



An
Bord
Pleanála

Inspector's Report ABP-316638-23

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

Briarhill, Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

GLW-C33-16

Appellant(s)

O'Donnchadha Family

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site consists of an irregular shaped site of 4.61 hectares of land, located to the north west of the R339 in Briarhill, approximately 5.2 km to the north east of Galway City Centre. The site contains a number of fields that are in agricultural use and under grass.
- 1.2. The surrounding area primarily consists of similar agricultural land to that of the subject site. There are a number of detached houses along the R339, and Briarhill National School is located to the south west of the subject site. The public road includes footpaths and public lighting.

2.0 Zoning and Other Provisions

- 2.1. The site is zoned R1 – Residential Phase 1 and which allows for residential development, in the Galway County Development Plan 2022 – 2028.
- 2.2. The subject site is also located within the lands designated as part of the Briarhill Urban Framework Plan.

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 seeking to have their lands removed from the draft map on the basis that there is no Area Based Transport Assessment in place for the needs of the area and that public infrastructure may not be in place to serve the site, thereby allowing for the proper development of these lands.
- 4.2. Query over the date of inclusion on the map. The lands were not zoned on the 1st of January 2022, when the lands were included on the 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 the issue of date of inclusion on the maps is noted. The final maps to be published in December 2023, will not change the liability of the land to be taxed but the date of payment may change.
- 5.2. The subject lands are considered to be adequately serviced in terms of roads, footpaths, drainage, and water supply. The Planning Authority sought advice from the Department of Housing, Local Government and Heritage and were advised that 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:

- Accept that the lands are suitably zoned for residential development and welcome the zoning that is applied here.
- There is a requirement for an Area-Based Transport Assessment (ABTA), a need for infrastructure to service these lands, and also the location for a junction needs to be identified for connection with the Parkmore Road to the west of the subject lands.
- The lands were not zoned for development in January 2022, and the lands should not be included on the RZLT maps.

Supporting documents, plans and photographs have been provided.

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.

- 7.2. I note the comments regarding the issue of date of inclusion of the lands on the RZLT maps. The lands were zoned at the time of the determination by Galway County Council and when the final maps are prepared, the lands will be suitably zoned in allowing for residential development.

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, a transport needs assessment was required, and issues were raised in relation to the date of inclusion on the RZLT maps.
- 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 were zoned for residential development at the time of determination by the Planning Authority, dated March 2023.
- 9.3. The lands are accessible and there is no reason why they cannot be developed in accordance with the zoning objective – R1 that applies to this site.

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

3rd August 2023