

30/03/2024

Re: Request for exemption from RZLT for lands zoned “R1” and existing farmyard area currently zoned “Existing Residential” in the Draft Clare County Development Plan 2023-2029 at Crusheen, Co. Clare owned by  of Crusheen, Co. Clare.

Relevant Co-ordinates as follows - [52.937207, -8.896104](#)

A chara,

I note the recent publication of the Draft Map for the Residential Land Zoned Tax Map on the Clare Co. Council website, and the inclusion of some of my lands on same. This submission refers to my lands at Crusheen, Ennis, Co. Clare as seen highlighted on the enclosed documentation with this letter and email attachments accompanying this letter and at the co-ordinates seen above. I believe that a “one shoe fits all approach” to placing zoned lands within village centres on the RZLT map, does not work and I will demonstrate below why my lands should be exempt from the current draft RZLT plan/map.

I wish to request that my lands at Crusheen village be excluded from the proposed RZLT (Residential Zoned Land Tax) Map and avoid the associated RZLT for the following reasons:

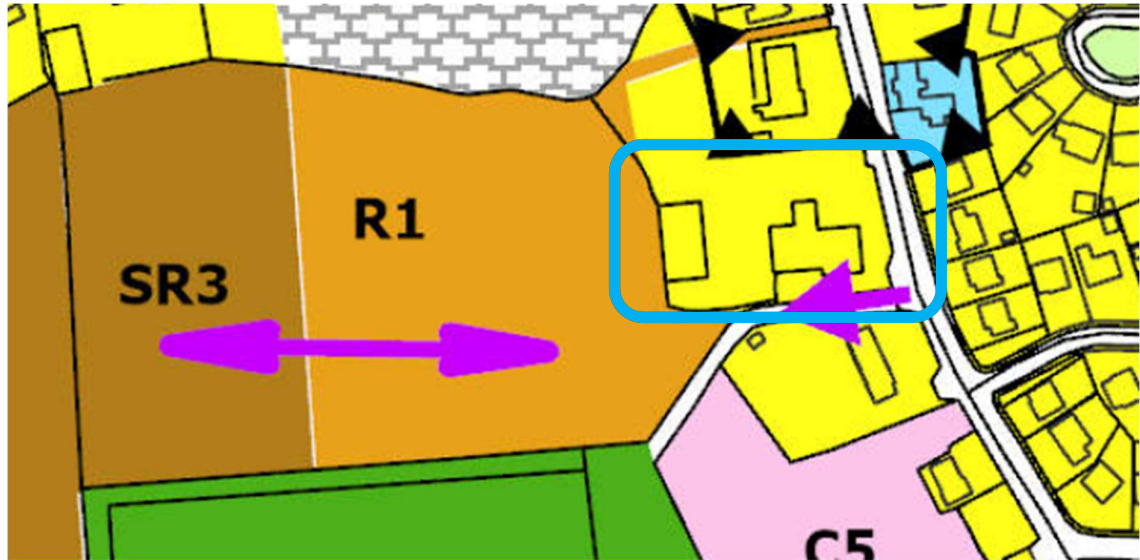
Objective of the RZLT

According to the Clare Co. Council’s own website, The Government’s Housing For All A New Housing Plan for Ireland proposed a new tax to “activate vacant land for residential purposes as a part of the Pathway to Increasing New Housing Supply”. The key word here to me is “vacant” , there is nothing vacant here about these lands. The part closest to the road is my farmyard, the very centre of my farm as can be seen in the attached appendices. I have provided photographic evidence taken this week demonstrating the current use of this area and this confirms, this is not vacant land. In this place new animals are born, feed storage, animals are fed and wintered for the winter months, and many other farm related activities take place.

The Clare Co. Council website also states that the “objective of the tax is to activate land that is serviced and zoned for residential use or mixed use, including residential use, in order to increase housing supply and to ensure regeneration of vacant and idle lands in urban locations”. I will outline below under various headings why I feel the inclusion of my lands is not in line with the objectives of this RZLT.

