



An
Bord
Pleanála

Inspector's Report ABP-316699-23

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	Fairyhill, Bridge Road, Portumna, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	GLW-C33-29
Appellant(s)	Pat and Ann Marie Carr
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site consists of 4.45 hectares of land located to the north eastern side of Portumna, Co. Galway. The lands, under grass and in agricultural use, are located to the north west of Clonfert Avenue/ N65. A detached house with some sheds/ outhouses is located where the site meets the public road. The site also adjoins Cois Na hAbhann a small residential development located to the south east of the subject lands. A laneway is located along the south western boundary of the subject site.
- 1.2. The adjoining lands, other than those referenced, are in agricultural uses and are under grass, as is common with this part of Co. Galway.

2.0 Zoning and Other Provisions

- 2.1. Portumna is listed as a Small Growth Town in the Galway County Development Plan 2022 – 2028. Approximately half of the site is located within the defined Settlement Boundary and is zoned R – Residential (Phase 2), with a small portion towards the south west zoned Residential (Phase 1). The rest of the lands are unzoned.
- 2.2. Phase 2 lands include the following description:

‘To facilitate the provision of high quality new residential developments at appropriate densities with layout and design well linked to the town centre and community facilities. Phase 2 residential is generally not developable during the lifetime of this plan subject to the provisions below.

(*Single House developments for family members on family owned lands:

*Non-residential developments that are appropriate to the site context, any existing residential amenity and the existing pattern of development in the area;

*Where it is apparent that R-Residential (Phase 1) lands cannot or will not be developed within the plan period, residential development maybe considered in a phased manner on some residential (Phase 2 lands).’

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 removed from the maps as they are in agricultural use. Request that the lands be rezoned from residential to agricultural use.

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. Part of the subject lands are suitably zoned for uses that include Phase 1 and Phase 2 residential development.
- 5.2. The subject lands are considered to be adequately serviced in terms of roads, footpaths, drainage, and water supply.
- 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, referring to the Phase 2 lands only:

- Requests that the lands be removed from the RZLT maps as they are in agricultural use. As they are Phase 2 lands, they cannot be developed before 2028.

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 wording of these Residential Phase 2 zoned lands is such that development will not take place during the life of the current development plan up to 2028. However, the description provided on the zoning of these lands does acknowledge that some development may take place in advance of this, where Phase 1 lands are not developed/ come forward for development.
- 7.2. 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 as they are phase 2 lands, they will not be developed before 2028.
- 9.2. The Galway Development Plan 2022 – 2028 does allow for the development of these lands in advance of this timescale, where it can be established that other Phase 1 lands are not developed.
- 9.3. It has been established that suitable services are available to enable appropriate residential development on these lands.

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