



An  
Bord  
Pleanála

## Inspector's Report ABP-316443-23

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<b>Type of Appeal</b>	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
<b>Location</b>	Weir Road, Tuam, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	GLW-C33-37
<b>Appellant(s)</b>	Jarlath & Patrica Burke
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site consists of a rectangular shaped site of 0.146 hectares of land, located to the south west of the Weir Road, to the west of Tuam, Co. Galway. The site is in agricultural use and is under grass. A 110kV powerline crosses the site on a south west to north east axis. 35kV powerlines cross along the front of the site.
- 1.2. The lands to the rear/ west are in agricultural use with a mix of houses/ social/ religious uses on the lands adjacent to the site along the Weir Road.

## 2.0 Zoning and Other Provisions

- 2.1. The site is located within the Settlement Boundary of Tuam, and the subject lands are zoned R – Residential (Phase 2) in the Tuam Local Area Plan 2018 – 2022.
- 2.2. The plan states ‘Phase 2 is generally not developable during the lifetime of this Plan, subject to the provisions and exceptions set out under Section 3.2.1’.
- 2.3. Under the ‘Residential Development Objectives’ it is stated:

‘Objective RD1 – Phased Residential Development (Refer to Map 1& 2 - Land Use Zoning) Support the development of lands designated as Residential (Phase 1) within the lifetime of the 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 town. Residential (Phase 2) lands are generally not developable for housing within the lifetime of this Plan, with the exception of the following developments, which may be considered by the Planning Authority, subject to a suitable evidence based case being made for the proposal:

- Single house developments for local family members on family owned land
- Non-residential developments that are appropriate to the site context, residential amenities, the existing pattern of development in the area and the policies and objectives in the Plan.

Where it is apparent that Residential (Phase 1) lands cannot or will not be developed for residential purposes within the plan period, residential development may be considered in limited cases in a phased manner on suitable Residential (Phase 2) lands, in exceptional circumstances:

- Development on Residential (Phase 2) lands will normally only be considered where 50% of the lands in Residential (Phase 1) are committed to development.

Residential developments on Residential (Phase 2) lands will be subject to compliance with the Core Strategy in the Galway County Development Plan, the principles of proper planning and sustainable development, connectivity, sequential approach, avoidance of leap-frog developments, and subject to meeting normal planning, environmental, access and servicing requirements. Developments will only be permitted where a substantiated evidence based 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 Tuam’.

### **3.0 Planning History**

- 3.1. None.

### **4.0 Submission to the Local Authority**

- 4.1. The appellant made a submission to the Local Authority seeking to have their lands removed from the draft map on the basis that the lands are used for gardening and occasional donkey/ pony grazing.

### **5.0 Determination by the Local Authority**

- 5.1. The Tuam Local Area Plan 2018 – 2024 came into effect on the 22<sup>nd</sup> of October 2018. The inclusion of lands on the RZLT maps does not distinguish between the different classifications of residential lands, therefore the lands should be retained on the maps.
- 5.2. The subject lands are considered to be adequately serviced in terms of roads, footpaths, drainage, and water supply. The Planning Authority considered that the lands meet the criteria for the payment of the tax.

Note: The Planning Authority report includes a site plan and photographs that do not relate to the subject site. The site area also appears to be incorrect.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The following points were made in support of the appeal:

- The site is not serviced by public foul drainage and there are no plans to extend the public system along this section of the Weir Road.
- The site area is only 0.36 acres and the Galway County Council requirement for a septic tank to serve a house is for a minimum site area of 0.5 acres.
- An attempt was made to sell this land for the development of a house, however due to the lack of services and due to the site area, the sale of these lands fell through.

### **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.

7.2. I note that the Planning Authority have provided an assessment that appears to be for a different area of land, however I agree with the Planning Authority that the phasing of residential lands is not a consideration under this process.

7.3. The site area is not a consideration under this process residential development may be provided on these lands.

## **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 are not proposed for development, were deemed to be unsuitable in the past due to the size of the site area and that they are in use for residential amenity/ agricultural uses.
- 9.2. The site is within an area with available services and no capacity or other reasons have has been provided as to why the lands cannot be developed. The lands are zone for residential development, and there is no reason why they should be removed from the RZLT maps.

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.

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Paul O'Brien  
Planning Inspector

31<sup>st</sup> July 2023