Zoning -

It appears that the RZLT maps have been based on residential zonings as they appear in the Co. Clare Development Plan 2023 – 2029 , which certainly should not apply in this case to the area of my farmyard (excerpt seen below) as being “existing residential”. This area (circled in blue below) can also be seen in the information provided within the appendices within this document and is certainly not existing residential, nor vacant , nor suitable currently for residential development, and therefore should not be on the RZLT Map. The attached photographic evidence supports this statement. A fully functional farmyard has no place on the RZLT Map.



Serviced Land –

In the Guidance Document on the Residential Zoned Land Tax (Part 22A-01-01) created in July 2022, in the overview, it states that *‘the tax applies to land that, on or after 1 January 2022, is zoned as being suitable for residential development and is serviced’*.

The **R1** lands in question at Crusheen are not serviced currently and cannot be serviced without requiring major infrastructural work to connect to existing services. My farmyard, machinery shed, winter housing for livestock, various feed storage areas and slurry/ effluent storage on the site provide a considerable obstacle to any services being provided for these lands through my own lands. (Further details of the above yard can be seen in the Appendices attached to this document) None of the adjacent lands are suitably serviced for these lands to avail of extending such services for development purposes, here I am referring to the GAA field on the south, SR3 to the North and the Mixed Use Zoned site to the North, with my aforementioned farmyard on the roadside/ east side of the “R1” lands also.

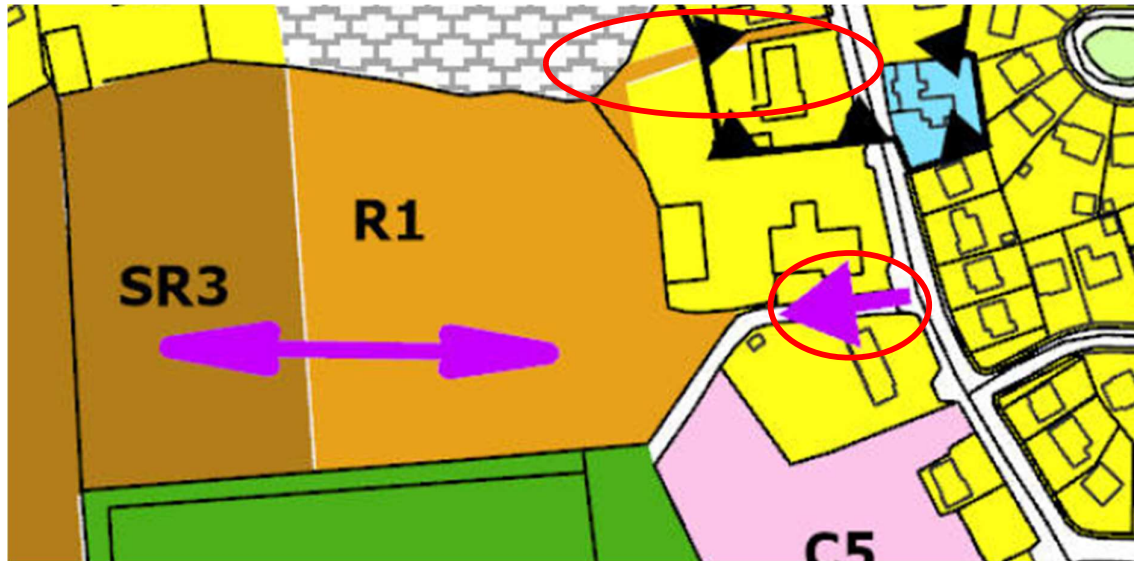
There is currently no ease of access to any of the following services /infrastructure which are all fundamentally required for residential development as follows, with considerable levels of work and a road crossing being required to connect to live services, along with a potential need to go through additional landowners property, if the accesses are to be as shown on the development plan seen below :

- Road access
- Footpath access
- Foul Sewerage Access
- Water Supply
- Surface Water Drainage
- Public Lighting

Suitability for Residential Development –

In the current Draft Clare County Development Plan 2023 – 2029 for the Killaloe Municipal District, this land is to be zoned as R1 *“land suitable for residential development.”* However, the likelihood of these lands being developed while being landlocked as such by an existing farmyard seems highly unlikely to me. I don’t think many developers will be interested in considering a residential development adjacent to live animal yards and sheds as is the case on these “R1” lands. The current Draft Clare County Development Plan 2023 – 2029 for the Killaloe Municipal District has shown an

"R1" Zoning on lands to the rear of my farmyard. I also question the suitability again here due to the proposed accessibility of these lands as seen again below. Neither of the access routes shown here form part of these lands, in my mind this is not practical for any developer to consider engaging three landowners for access to this "suitable residential land", especially when one of them is the GAA Club and the access road in question is the only one to their own grounds. I don't see any suitability for Residential Development here.



Current Land Use -

I am currently and have been actively farming these lands all of my working life and my only farmyard, machinery shed, winter housing for livestock, various feed storage areas and slurry/effluent storage all form part of this same land holding. As the aforementioned yard is the only one I have, this is the most crucial area of my farm and one which my entire farming business relies hugely on. These lands are integral to my farming business, which is carried out on these lands, which in my opinion warrants an exemption for this land from the scope of this RZLT tax.

I have enclosed supplementary information demonstrating the current use of the land and its importance to the functioning of my farm business. It can be seen in the images attached the purposes of the various areas of the farmyard, and I have also shown the significance of the location/proximity of the yard and land to my silage meadows, and my own house and machinery shed. I cannot just develop the farmyard and the adjacent piece of land zoned R1, underneath the slatted house is underground slurry storage, from the silage pit, there is an effluent storage tank also. This infrastructure is virtually impossible for me to replace as I don't have a suitable alternative location for a new farmyard nor can I have one as conveniently located as this, within suitable distance from meadows and my own house for efficient farming practices to be carried out. I also hope that the tradition of farming here as carried on by previous generations will live on with me and future generations of my family also. This farm also has always been of great interest to the community and the school alike, with regular visits from local children and neighbouring families being common place when circumstances allow.

I run a beef farm business, one which I rely upon for my income and the outputs from this farm contribute directly to the food industry, thus benefitting the wider community. If this was a vacant land tax, I would somewhat understand a move to implement such a tax to encourage development of suitable sites, but as stated earlier I don't think a "one shoe fits all" approach here is reasonable in this case. My lands are fundamental in the operation of my farm and due to the exceptional nature of the activities carried out here, I would hope that a reasonable approach can be taken here and an exemption granted in this instance.

Location –

The nature of these "R1" lands as per the zoning maps seen in the current Draft Clare County Development Plan 2023 – 2029 for the Killaloe Municipal District, is essentially a landlocked area with no direct access to road. The indicative access shown to the lands by arrows on the aforementioned development plan maps are via third party lands, namely the local GAA club entry road and a strip of "R1" zoned land between two private houses seen in the existing residential area, neither of which are currently suitable for access purpose due to the width and nature of the roads.

The areas adjacent to these "R1" lands are made up of a third party owned "SR3" zoned area to the West, an area zoned "MU2" owned by a different landowner to the Northern boundary, an area zoned "Existing Residential" to the East and lastly the existing GAA grounds are to the Southern boundary which is zoned Recreation and Community respectively. The nature of the boundaries clearly hinder accessibility from all sides, therefore eliminating the developable nature of this site and justify even further the removal of this site from the RZLT map.

Housing Demand -

The demand for housing is currently being met by recently developments in Crusheen and permission has been granted for another which has not yet commenced. The Cluain Fia housing development has been recently completed and consists of 42 homes which are now all occupied. There is currently planning permission for a further 71 homes on the adjacent site, where 29 of these homes are currently under construction. Planning permission for 20 more homes was also granted in 2019 by Clare County Council in the area on the East of the village zoned "R2". One must wonder if planning permission was sought on my lands if it would be granted due to the permissions previously granted, and also of course if the capacity of local services can accommodate further development in this village. My question is here, if I wanted to sell this land for development in order to avoid this RZLT, would it even be worth market value due to the other developments under construction and under planning permission in this village.

I personally am not in a position financially, nor am I experienced in residential development and I feel that this RZLT puts me in a pressurized situation to consider selling my land and in a position where I might be somewhat exploited so as to avoid the RZLT.

I have attached to the accompanying email further supplementary information to support this submission as outlined in the submission guidelines on the Clare Co. Council website for RZLT landowner submissions and I trust that all is in order with same, namely:

- Excerpt from Draft Clare County Development Plan 2023 – 2029 for the Killaloe Municipal District
- A copy of the current draft RZLT map for Crusheen showing my lands
- OS Map showing relevant lands highlighted in green
- Name and Address – [REDACTED]

Proof of ownership of my lands can be provided if required by Clare Co. Council and can be furnished upon receipt of formal request of same from Clare Co. Council.

I have given my nephew, [REDACTED] also of Crusheen, Co. Clare also, my permission to forward my submission to Clare Co. Council on my behalf on this matter and he has my permission also to correspond with Clare Co. Council on my behalf if required. He / I are willing to meet with Clare Co Council to discuss this further if given the opportunity to make a case for this exclusion.

I look forward to receiving confirmation of the exclusion of my lands from the RZLT maps.

Mise le meas,

[REDACTED]

