



29th September 2023

Monaghan County Council,
Planning Offices,
1 Dublin Street,
Monaghan,
H18 X982.

**Re: Proposed Variation No. 5 to the Monaghan County Development Plan
2019 - 2025**

A chara,

Thank you for your authority's work in preparing the Proposed Variation No. 5 (the proposed Variation) to the Monaghan County Development Plan 2019 – 2025 (the Development Plan) which proposes to change the zoning of certain lands in the settlements of Monaghan Town, Carrickmacross, Castleblayney, Clones, Scotstown and Ballinode.

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the proposed Variation.

A key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the proposed Variation under the provisions of sections 31AM(1) and (2) of the *Planning and Development Act 2000*, as amended (the Act) and this submission has been prepared accordingly.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to

ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

On adoption of the proposed Variation, the Office will consider whether the Variation has been made in a manner consistent with the recommendations of the Office and whether the Development Plan sets out an overall strategy for the proper planning and development of the area concerned.

Overview

The proposed Variation proposes changes to the land use zoning objectives of certain lands in the settlements of Monaghan Town, Carrickmacross, Castleblayney, Clones, Scotstown and Ballinode in response to the introduction of the Residential Zoned Land Tax (RZLT).

The Office broadly welcomes the proposed Variation and the changes proposed to land zoning in the Development Plan. The Office notes that the total quantum of proposed zoning changes relate to a small portion of the total lands zoned within the development plan (c. 2.5%) and that the majority of the proposed changes result in more restrictive land use zoning objectives being applied.

The Office notes that the planning authority proposes to proceed with 23 changes of zoning resulting in 19 sites to be dezoned and four (4) sites to be downzoned and that this follows consultation on a draft RZLT map in late 2022.

The Office considers that the vast majority of proposed zoning changes are acceptable having regard to their location and context and the core strategy of the Development Plan. Notwithstanding, the Office has concerns regard Zoning Change Type 6 which relates to site 5c at Tully, Monaghan Town.

The submission below has been prepared to provide a strategic level input to your authority in finalising the proposed variation. It is within the above context that the submission sets out one (1) recommendation under the following key themes:

Key theme	Recommendation	Observation
Compliance with statutory guidelines	-	-
Core strategy	-	-
Compact growth & sequential approach	Recommendation 1	-

1. Compliance with statutory guidelines

The *Residential Zoned Land Tax: Guidelines for Planning Authorities (2022)* (RZLT Guidelines), are the statutory section 28 guidelines in relation to the RZLT. Section 6 of the RZLT Guidelines sets out guidance on rezonings sought on foot of the RZLT process under the provisions of section 653(l) (a) and (b) of the *Taxes Consolidation Act 1997* as introduced in the *Finance Act 2021*.

The Office notes that the local authority identified all lands within its functional area that are to be in scope as required by the provisions of the RZLT.

The Office notes that the Strategic Environmental Assessment (SEA) Screening Report states that the proposed Variation would not be likely to result in significant environmental effects. The Office considers that the proposed variation does not raise any issues in respect of compliance with section 28 guidelines.

2. Core strategy

The Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines) advise that the impact of any proposed rezoning on the overall strategy for the proper planning and sustainable development of the area including the core strategy and the housing targets for the county and city must be considered. The Development Plans Guidelines require zoned housing land to be serviced and / or serviceable during the lifetime of the new Monaghan County Development Plan.

The Office understands that 54 Ha of land was zoned Strategic Residential Reserve in the current Development Plan on the basis that these lands were considered strategic in location for future residential development but would only be required for residential

development in instances whereby 75% of both the Proposed Residential A and Proposed Residential B zoned lands are developed.

The Office agrees with the planning authority that it is unlikely that planning permission for the comprehensive development of Strategic Residential Reserve lands will be granted during the remaining Development Plan period.

Therefore, the Office considers that the rezoning of Strategic Residential Reserve lands will not have any detrimental implications for the implementation of the core strategy of the Development Plan, nor will it prejudice the achievement of the housing supply targets and housing delivery across the county.

3. Compact growth & sequential approach

Section 6.2.3 of the Development Plans Guidelines sets out specific guidance regarding the sequential approach to land use zoning. The Development Plans Guidelines recommend that planning authorities adopt a sequential approach which reflects, amongst others the compact growth and utilisation of existing infrastructure national policy objectives of the National Planning Framework which are National Strategic Outcome 1, and National Policy Objectives 3 and 72.

In this regard, the Office broadly welcomes the proposed Variation which will result in a rezoning / downzoning of less sequentially preferable sites across a number of the county's settlements. However, the Office has concerns with Zoning Change Type 6, which relates to site 5c – *Lands at Tully, Monaghan* and proposes to change the site's zoning from Strategic Residential Reserve to Existing Residential.

The Office notes that the land subject to Zoning Change Type 6 measures 0.39 ha and consists of an existing dwelling and associated curtilage / out building. The Office also notes that no changes are proposed to the Strategic Residential Reserve zoning of the land immediately adjoining the property and extending south from the Manor Wood housing estate.

The Office has concerns with zoning an isolated pocket of land Existing Residential in the middle of a larger area zoned Strategic Residential Reserve, and considers that this approach to zoning is not consistent with the Development Plan Guidelines, which state:

It is a policy and objective of these Guidelines that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.

This approach to zoning an individual rural dwelling, including its curtilage and outbuildings, has the potential to raise unreasonable expectations about further one-off housing and subdivision in an isolated area divorced from the built up area.

In this regard, it is considered that this approach has the potential to undermine the planning for the longer term development of the adjoining lands which are zoned Strategic Residential Reserve. The planning authority should therefore retain the current zoning.

Recommendation 1 – Compact Growth & Sequential Approach

Having regard to:

- National Strategic Outcome 1 (Compact Growth) and National Policy Objectives 3 and 72 of the *National Planning Framework*; and
- section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities* (2022) and the need for planning authorities to adopt the sequential approach;

the planning authority is required to omit Zoning Change Type 6 regarding site no. 5c (Tully, Monaghan) and retain the 'Strategic Residential Reserve' land use zoning.

Summary


The Office requests that your authority addresses the recommendation outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 13 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the proposed Variation. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the Development Plan in such a manner as to be inconsistent with the

recommendations made by this Office, then the chief executive shall inform the Office and give reasons for this decision.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,

A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive, slightly slanted style.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations