



An
Bord
Pleanála

Inspector's Report ABP-316401-23

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	Oranmore, Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	GLW-C33-50
Appellant(s)	Angela Kelly
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site, forming part of a larger holding, consists of a site of 0.599 hectares of land, located to the south east of the Maree Road to the south of Oranmore, Co. Galway. The landholding contains a number of fields, some of which are under grass. A large house with outhouses to the rear is also located towards the centre of the landholding and facing onto the Maree Road. The subject site consists of an almost rectangular field located to the north of this house, and which is under grass.
- 1.2. The surrounding area consists of residential estates to the west, north and east/south east of this landholding with the lands to the south in agricultural use.

2.0 Zoning and Other Provisions

- 2.1. Oranmore is listed as a Metropolitan Settlement in the Galway County Development Plan 2022 – 2028. The site is zoned R – Residential (Phase 2) and which allows for residential development, in the Galway County Development Plan 2022 – 2028.
- 2.2. The following is relevant to these Metropolitan Phase 2 lands:

'GCMA 1 Residential Development

Support the development of lands designated as Residential (Phase 1) within the lifetime of the County Development Plan, subject to normal planning, access and servicing requirements, and reserve the lands designated as Residential (Phase 2) for the longer-term growth needs of the area. Residential (Phase 2) lands are generally not developable within the lifetime of this Plan, with the exception of the following developments, which may be considered by the Planning Authority within the lifetime of this County Development Plan subject to a suitable case being made for the proposal:

1. Single house developments for family members on family owned lands.
2. Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of development in the area.
3. Where it is apparent that Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development may be considered in a phased manner on some Residential (Phase 2) lands.

The above exceptions will be subject to compliance with the Core Strategy in the County Development Plan, the Policy Objectives in this Metropolitan Plan, the principles of proper planning and sustainable development and to meeting normal planning, access and servicing requirements. Developments will only be permitted where a substantiated case has been made to the satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer-term growth needs of this metropolitan area.

- 2.3. A section of the site to the east is zoned OS – Open Space/ Recreation & Amenity and this section is also a ‘Constrained Lane Use’. This part of the site is located within Flood Zone A lands.
- 2.4. The house to the south of the subject lands, within the ownership of the applicant is listed on the Record of Protected Structures – RPS 920.

3.0 Planning History

- 3.1. There are no recent relevant valid applications on these lands.

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority querying if their lands should be included on the RZLT maps.

5.0 Determination by the Local Authority

- 5.1. The Galway County Development Plan 2022 – 2028 came into effect on the 20th of June 2022, and include the settlement of Oranmore.
- 5.2. The subject lands are considered to be adequately serviced in terms of roads, footpaths, drainage, and water supply. The Planning Authority referred to the

Residential Zoned Land Tax – Guidelines for Planning Authorities, June 2022 and the lands satisfy the criteria for inclusion on the maps.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The lands are located on Phase 2 lands and cannot be developed.
- The eastern part of the site is within Flood Zone A and development could not take place in advance of the preparation of a Flood Risk Assessment.
- Any development would have to consider the impact on the protected structure to the south of the site.
- Potential for archaeology on these lands.
- Query over the availability of water supply and foul drainage.
- Potential for impact on Oranmore SAC and SPA in advance of the upgrading of the Oranmore pumping station.
- Potential impact from surface water on the lands designated as Flood Zone A.
- Need for upgrade works to footpaths in the area.

6.2. Planning Authority Response

- No further comment.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted. The zoning allows for residential development and there are no known restrictions on the availability of provision of services to this site. The Planning Authority have made clear that there are no restrictions on the development of these lands. Issues in relation to flooding, archaeology, impact on European designated sites (Oranmore SAC and SPA) and impact on protected structures are standard considerations for planning applications and should not impact on the ability to develop a site.

7.2. I note the comments regarding the development of phase 2 residential lands. The Galway County Development Plan allows for the development of these lands if Phase 1 lands are not proposed for development/ are not developed over the lifetime of a plan.

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. The appellant requested that their site be removed from the map due to the fact that these lands were not adequately serviced, potential for impacts from flooding, archaeology, protected structures impact, effect on Oranmore SAC and SPA and also that the lands were zoned for Residential – Phase 2 in the Galway County Development Plan 2022 – 2028, which normally does not see the development of these lands over the lifetime of the plan.

9.2. The site is within an area with available services and no capacity or other reasons have been provided as to why the lands cannot be developed. The lands were zoned for residential development at the time of determination by the Planning Authority, dated March 2023.

9.3. The Galway County Development Plan under ‘GCMA 1 Residential Development’ allows for the development of Phase 2 lands ‘Where it is apparent that Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development may be considered in a phased manner on some Residential (Phase 2) lands’.

I confirm that the report represents my professional 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.

Paul O'Brien
Planning Inspector

3rd August 2023