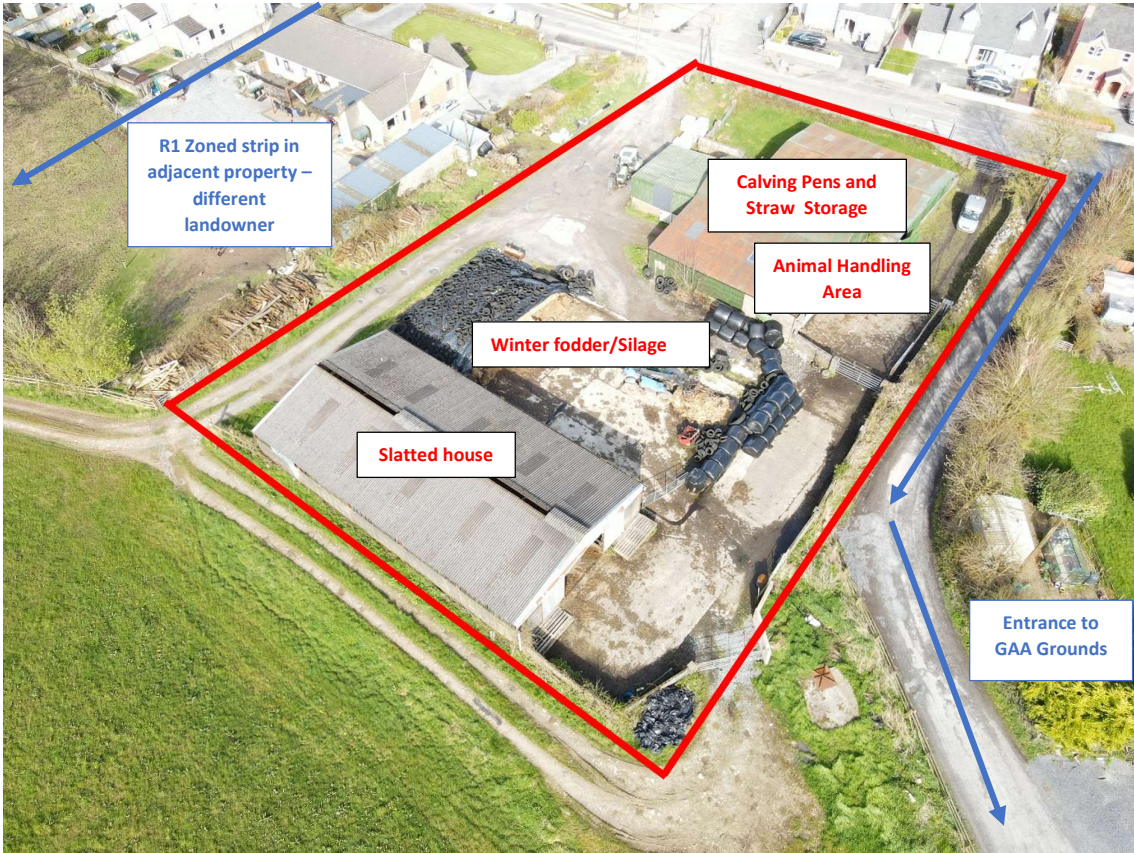
Appendices



Aerial Image of the farmyard taken in March 2024. Descriptions of various farmyard activities currently undertaken included



Aerial Image of the lands taken in March 2024. Various areas are outlined for clarity