



An
Bord
Pleanála

Inspector's Report ABP-317072-23

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	Drumbear, Cootehill, Monaghan, County Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS88
Appellant(s)	Dan and Bernadette Curley
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site, of approximately 0.11 hectares, consist of two triangular shaped areas of land that are located to the west of the Cootehill Road, to the south of Monaghan town. The site forms part of a larger landholding. The lands are undeveloped and are under grass. A footpath is provided to the front of the site and a fence provides the boundary between this footpath and the site.
- 1.2. The lands to the south are in use for electricity infrastructure and the lands to the north are in residential use.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Monaghan 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.’

Under the description the following is stated:

‘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

- 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 the lands are waterlogged for much of the year and are in effect a wetland habitat. The submission states that it was assumed that through the shape and size of the site in conjunction with the adjacent ESB site have made this site undevelopable. High voltage powerlines are buried within the site. The lands are used for agricultural purposes on a seasonal basis.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that the site was in scope. Suitable services are available to enable the development of this land. The Planning Authority consider that at least one house could be constructed here. No information has been provided from ESB that demonstrate that the lands cannot be developed due to electricity infrastructure reasons.

5.2. The issue of liability for payment of LPT or RZLT is a matter for the Revenue Commissioners, and contact should be made with them in relation to this issue.

6.0 The Appeal

6.1. Grounds of Appeal

The determination is appealed and supporting documentation has been provided in support of the appeal. An undated email from ESB indicates some concern regarding the zoning of lands in Monaghan due to the presence of electricity infrastructure in the area.

6.2. Planning Authority Response

- No further comment.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted, including information received on the 5th of May 2023, and the report of the Planning Authority with supporting reports are noted.
- 7.2. The Strategic Residential Reserve does allow for development in the case that 75% of proposed residential lands are developed. I have no information on what percentage of the lands in Monaghan are developed but the wording of the zoning is such that it does not prevent suitable development over the lifetime of the plan.
- 7.3. I note the reference to the ESB email. This does not appear to specifically refer to this site and I do not therefore have any idea of what their opinion is on development in this area. The submitted electricity plan indicates that powerlines cross to the north west of the site and not through it. The appellant suggests otherwise but the map is the only information available. The impact of development on infrastructure may be best addressed through the development management process. The information from the ESB does not provide any specified setbacks from the substation.
- 7.4. The site can be serviced so as to allow for residential development here. The scale and nature of development is best addressed through the development management 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 the lands cannot be developed due to their Strategic Residential Reserve zoning, and due to the size/ layout of the site and also due to the presence of powerlines which may be buried throughout the site.

9.2. The lands are assessed in accordance with the details provided in the appeal. The zoning of these lands allows for residential development subject to compliance with requirements set out in the Monaghan Development Plan 2019 – 2025, and no reason has been provided as to why they cannot be serviced for such development.

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

24th August 2023