



An
Bord
Pleanála

Inspector's Report ABP-316605-23.

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| 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 | Crusheen, Co. Clare |
| Local Authority | Clare County Council. |
| Local Authority Reg. Ref. | S1/031 |
| Appellant | Mary Vaughan |
| Inspector | Irené McCormack |

1.0 Site Description

1.1. The site comprises 2 ha. of lands within the settlement of Crusheen, Co. Clare,

2.0 Zoning

2.1. The site was zoned Low Density Residential LDR 5 in the Crusheen Settlement Plan contained in volume 3c 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 19.4 Nature of Zonings states –

Low Density Residential - This zoning refers to the use of lands to accommodate a low-density pattern of residential development, primarily detached family dwellings. The underlying priority shall be to ensure that the character of the settlement/area is maintained and further reinforced by a high standard of design. Proposed developments must also be appropriate in scale and nature to the areas in which they are located.

3.0 Planning History

3.1. Site

None

Adjoining

14/49 – Permission granted to Paddy & Doris Vaughan on 1st May 2015 to demolish the existing dwelling and construct a replacement dwelling and associated site works at Drumaneen, Crusheen, Co Clare.

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have her lands removed from the draft map. The submission dated December 2023 referred to the low-density residential zoning on the RZLT map and noted the SR2 (Strategic Residential Reserve) zoning in the Draft Clare County Development Plan 2023-2029.
- 4.2. In relation to the zoning provisions as part of the Draft Development Plan the submission noted that this field cannot be developed for a number of years.
- 4.3. At present the applicants son is farming the lands and has built a family home adjoining same. Access through this land is needed to access the rest of the farm.
- 4.4. The submission requests the lands be split and the land fronting the R458 be zoned SR2 and the land to the east be zoned for agricultural use.

5.0 Determination by the Local Authority

- 5.1. The local authority determined that the site was in scope and should remain on the map. The local authority consideration stated that land is zoned and serviced.
- 5.2. In relation to the re-zoning request, the LA states that a proposed variation of the Development Plan (2017-2023) under Section 13 of the Planning and Development Act 2000 as amended, as described in Section 6531(4)(b) of Part 22A of the Taxes Consolidation Act 1997 (as introduced by the finance Act 2021), is not proposed and the existing zoning on the land is to be retained as per the Clare County Development Plan 2017-2023 having regard to the proximity of the lands to the village centre, accessibility and the promotion of compact and sequential growth.
- 5.3. The farming use on site does not benefit from any exemption.
- 5.4. Uisce Eireann were consulted by the local authority and reported that the site was identified as 'Green' in IW RAG dataset indicating capacity available and the Irish Water network is within 10m of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal reiterates that the lands in question are being farmed by her son and request that the lands to the east adjacent to her son's family home and active farm buildings be rezoned.

- The submission refers to the development of a reservoir on the applicants lands by the Council ca. 20 years ago and that this reservoir serves all the new estates in Crusheen.

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 as the appeal relates to this determination.
- 7.2. The fact that the lands are in active and established agricultural use does not qualify for omitting the lands from the map under section 653B, nor does the question of viability as a consequence of the application of the RZLT to the lands.
- 7.3. The issue of the reservoir is not relevant to the provision of the RZLT.
- 7.4. The site is located on lands that form part of the Crusheen Settlement Plan map (Volume 3c Killaloe Municipal District Settlement Plans of the CDP 2017-2023). I note the site is situated on the R458 and Uisce Eireann reported that the Irish Water network is within 10m of the site and there is capacity available. The LA have indicated that there is a public footpath and lighting adjacent to the site serving the housing development to the immediate south, it is therefore to be expected that the site is suitable for development of residential units in accordance with the zoning.

8.0 Recommendation

- 8.1. I recommend that the board confirm the determination of the Local Authority and that the indicated site be retained 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 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

21st June 2023