including proximity of yard and land to my house/ silage meadows and machinery shed/storage etc.



Aerial Image of the lands taken in March 2024. Various areas are outlined for clarity



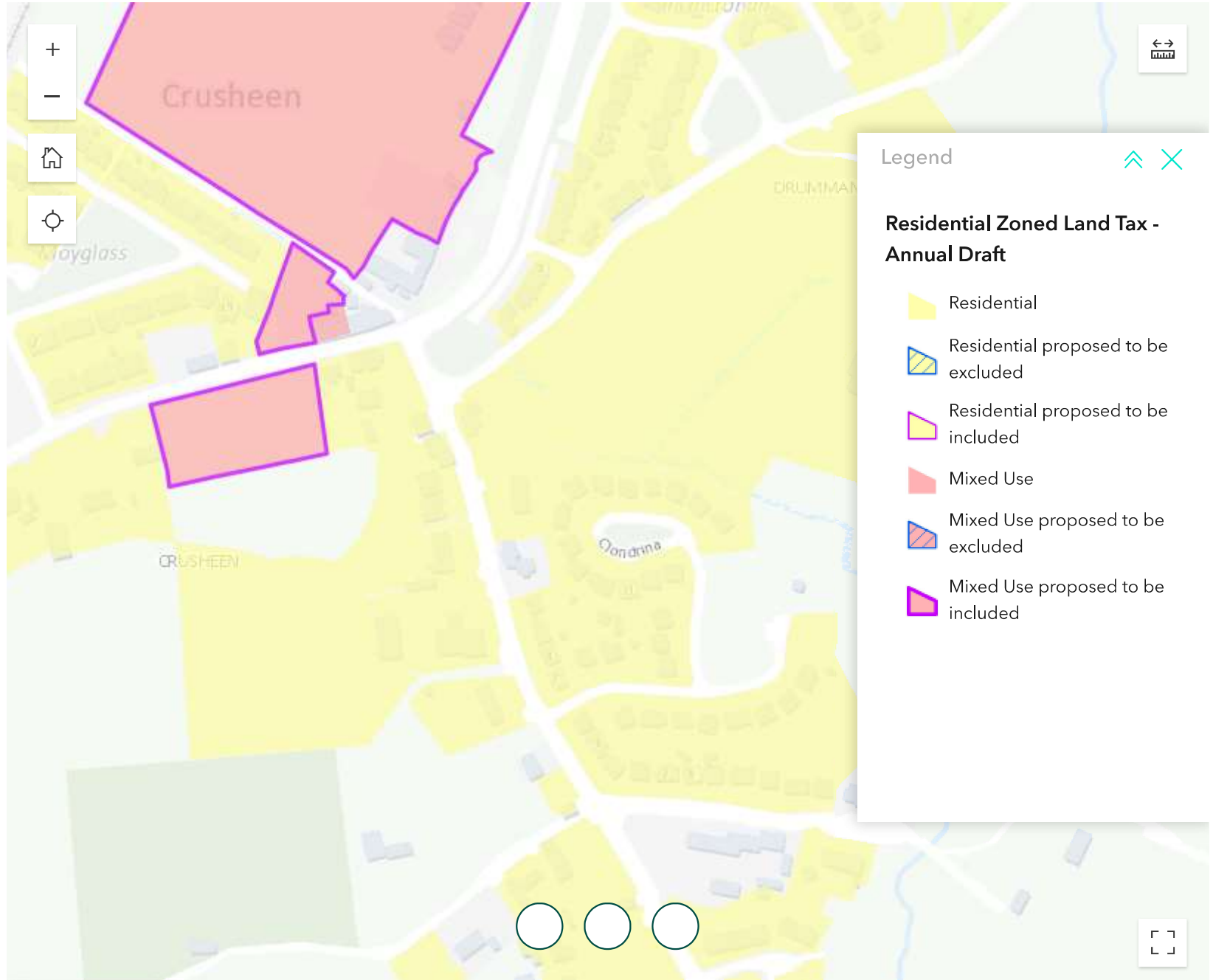
Residential Zoned Land Tax - Annual Draft

