



An  
Bord  
Pleanála

## Inspector's Report ABP-316694-23

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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>	Main Street, Oughterard, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	GLW-C33-24
<b>Appellant(s)</b>	Patrick & Margaret Tierney
<b>Inspector</b>	Paul O'Brien

## **1.0 Site Location and Description**

- 1.1. The subject site consists of 0.74 hectares of land located on the northern side of the Clifden Road, Oughterard, Co. Galway. The site is a long, narrow plot of land that extends northwards and adjoins the Owenriff River.
- 1.2. The site is undeveloped, with the southern section under hardstanding and is in use as a yard/ parking area. The rest of the site is under grass. The site is located within the centre of Oughterard, and adjoining lands are in a mix of urban uses and also under grass forming the rear gardens/ lands of buildings along the Clifden Road and Camp Street to the east.

## **2.0 Zoning and Other Provisions**

- 2.1. Oughterard is listed as a Small Growth Town in the Galway County Development Plan 2022 – 2028. The subject site is zoned C1 – Town Centre, as are the adjoining lands similarly zoned. The Policy Objective for these lands is:

‘To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic/community uses and to provide for “Living over the Shop” scheme Residential accommodation, or other ancillary residential accommodation’.

- 2.2. Apartments are listed as permitted in principle with other residential open for consideration.

## **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 seeking to have their lands rezoned from Town Centre to Agricultural use. The land is in use for farming purposes.

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

- 5.1. The Galway County Development Plan 2022 – 2028 came into effect on the 20<sup>th</sup> of June 2022. The lands are suitably zoned for uses that include residential development.
- 5.2. The subject lands are considered to be adequately serviced in terms of roads, footpaths, drainage, and water supply. Access is possible from the Clifden Road.
- 5.3. The Planning Authority considered that the lands meet the criteria for the payment of the tax.

## **6.0 The Appeal**

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

The following points were made in support of the appeal:

- The site cannot be accessed through Cuan an Óir, access is only possible through the L85531.
- Services necessary to enable the development of this site including foul drainage, public footpath and public lighting are not available through this access road.
- Foul drainage is not available to serve this site.
- The appellant has tried to engage with Galway County Council about the development of this site, without any success to date.

A number of supporting documents have been included with the appeal.

### **6.2. Planning Authority Response**

- No further comment.

## **7.0 Assessment**

- 7.1. The comments raised in the appeal are noted. The town centre zoning allows for residential development and there are no known restrictions on the availability of the provision of services to this site.

7.2. The landowners are farmers and although they live in the town centre, they wish to continue farming these lands. I note that their submission to the Planning Authority included a request that the lands be rezoned to agricultural uses.

7.3. There are no known restrictions on the provision of services to enable the development of this site for residential uses.

## 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 in agricultural use and that they wish to continue to use these lands for such purposes.

9.2. The subject lands are appropriately zoned for residential development, are located within an established urban area and for which suitable services are available to enable appropriate residential development.

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.

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Paul O'Brien  
Planning Inspector

3<sup>rd</sup> August 2023