



An
Bord
Pleanála

Inspector's Report ABP-317099-23

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	Bough, Scotstown, County Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS72
Appellant(s)	Sean McCaul
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands, of approximately 0.07 hectares, consist of a triangular shaped site located to the north west of the Tydavnet Road to the north of Scotstown, Co. Monaghan. The lands are overgrown with significant tree coverage on site. The Blackwater River flows along the northern boundary of the site.
- 1.2. The adjoining lands are primarily in agricultural use/ under grass. A small garage and carparking area are located to the north of the site.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Scotstown 'Proposed Development Limit forming part of the Monaghan County Development Plan 2019 – 2025. The lands within the development boundary are not zoned for different land uses.

- 2.2. Section 9.19 Tier 4 Settlements of the plan states:

'Ballinode, Emyvale, Glaslough, Inniskeen, Newbliss, Rockcorry, Scotshouse, Scotstown, Smithborough, Threemilehouse. The village envelopes are based on the existing established footprint with the aim to consolidate existing development and promote the regeneration of existing derelict and/or vacant sites. Lands are not zoned for specific uses within the village plans in order to provide for a less restrictive approach to the suitable expansion and growth of the villages. Notwithstanding this, development constraints may exist which include protected structures, protected monuments and flood risk areas. Residential development within the village envelope will be considered on its merits in terms of quantum, location and in accordance with the relevant polices set out in this Plan including the Core Strategy. Section 15.7.8 and Policy RDP5 as set out in the Development Management Chapter is open to consideration in those Tier 4 settlements which have capacity in their public foul drainage systems. Otherwise, permitted development within these settlements will be on the basis of individual wastewater treatment systems, on minimum site areas of 0.2 hectares (0.5 acres). This is considered necessary in order to protect the environment and preserve a degree of consistency in design and scale.'

- 2.3. The site is located within a flood risk area.

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 were in use for agricultural purposes, but this use ceased due to flooding along the banks of the river, which flows along the side of the site. The lands are not suitable for development due to flooding and the overgrown nature of the site.
- 4.2. Request that the lands be rezoned.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that the site was in scope. The issue of flooding is not a consideration under this process and the site can be suitably serviced to allow for residential development.
- 5.2. The consideration of rezoning the lands would be undertaken under a separate process.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The lands are subject to flooding and are not therefore suitable for development.
- Request that the lands be rezoned as landscape protection conservation.

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 Tier 4 Settlements in County Monaghan, as per the Monaghan County Development Plan 2019 – 2025, ‘..are not zoned for specific uses within the village plans..’. Section 653B of the act provides a list of criteria of which lands should be:
 - (a)(i) ‘solely or primarily for residential use, or
 - (a)(ii) for a mixture of uses, including residential use,’
- 7.3. From the details provided in the development plan, there are no specific zonings provided and any type of development that may be considered appropriate would be assessed under the development management process. Residential development is therefore not assigned to any specific parts of the lands within the development limit of Scotstown.
- 7.4. The issue of rezoning/ change of zoning is not an consideration under this appeal process.

8.0 Recommendation

- 8.1. I recommend that the board reject the determination of the Local Authority and that the indicated lands be removed from 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 were subject to flooding and would not therefore be suitable for development. The Planning Authority considered that the lands were suitable for development and services could be provided here.
- 9.2. The lands are assessed in accordance with the details provided in the appeal. The Tier 4 Settlements, including Scotstown, are not zoned for specific uses; therefore, the subject site does not demonstrate compliance with Section 653B. (a)(i) and (ii) in that the lands are not zoned solely or primarily for residential use or fore a mixture of uses, including residential use. Development of these lands is assessed within the

Development Management Process. In the absence of suitable zoning, the site should not be included 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

21st August 2023