



An
Bord
Pleanála

Inspector's Report ABP-316754-23.

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

Ballycannon North, Meelick, Co. Clare

Local Authority

Clare County Council.

Local Authority Reg. Ref.

S1/013

Appellant

John Ryan

Inspector

Irené McCormack

1.0 Site Description

- 1.1. The site comprises 2.23 ha. of lands within the settlement of Ballycannon North (Meelick) Co. Clare,

2.0 Zoning

- 2.1. The site was zoned Low Density Residential LDR 4 in the Ballycannon North (Meelick) Settlement Plan contained in volume 3 Shannon 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

None

Adjoining

CCC Reg. Ref. 23/216 – Permission sought by Irish Water on 12/4/2023 for development at the existing Ballycannon Wastewater Treatment Plant. The development will consist of:

construction of a foul pump station; construction of emergency holding tank complete with cleaning system; control kiosk; demolition of existing wastewater package treatment tank; site fencing; 660m foul rising main; and all ancillary site development works including hard and soft landscaping. A Natura Impact Statement (NIS) has been prepared and is submitted as part of the planning application Ballycannon Heights Meelick Co Clare. Further information was sought 2/6/2023.

4.0 Submission to the Local Authority

- The appellant outlines that the foul sewer system does not have capacity, nor will it have over the lifetime of the development plan.
- Request to change the zoning to agriculture.
- The submission also sets out that the lands are leased.

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 Éireann were consulted by the local authority and reported that the water and wastewater networks are located along the L3068 public road c. 10m from the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal states that the foul sewer system does not have capacity, nor will it have over the lifetime of the development plan, and in any case, development could only start after 2027 (Strategic *Residential Reserve* zoning – CDP 2023-2029).

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.
- 7.2. With regards to services Uisce Eireann have stated in their submission that water and wastewater networks are located along the L3068 public road c. 10m from the site. UE raised no concerns regarding capacity or connection.
- 7.3. However, regarding the concerns raised with respect to foul sewer capacity, I note UE have sought planning permission (CCC Reg. Ref. 23/216) for upgrade works to the existing Ballycannon North Wastewater Treatment Plant. It is therefore reasonable to conclude that service connection is available and any shortcomings in the existing wastewater treatment plan will be addressed and implemented as part of planning application CCC Reg. Ref. 23/216. These works will be undertaken by UE.
- 7.4. The site is located on lands that form part of the Ballycannon North (Meelick) Settlement Plan map (volume 3 Shannon Municipal District of the Clare County Development Plan 2017-2023). The lands are located on local road L3068 adjacent to established residential development served by a footpath and public lighting, UE have not indicated that water and wastewater connection is available, it is therefore to be

expected that the site is suitable for development of residential units in accordance with the zoning that applies.

- 7.5. 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. 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