



An
Bord
Pleanála

Inspector's Report ABP-316612-23.

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	Knockanean, Tulla Road, Ennis, Co. Clare
Local Authority	Clare County Council.
Local Authority Reg. Ref.	S1/015
Appellant	James Carolan
Inspector	Irené McCormack

1.0 Site Description

- 1.1. The site comprises c. 1.59ha. of lands within the settlement of Ennis, Co. Clare,

2.0 Zoning

- 2.1. The site was zoned Low Density Residential 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 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

CCC Reg. Ref. 06/1131 – Permission refused for the construction of a housing development consisting of 99 no. dwellinghouses of various house types including associated site development works and connection of services to existing public services.

4.0 Submission to the Local Authority

- 4.1. The appellant challenges the inclusion of the lands in the RZLT.
- 4.2. The appellant set out that he is unable to develop the lands and requested under the review of CDP not to have the lands zoned. Submission noted proposed *Strategic Residential Reserve* zoning under the CDP 2023-2029

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. The LA set out that the lands can be accessed via the adjoining estates which have been taken in charge. There is a public footpath and public lighting along the estate roads adjacent to the lands. The public water network is located within the estates adjacent and along the N85 c. 50m to the south. Public wastewater is located along the N85 c. 50m to the south.
- 5.3. Further information was requested regarding clarification of landownership. Satisfactory response received 23rd January 2023.
- 5.4. The LA note the concerns of the appellant and state 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
- 5.5. Uisce Eireann were consulted by the local authority and reported that the landowner did not cite water/wastewater service issues.

6.0 The Appeal

6.1 Grounds of Appeal

- The grounds of appeal argue that the site is designated *Strategic Residential Reserve* in the CDP 2023-2029 and the principal purpose of the RZLT is to “encourage the timely activation of zoned and serviced residential development land for housing ... “

- The *Strategic Residential Reserve* zoning constrains the development of these lands, and it is considered that there will be an opportunity in the future to scope these lands in, at a time more appropriate.

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 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

- 8.1. I recommend that the Board confirm the determination of the local authority and direct the local authority to include the site on the map.

9.0 Reasons and Considerations

- 9.1. The site is adjacent to an established urban area with services available and no capacity or other reasons have been identified that would prevent the development of these lands for residential purposes. The site does satisfy the criterion for inclusion on the map set out in section 653B(c) of the Taxes Consolidation Act 1997, as amended.

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
Planning Inspector

21st June 2023