Department of Housing, Local

Irish address Locator (view)



- CARLOW COUNTY
- CAVAN COUNTY
- CLARE COUNTY**
- CORK CITY COUNCIL
- CORK COUNTY
- DONEGAL COUNTY
- DUBLIN CITY COUNCIL
- DUN LAOGHAIRE-
- FINGAL COUNTY
- GALWAY CITY COUNCIL
- GALWAY COUNTY
- KERRY COUNTY
- KILDARE COUNTY
- KILKENNY COUNTY
- LAOIS COUNTY
- LEITRIM COUNTY
- LIMERICK CITY AND
- LONGFORD COUNTY
- LOUTH COUNTY
- MAYO COUNTY
- MEATH COUNTY
- MONAGHAN COUNTY



Legend

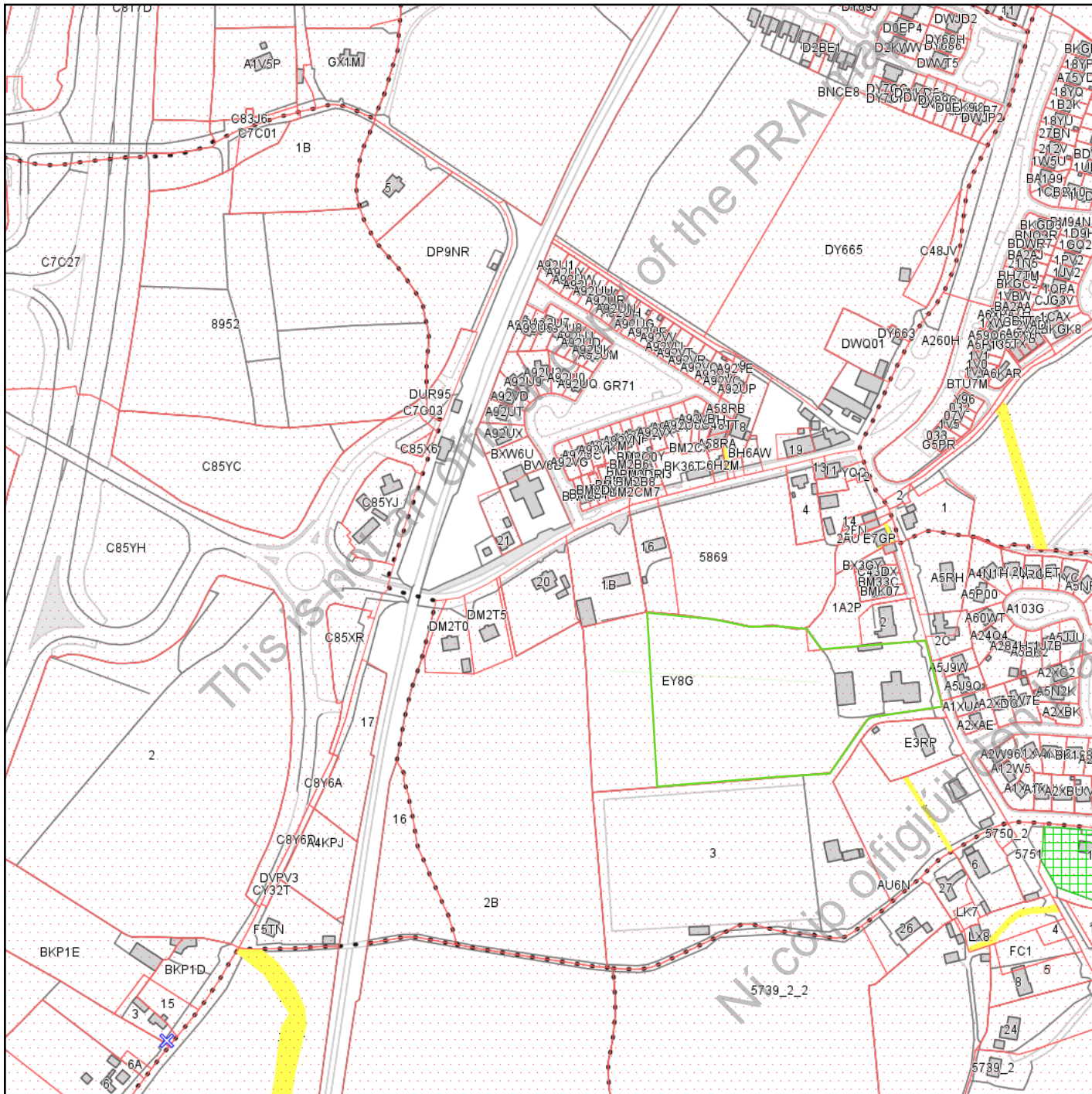
Residential Zoned Land Tax - Annual Draft

- Residential
- Residential proposed to be excluded
- Residential proposed to be included
- Mixed Use
- Mixed Use proposed to be excluded
- Mixed Use proposed to be included



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The Property Registration Authority An tÚdarás Clárúcháin Maoine








Official Property Registration Map

This map should be read in conjunction with the folio.








Registry maps are based on OSi topographic mapping. Where registry maps are printed at a scale that is larger than the OSi published scale accuracy is limited to that of the original OSi Map Scale.

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-  (centre-line of parcel(s) edged)
-  Freehold
-  Leasehold
-  SubLeasehold
-  'S' Register

