



An
Bord
Pleanála

Inspector's Report ABP-317023-23

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

Gorteendrunagh, Station Road,
Castlebar, Co. Mayo.

Planning Authority

Mayo County Council

Planning Authority Reg. Ref.

RZL018

Appellant(s)

John Jordan and Helen Sarsfield

Inspector

Rachel Gleave O'Connor

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1.0 Site Location and Description

- 1.1. The site is located to the north of Station Road (N60) and south of Lawn Road, west of the rear of properties that front McHale Road. The site itself is greenfield in character.

2.0 Zoning and other provisions

- 2.1. The Mayo County Development Plan 2022-2028 includes Objective SSO 13 that:

The land use zoning provisions of the existing town and environs development plans for Ballina, Castlebar and Westport shall continue to be implemented on an interim basis until such time as local area plans are adopted for these towns, whilst also having regard to any draft local area plan, and subject to compliance with the provisions of the Mayo County Development Plan, including the Core Strategy population/housing targets.

- 2.2. The subject site is zoned Objective F – Residential and Commercial in the Castlebar and Environs Development Plan 2008-2014 (as extended).

3.0 Planning History

- 3.1. No records of any relevant planning history.

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have its land removed from the draft map. The submission stated the following:

- Inadequate local public road infrastructure and access issues arising.
- Efforts to interest local developers in the land came to nothing because of inadequate access to the land.
- The owners retained Road Consultants, Architects and Consulting Engineers for advice concerning development requirements and options for the site and for advice on access and access improvement to the lands in order to permit and facilitate development. The advice, which followed on from consultation

with the Local Authority, was that development would be premature at this point in time by reason of the local public road infrastructure and access issues.

- The Local Authority is of the view that the new outer relief road will alter the situation when complete. However, the Local Authority is also of the view that Station road will become busier once the new road opens.
- Cathal Duffy Roundabout proximate to the land is inadequate to cope with current demands and will require improvement to cope with further demand such as would be generated by development of the land.
- The Local Authority has the ability to make the necessary improvements to the public local road infrastructure in order to facilitate development of the land. The owners do not have any power in this respect. The owners are prepared to work with the Local Authority and are anxious to see the lands used for residential development.
- Part of the land ought to be retained for a Hotel Development.
- The owners are not developers, and invested in the lands under a Government scheme.
- The land is not available for development because the local road infrastructure is not fit, and this will remain the case until it is improved.
- The land does not meet the relevant criteria under section 653B sub-paragraph (b). It is not reasonable to consider that the land may have access to public infrastructure and facilities, including roads and footpaths, necessary for dwellings to be developed and with sufficient service capacity for such development because –
 - (a) It does not have adequate access to the public road for such large-scale development.
 - (b) The local public road infrastructure is not adequate to provide the necessary service capacity for the development of dwellings on the site and a new road will have to be constructed to solve this problem.

- (c) The Local Authority knows that such a new road will have to be constructed to improve the existing public road infrastructure and permit development.
- (d) The public road infrastructure requires additional improvements and upgrading locally before the site can be developed.
- (e) The inadequacy of the local public road infrastructure and the absence of adequate access is the main reason the land has remained undeveloped.
- (f) The view of the Local Authority is understood to be that development would be premature until such time as the necessary local road infrastructure is provided and all this is dependent on the Local Authority.
- (g) A new road from the Lawn Road to the land would facilitate development but that has yet to be provided. Once access is provided the land can be developed.
- (h) The owners have spent almost 5 years trying to resolve the access issue with a view to allowing the land be developed. Despite retaining experts and liaising with the Local Authority they have failed in their efforts. It would in these circumstances be wrong to disregard this obstacle to development which obstacle means that the relevant criteria are not met.
- (i) Reference to the Local Authority should where the context permits or requires include the National Roads Authority.

5.0 Determination by the Local Authority

- 5.1. There is an existing access from these lands onto the Station Road. The site/land is largely undeveloped, appropriately zoned, within close proximity to the town centre of Castlebar. The lands are zoned Residential/Commercial Objective F in the Castlebar Town and Environs Plan 2008-2014, with ability to connect to the existing services, access the road network, public lighting and footpath network – all available at this location. It is therefore considered that the lands meet all of the scoping criteria set out in Section 653B of the Finance Act 2021 for inclusion in the draft RZLT Map for Castlebar.

