reasons:

- The land is zoned for residential use.
- The site can be served by road, water supply and foul drainage. Uisce Éireann have confirmed that the site can be served by water supply and public foul drainage.
- There are no known restrictions, archaeological remains and or contaminants that would prevent the development of this site.
- There are no exemptions for the use of land for agricultural purposes.

6.0 The Appeal

6.1. Grounds of Appeal

- The site cannot be adequately serviced, issue over wayleaves on third party lands. Number of justifications for this are provided in the appeal statement.
- The site is in use as a farm business and has been so since 1950s.

7.0 Assessment

7.1. The site is located on lands that are inside the development boundary of Carlow and are zoned for residential development in the Carlow County Development Plan 2022 – 2028. Uisce Éireann have confirmed that the site can be serviced by public water and foul drainage. The site is served by a public road, and which includes a footpath and public lighting on the relevant section of this road. here are no known restrictions that would prevent the development of this site for residential uses.

7.2. The use of lands for agricultural purposes does not exempt the lands from inclusion on the relevant RZLT maps. It is therefore considered that the determination of the Planning Authority be upheld.

8.0 Recommendation

8.1. I recommend that the board retain the lands zoned for New Residential on the RZLT map.

9.0 Reasons and Considerations

9.1. The appellant requested that their site be removed from the map due to the fact that the site was not serviceable, due to a wayleave on third party lands preventing access to necessary services and also due to the fact that the subject lands are in agricultural use.

9.2. The 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 farming of lands does not allow for exclusion from the RZLT maps/ liability for relevant taxes.

9.3. 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