



An
Bord
Pleanála

Inspector's Report ABP-316536-23

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	Keeraun, Ragoon, Galway City
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	GLWX-C6-RZLT-8
Appellant(s)	Ann Codyre
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject sites refer to two separate and irregular shaped sites to the north west of Galway City. The larger area of land is located to the south of the Ragoon Road and to the west of the Clybaun Road. The lands consist of a number of fields and are under grass.
- 1.2. The second site, the smaller of the two, is a landlocked site, but which is accessed over a right of way to the Clybaun Road. The southern boundary adjoins the Ard na Gaoithe residential development.
- 1.3. Other than the Ard na Gaoithe residential development, the surrounding lands are under grass and are in limited agricultural use. A house and farmyard buildings is located to the west of the larger of the two sites.

2.0 Zoning and Other Provisions

- 2.1. The subject site is located within the Galway City Boundary and the lands are zoned R - Residential in the Galway City Development Plan 2023 – 2029.
- 2.2. The N6 Galway City Ring Road adjoins the larger site to the west/ north west.

3.0 Planning History

- 3.1. There are no recent, relevant, valid applications on this site.

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority requesting removal from the map. The tax is considered to be very high, and it would be unacceptable if they were included on the RZLT maps.
- 4.2. The development of these lands is affected by uncertainty over the N6 Galway Outer Ring Road. Concern over legal issues and potential compulsory purchase order of these lands.
- 4.3. The lands are in use as an active farm, the imposition of this tax would force the landowner to sell these lands.

4.4. There is a lack of available services in the area to enable the development of these lands.

5.0 **Determination by the Local Authority**

5.1. Galway City Council have reported that the lands should remain on the RZLT maps. Uisce Éireann have confirmed that the site can be served by a watermain, which is 3 m from the larger site on Ragoon Road and 6 m away on Clybaun Road from the smaller of the two sites. Foul drainage is also 3 m away from the larger site on the Ragoon Road and 40 m away on the Clybaun Road, an alternative foul sewer may be available approximately 15 m away on Clybaun Road.

5.2. It is considered that the sites will not be affected by the development of the Galway City Ring Road as a corridor has been defined for this. The subject lands are considered to be adequately serviced in terms of roads, footpaths, drainage, and water supply. A right of way that serves the smaller of the two sites has been identified.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The following points were made in support of the appeal:

- There is an imposition on the development of these lands through the proposed development of the nearby N6 Galway City Ring Road. Potential issues over CPOs and development in the area has been restricted by this proposed road.
- Issue over the development of the lands through the need for services including suitable road access and infrastructure.
- The smaller plot of land is land-locked and there is no independent road access to this area of land. The development of this land would therefore be reliant on third party cooperation.

6.2. **Planning Authority Response**

- No further comment.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted, and the subject site is suitably zoned for residential development in accordance with the Act.
- 7.2. The Planning Authority and Uisce Éireann have reported that both areas of land can be serviced with water supply and foul drainage. The Planning Authority have reported that there is a right of way providing access to the smaller area of land and the larger area is provided with good road frontage.
- 7.3. The development of the N6 Galway City Ring Road will impact on the character of the area, however as reported by the Planning Authority, the route corridor has been identified for this area and the development of the subject lands would not be impacted by this road.

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 the development of this site would be impacted by the proposed N6 Galway City Ring Road and the lack of services to enable the development of these lands.
- 9.2. The site is zoned for residential use and is located within an area with available services and where it has been identified that services can be provided to serve this development site. A right of way has been identified that allows for access to the smaller area of land, the larger area of land is afforded good site frontage allowing for suitable access. A suitable route has been identified for the N6 Galway City Ring Road and it has been considered that the development of this road would not impede the potential development of these lands for residential uses.

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.

Paul O'Brien
Planning Inspector

10th August 2023