



An
Bord
Pleanála

Inspector's Report ABP-316703-23.

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	Quilty, Co. Clare
Local Authority	Clare County Council.
Local Authority Reg. Ref.	S1/042
Appellant	Martin McGannon
Inspector	Irené McCormack

1.0 Site Description

1.1. The site comprises 1.45 ha. of lands within the settlement of Quilty, Co. Clare,

2.0 Zoning

2.1. The site was zoned Residential Low Density Residential LDR4 in the Quilty Settlement Plan contained in volume 3d 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.

2.4. Volume 10c - Infrastructure Environs and Flood Risk Zones – Map 16 of the CDP 2017-2023 establishes that the site ins note located in Flod Zone A or B.

3.0 Planning History

3.1. Site

None

4.0 Submission to the Local Authority

- The appellant outlines that the lands are currently in use as part of a farm.

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 rezoning 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. Uisce Eireann were consulted by the local authority and reported that there is no public water supply, and that the area is served by Quilty group water scheme. UE confirm that a sewer exists on the public road in close proximity to the site and accessible in the national road (N67) adjoining the land parcel.

6.0 The Appeal

6.1 Grounds of Appeal

- The appeal notes the original submission to the LA. Setting out that the land is being farmed.
- The submission outlines that to develop these lands would contribute to the risk of surface water flooding on the N67.

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. Regarding concerns raised about potential flood risk, the site is not located within an identified flood zone as set out in Volume 10c -Infrastructure Environs and Flood Risk Zones – Map 16 of the Clare County Development Plan 2017-2023.
- 7.3. 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.

7.4. The site is located on lands that form part of the Quilty Settlement Plan map (Volume 3d West Clare Municipal District Settlement Plans of the CDP 2017-2023). Uisce Eireann reported connection to the public sewer is available on the N67. Water supply is via the Quilty group water scheme, which is supplied by UE. No capacity issues were identified UE or the LA.

7.5. The site is bound by the N67, a public footpath fronts the site and services are available for connection, 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 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

