



An
Bord
Pleanála

Inspector's Report ABP-317006-23

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.	DMS14
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 north east of the Ardee Road, to the south east of Carrickmacross town centre. The site consists of a single field, and which is under grass/ in agricultural use. The site forms part of a larger landholding. A laneway to the south east side of the site provides access to a number of detached houses and adjoining agricultural lands.
- 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 this use in the near future. The site is not suitably served by mains water.
- 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. Public water supply is available approximately 420 m to the north west of the site at the junction of the Ardee Road and Drumconrath Road.
- 5.2. The request for rezoning the lands is not an issue for consideration under this process.

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.

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 lands can be serviced, and road access is available onto the Ardee Road.

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, and that suitable services may not be available to enable the development of these 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 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