



An  
Bord  
Pleanála

## Inspector's Report ABP-316708-23

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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>	Ballyvaughan Road, Kinvara, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	GLW-C33-47
<b>Appellant(s)</b>	Martin Corless
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site contains an area of 1.33 hectares of land located to the south of the N67/ Convent Road to the west of the centre of Kinvara, Co. Galway. The subject site consists of a number of fields, and which are under grass/ in agricultural use. The site does not adjoin the public road with a shed and a small yard/ field providing frontage along the Convent Road. A country laneway is located towards the south of the site, but this is not suitable for use by cars.
- 1.2. Adjoining lands are in agricultural use, with detached houses/ sites located along the Convent Road.

## 2.0 Zoning and Other Provisions

- 2.1. Kinvara is listed as a Small Growth Village in the Galway County Development Plan 2022 – 2028. The subject lands are zoned R- Residential (Phase 2) development in the development plan. The description of this zoning states:

‘To facilitate the provision of high quality new residential developments at appropriate densities with layout and design well linked to the village centre and community facilities. Phase 2 residential zoning 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).’

The last point indicates that housing may be permitted on lands zoned as Phase 2 over the lifetime of the development plan.

- 2.2. A Proposed Road is indicated on the lands to the western side of the site.

## 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 the lands removed from the map as they are Phase 2 lands and will not be allowed to be developed until the Phase 1 lands are used up. There is a lack of services such as footpath access and public lighting to serve this site.

## **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 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. 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**

Note the report of the Planning Authority, however they make the following points in support of removal of these lands from the maps:

- The lands are zoned for Phase 2 development and cannot be developed in advance of the use of the Phase 1 lands.
- Inadequate availability of services, such as footpaths and public lighting to enable the development of this site.

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

- No further comment.

## **7.0 Assessment**

- 7.1. The comments raised in the appeal are noted. The Phase 2 designation applied to the residential zoning, does allow for the development of housing if Phase 1 lands do not be developed/ come forward for development. Generally, this restriction would prevent the development of housing over the lifetime of a plan, but the Galway County Development Plan allows for development on a phased basis where it can be identified that phase 1 lands are not developed/ put forward for development.
- 7.2. Whilst there is no footpath along the front/ north of the site, this can be provided if the site is developed. Similarly, public lighting can be provided to enable the development of this site.
- 7.3. The appeal includes a 'Land Registry Compliant Map' and which indicates that the appellant owns the land between the subject site and the public road. This will allow for access to the site and the development of the subject site.

## **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 lands are zoned for residential development and although this is indicated as Phase 2 development lands, which does not normally allow for development on such lands over the course of the relevant development plan, the Galway County Development Plan 2022 – 2028 allows for the development of such lands where it can be identified that Phase 1 lands are not development/ coming forward for development.
- 9.2. The subject lands are on the western side of Kinvara and can be serviced with suitable access, footpaths, and public lighting.

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

1<sup>st</sup> August 2023