



An
Bord
Pleanála

Inspector's Report ABP-316746-23.

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	Parteen, Co. Clare
Local Authority	Clare County Council.
Local Authority Reg. Ref.	S1/046
Appellant	Mary Browne
Inspector	Irené McCormack

1.0 Site Description

1.1. The site comprises 4.56 ha. of lands within the settlement of Parteen, Co. Clare,

2.0 Zoning

2.1. The site was zoned Low Density Residential LDR 1 and LDR 3 in the Parteen Settlement Plan contained in Volume 3b 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

4.0 Submission to the Local Authority

4.1. The appellant outlines the various land use zoning attached to the site under the Clare Development Plan 2017-2023 and the Draft CDP.

- 4.2. In relation to the zoning provisions as part of the Clare Development Plan 2017-2023 and Draft Development Plan, the submission noted that the lands cannot be developed over the lifetime of the plan as the lands is being farmed and the land parcels cannot be developed in isolation as this is neither practical nor economically feasible, particularly due to the sever slopes and limited access options.
- 4.3. Request to change the zoning to agriculture.

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 the water main exists on the public road in close proximity to both parcels of land, accessible from R464 and L7058 and the sewer available from R464 and unnamed road. A network connection of 20m may be required to connect the northern parcel to the network on the L7058.

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal includes the original submission to the LA as set out above.
- In addition, the constraints on the route and the distance to the nearest point of entry to the foul sewer would be cost prohibitive for the small number of residential units that could be developed on R2.

- Request the exclusion of LDR1, LDR3 Clare CDP 2017-2023 and R2 Parteen Clare CDP 2023-2029 from the RZLT.

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, Clare County Development Plan 2017-2023 as the appeal relates to this determination.
- 7.2. Uisce Eireann have stated in their submission that the water main exists on the public road in close proximity to both parcels of land, accessible from R464 and L7058 and the sewer connection is available from R464 and unnamed road. A network connection of 20m may be required to connect the northern parcel to the network on the L7058. The LA have also stated that there is a storm water network along R464 and L7058. There is no identified significant constraint to connecting to services. Regarding the proximity of services to the land parcels, it is reasonable to conclude that connection would be feasible.
- 7.3. The site is located on lands that form part of the Parteen Settlement Plan map (Appendix 1 of Volume 3b Shannon Municipal District Settlement Plans of the CDP 2023-2029). The land parcels are located immediate to the village core, and it is therefore to be expected that the site is suitable for development of residential units in accordance with the zoning that applies.

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. 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