



An
Bord
Pleanála

Inspector's Report ABP-316406-23.

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	Ashline, Kilrush Road, Ennis, Co. Clare
Local Authority	Clare County Council.
Local Authority Reg. Ref.	S1/052
Appellant	Killaloe Diocesan Trust
Inspector	Irené McCormack

1.0 Site Description

1.1. The site comprises c. 20ha. of lands within the settlement of Ennis, Co. Clare,

2.0 Zoning

2.1. The site comprises five land parcels zoned Residential and Low Density Residential – R30, R32, LDR 19 LDR50 and LDR51 in the Ennis Settlement Map contained in Volume 3a Ennis Municipal District of the Clare County Development Plan 2017-2023.

Note: Clare County Development Plan 2023-2029 was adopted by the Elected Members of Clare County Council at a Special Planning Meeting on the 9th March 2023. The Plan came into effect 6 weeks from the date of adoption, on 20th April 2023.

2.2. CDP19.2 Development Plan Objective: Zoning of Lands. It is an objective of Clare County Council: *To ensure that sufficient lands are zoned at appropriate locations in the settlement plans and local area plans of the County, in accordance with the Core Strategy population targets, in order to meet the envisaged land use requirements of the area during the lifetime of this Development Plan.*

2.3. Section 2.5.2 of Volume 3a Ennis Municipal District of the Clare County Development Plan 2017-2023 sets out the objectives for each of the zoned parcels above.

2.4. Section 2.5.5 New Housing in Cahircalla More states “Recognising the need to consolidate lands closer to the town centre, a number of areas of residentially zoned lands have been indentified close to the new national school and existing retail/service providers in the neighbourhood”.

** I have attached an extract from Ennis Zoning Map- Volume 3a Ennis Municipal District of the Clare County Development Plan 2017-2023 in Appendix 1 for ease of reference.

3.0 Planning History

3.1. Site

None

4.0 Submission to the Local Authority

- The submission to the LA generally reflects the grounds of appeal.
- The submission requested the land be excluded from the RZLT as the lands are not served by roads.
- Request the RZLT have regard to the Draft Clare County Development Plan 2023-2029.

5.0 Determination by the Local Authority

- 5.1. The local authority determined that Site 1 – R30, Site 2 – R32, Site 3 – LDR19 and Site 4 – LDR50 to be in scope and should remain on the map. The local authority consideration stated that land is zoned and serviced with access available to the adjoining road network.
- 5.2. The LA did not consider Site 5 – LDR 51 to be “in scope” as the lands have no direct access onto the public road with footpath or public lighting and connection would be required via adjoining undeveloped “Community” zoned lands.
- 5.3. The assessment notes that the RZLT is based on the current 2017-2023 CDP, the final Map to be published in December 2023 will have regard to the CDP 2023-2029.
- 5.4. Uisce Eireann were consulted by the local authority and reported that several watermains existing within the landholding and several sewers exist in the vicinity of the lands.

6.0 The Appeal

6.1. Grounds of Appeal

- The submission sets out a portion of R30 fronting R474 is not within the ownership of the appellant. Similarly, a portion of LDR50 to the east of the access road serving Ennis National School is not within the ownership of the appellant.
- The lands zoned R30 and LDR51 are now superseded by the CDP 2023-2029 and are now zoned Strategic Residential Reserve.

- Lands zoned R30 and LDR 51 cannot connect to the road Infrastructure. The access point onto the R474 is not adequate in terms of width to facilitate sufficient road width requirements, footpaths and cycle track. In Addition to sightline availability, ownership of adjoining lands and proximity to three junctions.
- Access to service the lands is reliant on the provision of a new access to the R474 through third party lands.
- Request for access to the landholding from Beechpark Roundabout to serve the northern portion of the lands.
- Request LDR 51 be deemed “Out of Scope” as per the CCC assessment.
- Request LDR 19 be deemed “Out of Scope” as the land parcel is reliant on the developer of adjoining lands to facilitate access, connections to wastewater, water supply and surface water infrastructure.
- Request that new zoning in place pursuant to the recently adopted CDP 2023-2029 be deemed “Out of Scope”.

