



An
Bord
Pleanála

Inspector's Report ABP-316923-23.

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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. | S1/006 |
| Appellant | Raymond O'Grady |
| Inspector | Irené McCormack |

1.0 Site Description

1.1. The site comprises 0.9ha. of lands within the settlement of Crusheen, Co. Clare,

2.0 Zoning

2.1. The site was zoned Residential R1 in the Crusheen Settlement Statement contained in Volume 3c Killaloe 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 –

Residential - Residential use shall be taken to primarily include the use of land for domestic dwellings. It may also provide for a range of other uses particularly those that have the potential to foster the development of new residential communities e.g. schools, crèches, open spaces etc

3.0 Planning History

3.1. Site

None

Adjoining

Reg. Ref. CCC 07/2271 – Permission refused on 8th April 2008 for Galvin Construction (Barefield) Ltd for development which will consist of the construction of 29 no. dwelling houses ancillary site works and connection to public services 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 its lands removed from the draft map. The lands in are not serviced and cannot be serviced without requiring major infrastructural works to the connect to existing services,
- 4.2. There is currently no ease of access to roads, footpaths, foul, water or surface water drainage.
- 4.3. The submission notes the SR3 (Strategic Residential Reserve) zoning in the Draft Clare County Development Plan 2023-2029.
- 4.4. The lands are in active agriculture use and integral to the applicant's farming business.
- 4.5. The site is landlocked with no access save through third party lands.

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 contention that the lands are not serviced, the LA states that the site forms part of a large site comprising lands zoned Residential and Existing Residential and while the site does not have direct access onto the public road, access can be obtained via the undeveloped residential zoned lands to the east in the same ownership which accesses directly onto the L-4074.
- 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 water and wastewater is available 90m away to the north on the R458 and c. 180m way to the east on the L-4074.

6.0 The Appeal

6.1. Grounds of Appeal

- The zoning of the land in question as "SR3" should be considered, and it should be excluded from the prosed RZLT Map. This land cannot be developed due to

its “Strategic Reserve” zoning and the requirement for adjacent “R1” lands to be developed first.

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. Regarding the revised zoning provisions as set out in the Clare County Development Plan 2023-2029, I note 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
- 7.3. Regarding the development of the R1 zoned lands first, I note the site in question is bound to the north by established residential and mixed-use zoning, to the west by lands zoned Low Density Residential, to the east by existing residential and to the south by Crusheen GAA. While the site is landlocked and dependant on the unlocking of adjoining lands to the east and west to facilitate future development. I note the LA state that the applicant is the landowner of the lands to the east of the site and direct access to the public road can be obtained via this undeveloped land to the east onto the L-4074 where services also exist. Uisce Eireann have stated in their submission that water and wastewater is available 90m away to the north on the R458 and c. 180m way to the east on the L-4074. No capacity issues were identified. On this basis, it is reasonable to consider that the lands are serviced and/or can be serviced.
- 7.4. 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 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