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Bord  
Pleanála

## Inspector's Report ABP-316540-23

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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>	Rosshill Road, Galway City
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	GLWX-C6-RZLT-10
<b>Appellant(s)</b>	Alber Developments Ltd.
<b>Inspector</b>	Paul O'Brien

## **1.0 Site Location and Description**

- 1.1. The subject site refers to an area of land located to the south of the Galway to Dublin railway line and is located in Roscam to the east of Galway City. The site consists of a number of fields and are under grass. Information on file indicates that these lands were previously in use as a pitch and putt course. Rosshill Road is located to the east and north east of the subject site, and which eventually provides a connection with the Old Dublin Road to the north.
- 1.2. A number of residential units are included on these lands to the south east and west/ south west of the site. Adjoining lands are either in residential use or are under grass/ forest with an agricultural use associated with them. Galway Bay is approximately 500 m to the south west of these lands.

## **2.0 Zoning and Other Provisions**

- 2.1. The subject site is located within the Galway City Boundary and the lands are zoned LDR – Low Density Residential in the Galway City Development Plan 2023 – 2029.
- 2.2. An ‘Indicative Greenway Cycle Network’ is located to the west of the subject lands.

## **3.0 Planning History**

- 3.1. ABP Ref. ABP-310797-21 refers to an October 2021 decision to grant permission for a SHD development of 102 units. This decision is currently subject to Judicial Review.

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

- 4.1. The appellant made a submission to the Local Authority requesting removal from the map. There is a judicial review that is preventing the development of these lands.
- 4.2. Secondly there are insufficient services available to enable the development of these lands. References the lack of footpaths, roads, public lighting, drainage and water supply to serve the site. The provision of serviced may require the crossing of third party lands and may require the crossing of the railway line.

## 5.0 Determination by the Local Authority

- 5.1. Galway City Council have reported that the judicial review does not prevent the inclusion of these lands on the RZLT maps, reference is made to 653AF of the Act.
- 5.2. The subject lands are considered to be adequately serviced in terms of roads, footpaths, drainage, and water supply. A report has been received from Uisce Éireann and indicates that services are available to service this site. A water main is available within 15 m on the Rosshill Road. The nearest foul drainage collection network is over 1035 m away in the Réileán residential development. Connection to this system may require an upgrade to the public sewers and the crossing of the railway line.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The following points were made in support of the appeal:

- A grant of permission for a residential development under the SHD process is currently subject to the Judicial Review process.
- The site is not serviced. Requirements for the upgrading of services and crossing of third party lands.

### 6.2. Planning Authority Response

- No further comment other than to refer to the fact that the SHD application on site was withdrawn before a decision could be made.

## 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. A permitted development on these lands is subject to Judicial Review, and the appellant has considered this is a reason for exemption from inclusion on the RZLT

maps. That legal case is specific to that planning application and does not prevent the development of this site under a different application.

- 7.3. The second reason is that the site is not serviced. Whilst I note the reasons provided and the report from Uisce Éireann with particular reference to the lack of foul drainage in the area, the permitted development under SHD ABP 310797-21 did not raise any issues in relation to the connection of the development to the public foul drainage system, subject to standard conditions. The permitted development, albeit subject to Judicial Review, indicates that the site can be serviced and connected to the relevant public systems.

## **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 a permitted development was subject to Judicial Review and cannot be developed at present pending a judgement on this case, and secondly the site is not adequately serviced.
- 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 grant of permission that is subject to Judicial Review is not a reason for the exclusion of these lands from the RZLT maps. The lands were zoned for residential development at the time of determination by the Planning Authority, dated March 2023.

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

10<sup>th</sup> August 2023