5.2. The local authority determined that the site was in scope and should remain on the map.

6.0 The Appeal

6.1. Grounds of Appeal

- It is not reasonable to consider that the lands may have access to the public infrastructure and facilities, including roads and footpaths, necessary for dwellings to be developed on the lands because the lands do not have adequate access to the public road for large scale development. The local public road infrastructure is not adequate to provide the necessary service capacity for the development of the dwellings on the site, and a new road will need to be constructed to give such capacity.
- An assessment is required of the existing public road infrastructure to determine whether it has the capacity to serve such a scale of development.
- Report attached at Appendix 1 (prepared by Planning Consultants) states that the lands are suitable for comprehensive residential development (c.126 units).
- The local authority applied the wrong test of the 'ability to connect' the relevant lands to public infrastructure. The correct test is whether the existing infrastructure has sufficient capacity to service the zoned development. The road in question is manifestly inadequate to serve the zoned development.
- The existing two access points on Station Road are not appropriate or suitable in planning terms because of their locations having regard to the size and shape of the site, as confirmed in the report at Appendix 1. Access onto Station Road would require a distributor road, inefficiently duplicating existing road within the site, and this would militate against the densities sought by national and local policy.
- Report attached to Appendix 2 (prepared by Traffic and Transportation Consultants) both access points cannot satisfy the geometric requirements for access junctions adopted by the County Mayo Development Plan.

- The orderly development of the lands from a planning perspective requires access could only be via Lawn Road, and the entire Masterplan area requires a coordinated and consolidated public road network by this route.
- Mayo County Council's position at pre-planning meetings has been that access from Station Road gates is not viable and that the development of the land is wholly dependent on the provision of future public road infrastructure to give access from Lawn Road.
- Reports at appendix 1 and 2 of the grounds of appeal are prepared by planning and traffic consultants inform the conclusions set out above.

7.0 Assessment

- 7.1. The appellants grounds of appeal centres of the appropriateness and capacity of Station Road to access any potential development on the site. The appellant includes a review of the existing two access points on Station Road to the site with a description as to why these fail to meet design standards. The appellants report at Appendix 1 also states that it is understood that traffic on Station Road is heavily congested. The grounds of appeal state that the Council has advised that development of the site would require access from Lawn Road.
- 7.2. No evidence is provided to support the assertions made with respect to the capacity of Station Road to serve development on the site, or the Council's advice in this regard.
- 7.3. I note that the RZLT Guidance states on page 7 that 'land must be connected to, or have access to public infrastructure and facilities necessary for dwelling to be developed and with sufficient service capacity available for such development'. The appellant state that the Council have addressed the ability to access the lands and not addressed the capacity of Station Road. However, beyond the assertions made by the appellant, there is no evidence, or record of any decisions, to support a conclusion that there is inadequate capacity on Station Road to support development of the subject site.
- 7.4. The assessment of existing site access points identifies what in my view amounts to superficial failings, which could be rectified as part of any development proposal for

the site, including altering the access points to remove physical barriers to achieving adequate visibility splays (i.e. the pillar and shrubs) and altering of gradients. Such alterations would be an entirely normal proposition for any development proposal for multi-unit residential development of a site.

- 7.5. I note that the appellant suggests that with respect to access from Station Road, this would require a distributor road through the site, and this would be an inefficient use of land. The site is a relatively large size, and development of the site for residential use will invariably require an internal road as part of the design. In the absence of a determination on a specific planning application for the site demonstrating the same, I do not agree with the appellant that such provision would reduce the development efficiency of the site to an unacceptable level.
- 7.6. With respect to Lawn Road, the appeal grounds do not clearly articulate what the constraints are that prevent access being achieved via that road. The appellant suggests that it is for the Local Authority to resolve access issues to the site.
- 7.7. From the ownership extent outlined in submitted maps with the appeal, it appears that there is an area of frontage to towards the northern end of the site that aligns with Lawn Road, and therefore (in the absence of specific constraints being identified) the ability exists for the landowner to create an access in that location. The development of this site, being of a relatively significant size, may require the developer to include infrastructure upgrades to unlock the development potential of the lands, and that would be an entirely normal proposition for a developer. I therefore do not agree that the responsibility solely lies with the Local Authority to undertake infrastructure upgrades to facilitate access to the site.
- 7.8. I am satisfied that the subject site, with extensive frontage and two existing access points onto Station Road, and the ability to connect to Lawn Road, is able to connect to existing infrastructure and therefore should be considered in scope for the purposes of the RZLT Map.

8.0 Recommendation

- 8.1. I recommend that the Board confirm the determination of the local authority and direct the local authority to include the site on the map.

9.0 Reasons and Considerations

- 9.1. Having regard to the determination by the local authority, the submitted grounds of appeal, the provisions of the section 653B of the Taxes Consolidation Act 1997, as amended, and the advice in section 3.1.2 of the Guidelines for Planning Authorities on the Residential Zoned Land Tax, the site is considered in scope for the purposes of the RZLT map.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Rachel Gleave O'Connor
Senior Planning Inspector

30th June 2023