



An
Bord
Pleanála

Inspector's Report ABP-316689-23

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	St Brendan's Road, Portumna, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	GLW-C33-22
Appellant(s)	Pat & Marian Tracey
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site consists of a site of 0.4172 hectares of land, located to the west of St Brendan's Road, to the northern side of Portumna, Co. Galway. The main section of the site, which is almost rectangular shaped, is located to the behind the existing building line with a narrow section of land providing a link between these lands and the public road. The land is undeveloped and is under grass.
- 1.2. The adjacent lands to the north and south contain detached houses on individual sites, with the lands to the rear/ west in agricultural use.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Settlement Boundary of Portumna and which is categorised as a Small Growth Town in the Galway County Development Plan 2022 – 2028.
- 2.2. The front part of the site is zoned R – Residential Infill and the rest of the site is zoned R – Residential Phase 2. Both zonings allow for residential development, in the Galway County Development Plan 2022 – 2028.

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 the lands cannot be developed during the life of the Development Plan.
- 4.2. Request, that if the land is to be retained on the RZLT maps, that it be rezoned to be Phase 1 lands.

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. 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.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The lands are zoned for Phase 2 development and cannot be developed during the lifetime of the Development Plan, these 6 years may be extended to 10 years under the new Planning Act.
- Note that the Revenue do not make provision for phased lands, though some judgement should be made regarding the development of land/ availability of zoned lands.
- Request that the land be zoned for Phase 1 development, though note that this is outside the scope of this process.

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 agree with the Planning Authority that the phasing of residential lands is not a consideration under this process and the appellant has also referenced the same in their appeal.

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 Phase 2 residential lands, that are not expected to be developed over the life of the Development 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 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 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

6th July 2023