



An
Bord
Pleanála

Inspector's Report ABP-317003-23

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

Tullynaskeagh East, Ardee Road,
Carrickmacross, Co. Monaghan

Planning Authority

Monaghan County Council

Planning Authority Reg. Ref.

DMS13

Appellant(s)

Tom McNally

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site consists of an irregular shaped site located to the south west of the Ardee Road, to the south east of Carrickmacross town centre. The site consists of a large field, and which is under grass/ in agricultural use. The site narrows towards the north east forming a short section along the Ardee Road.
- 1.2. The adjoining lands are primarily in agricultural use with detached houses located along the Ardee Road.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Carrickmacross 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' and described as follows:

'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

- 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 their lands removed from the draft map on the basis that they are in agricultural use, with no intention to change the use. Part of the lands are restricted from the spreading of fertiliser by the Department of Agriculture, to facilitate the nesting of swans. A watercourse to the south west gives rise to flooding issue. The nature of development in the area is low density housing and similar development here would be economically unviable. Potential impacts on adjoining lands such as flooding of a slatted shed if lands are raised. The site is not served by mains water and due to the topography of the site, the provision of foul drainage here would be difficult.
- 4.2. A second submission from the landowner to the Planning Authority requested that the land be rezoned and the current zoning restricts development.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that the site was in scope. The lands can be developed for residential uses, services can be provided to serve the site, and the use of the lands for agricultural purposes is not a consideration under this process. A group water scheme main crosses the site and may restrict development to only one or two units.
- 5.2. The issues of flooding and the presence of swans can be addressed through the Development Management process. Economic viability is not an issue of consideration at this stage.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The lands are in active agricultural use, and they cannot be considered to be vacant/ and or idle.

- A portion of the lands are restricted from the spreading of fertiliser by the Department of Agriculture, to facilitate the nesting of waterbirds, geese and swans.
- A watercourse adjacent to the site gives rise to flooding at times of heavy rain.
- An adjacent active farmyard may be impacted by potential development on the subject site.

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 use of lands for agricultural purposes does not allow for an exemption from inclusion on the RZLT maps. The restrictions imposed by the Department of Agriculture are noted, but the site is not within any designated site. The lands can be serviced, and road access is available onto the Ardee Road. Issues in relation to flooding and raising of lands may be addressed through the development management process.
- 7.3. The issue of rezoning is not a consideration under this process.

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 these lands are in agricultural use, are subject to flooding, are restricted by the Department of Agriculture, and development may impact on third party lands. The Planning Authority consider the lands suitable for development and should be retained on the maps.

9.2. The zoning of these lands allows for residential development and no reason has been provided as to why they cannot be serviced for such development. The use of lands for agricultural purposes is not a reason for their removal from the maps. Flooding and restrictions due to the use of the lands by birds are matters that can be addressed through the development management process. The lands as indicated should remain on the maps.

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.

Paul O'Brien
Planning Inspector

18th August 2023