7.0 Assessment

- 7.1. The LA assessment was carried out pursuant to the Clare County Development Plan 2017-2023. Subsequent to the determination by the LA in on 30th March 2023 the new Clare County Development Plan 2023-2029 came into effect on 20th April 2023. Notwithstanding, the adoption of the Clare County Development Plan 2023-2029 this assessment is based on the development plan in place at the time of the LA assessment, the Clare County Development Plan 2017-2023 as the appeal relates to this determination. Concerns raised regarding zoning provisions set out in the Clare County Development Plan 20123-2029 as they relate to this site cannot be considered.
- 7.2. The appellant argues that the lands are not accessible and, in some cases, not serviced and should therefore not be included on the RZLT Map.
- 7.3. Land zoned R30 fronts the R474 to the north and lands zoned R32 and LDR 50 front the new access road serving Ennis National School to the southeast. LDR 19 sits to the immediate southwest of R32, similarly LDR 51 sits to the immediate south of R30.

Whilst I accept that vehicular and site access arrangements may not be in place at present, these would be expected to be provided in conjunction with the development of a site, generally developer led. Issues relating to access arrangements and capacity issues onto the road network have not been raised by the LA. Based on the information available I have no evidence that additional traffic cannot be accommodated. The same principles apply to the wastewater, water and surface water connections for which no capacity constraints have been identified.

- 7.4. I note the portion of *Residential* R30 fronting R474 and the portion of LDR50 to the east of the access road serving Ennis National School are not the ownership of the appellant however, based on the alternative road frontage available within the appellants ownership, it is reasonable to assume that access to the land can be accommodated. I am satisfied that the lands do not meet the criteria for exclusion set out in section 653B(b).
- 7.5. Request for access to the landholding from Beechpark Roundabout to serve the northern portion of the lands is outside the scope of section 653B.
- 7.6. I note the appellant requests the LDR 51 be removed from the map as per the recommendation of the LA. LDR 51 was deemed “Out of Scope” by the LA as the adjoining lands to the east are zoned for “Community” use and therefore the land parcel has no direct access onto the public road with footpath or public lighting and is reliant on the developer of adjoining lands to facilitate access, connections to wastewater, water supply and surface water infrastructure. The adjoining lands are in the same ownership and the provision of services and infrastructure to develop R30 to the immediate north of LDR51 will allow for the sequential development of LDR51. This was the argument put forward by the LA with respect to LDR 19 and the same principles apply to LDR 51. Consequently, I am satisfied that LDR 19 and LDR 51 do not meet the criteria for exclusion set out in section 653B(b).
- 7.7. The Lands are located to the west of Ennis town centre and form part of the zoning map for Ennis Town, (volume 3a of the Clare County Development Plan 2017-2023). The lands are serviced, having access to the necessary public infrastructure and facilities including road and footpath access, public lighting, foul sewer, surface water drainage and water supply and it is therefore to be expected that the site(s) is suitable for development of residential units in accordance with the zoning that applies.

7.8. The appeal grounds do not raise any exclusions that would apply to the subject lands and warrant its removal from the map, with reference to the Taxes Consolidation Act 1997 as amended and the RZLT Guidelines.

8.0 Recommendation

I recommend that the Board confirm the determination of the local authority with respect to Site 1 – R30, Site 2 – R32, Site 3 – LDR19 and Site 4 – LDR50 and direct the local authority to include the sites on the map. I further recommend the local authority be directed to include site 5 – LDR 51 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 (incorporating Site 1 – R30, Site 2 – R32, Site 3 – LDR19, Site 4 – LDR50 and Site 5 – LDR 51) is considered in scope for the purposes of the RZLT map. The land is considered to meet the qualifying criteria set out in section 653B of the Tax Consolidation Act 1997, as amended, and there are no matters arising that warrant exclusion from the map,

I confirm that the report represents my profession 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.

Irené McCormack
Senior Planning Inspector

21th June 2023

Appendix 1 - Extract Ennis Zoning Map – Clare County Development Plan 2017-2023