(see Section 8(b)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

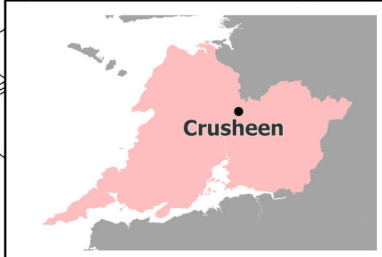
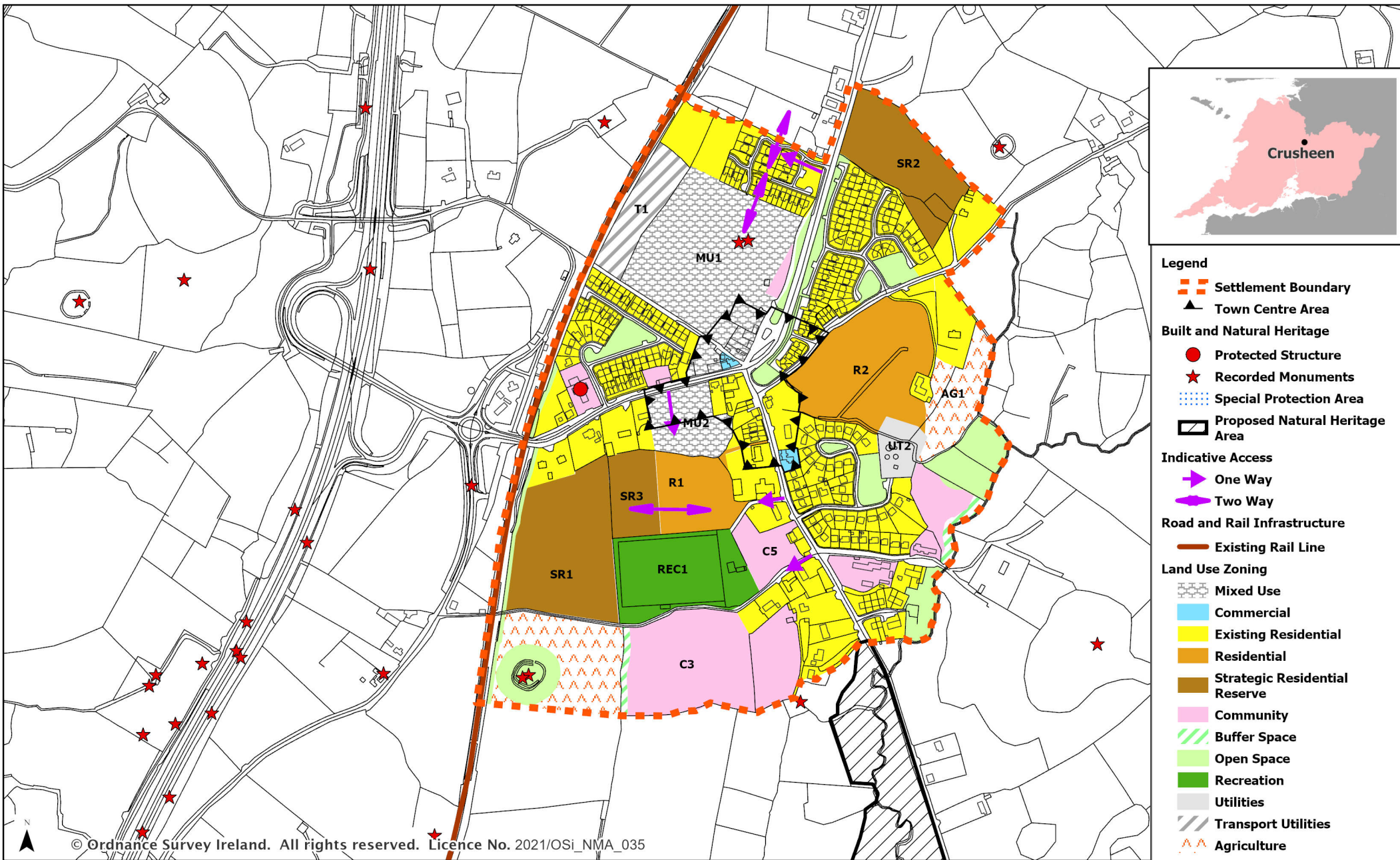
- Burdens** (may not all be represented on map)
-  Right of Way / Wayleave
 -  Turbary
 -  Pipeline
 -  Well
 -  Pump
 -  Septic Tank
 -  Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.





- Legend**
- Settlement Boundary
 - Town Centre Area
 - Built and Natural Heritage**
 - Protected Structure
 - Recorded Monuments
 - Special Protection Area
 - Proposed Natural Heritage Area
 - Indicative Access**
 - One Way
 - Two Way
 - Road and Rail Infrastructure**
 - Existing Rail Line
 - Land Use Zoning**
 - Mixed Use
 - Commercial
 - Existing Residential
 - Residential
 - Strategic Residential Reserve
 - Community
 - Buffer Space
 - Open Space
 - Recreation
 - Utilities
 - Transport Utilities
 - Agriculture

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Draft Clare County Development Plan 2023 - 2029

Crusheen



Date: December 2021 Scale: 1:7500