



An  
Bord  
Pleanála

## Inspector's Report ABP-316794-23

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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>	Weir Road, Killaloony, Tuam, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	GLW-C33-14
<b>Appellant(s)</b>	Michael O'Connor
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site consists of a site of 3.97 hectares of land, located to the south west of the Weir Road, to the west of Tuam, Co. Galway. The lands adjoin the Weir Road and the Killaloonty Road to the north. The site is in agricultural use and is under grass.
- 1.2. The adjacent lands to the north consist of a row of detached houses on their own individual sites. The lands to the south are in agricultural use with a detach house and a small training centre located to the south east corner.

## 2.0 Zoning and Other Provisions

- 2.1. The site is located within the Settlement Boundary of Tuam, and the subject lands are zoned R – Residential (Phase 2) in the Tuam Local Area Plan 2018 – 2022.
- 2.2. The plan states ‘Phase 2 is generally not developable during the lifetime of this Plan, subject to the provisions and exceptions set out under Section 3.2.1’.
- 2.3. Under the ‘Residential Development Objectives’ it is stated:

‘Objective RD1 – Phased Residential Development (Refer to Map 1& 2 - Land Use Zoning) Support the development of lands designated as Residential (Phase 1) within the lifetime of the Plan, subject to normal planning, access and servicing requirements, and reserve the lands designated as Residential (Phase 2) for the longer term growth needs of the town. Residential (Phase 2) lands are generally not developable for housing within the lifetime of this Plan, with the exception of the following developments, which may be considered by the Planning Authority, subject to a suitable evidence based case being made for the proposal:

- Single house developments for local family members on family owned land
- Non-residential developments that are appropriate to the site context, residential amenities, the existing pattern of development in the area and the policies and objectives in the Plan.

Where it is apparent that Residential (Phase 1) lands cannot or will not be developed for residential purposes within the plan period, residential development may be

considered in limited cases in a phased manner on suitable Residential (Phase 2) lands, in exceptional circumstances:

- Development on Residential (Phase 2) lands will normally only be considered where 50% of the lands in Residential (Phase 1) are committed to development.

Residential developments on Residential (Phase 2) lands will be subject to compliance with the Core Strategy in the Galway County Development Plan, the principles of proper planning and sustainable development, connectivity, sequential approach, avoidance of leap-frog developments, and subject to meeting normal planning, environmental, access and servicing requirements. Developments will only be permitted where a substantiated evidence based case has been made to the satisfaction of the Planning Authority and the development will not prejudice the future use of the lands for the longer term growth needs of Tuam’.

### **3.0 Planning History**

- 3.1. ABP Ref. PL 07.229603/ PA Ref. 075400 refers to a May 2009 decision to refuse permission for the construction of a creche, a retail unit and 142 residential units comprising of 2 no. duplex apartments ( 1 x 2 bed, 1 x 3 bed), 20 no. 3 bed terraced houses, 39 detached houses (13 x 4 bed, 26 x 5 bed) and 82 no. semidetached houses ( 5 x 3 bed, 77 x 4 bed) and all associated external and site development works. including vehicular access points. Reasons for refusal included potential traffic congestion at the Weir Road/ N17 Junction and the development was premature pending the development of a suitable road layout to serve the area.

### **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 are not serviced, and therefore do not meet the criteria of Section 653B.

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

- 5.1. The Tuam Local Area Plan 2018 – 2024 came into effect on the 22<sup>nd</sup> of October 2018. 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**

The following points were made in support of the appeal:

- The lands are zoned for Phase 2 development in the current Tuam Local Area Plan,
- and it is proposed that they remain so under the proposed Tuam Plan, 2023 – 2029.
- A submission has been made on the new plan to zone the lands for agricultural uses.
- There are other lands that are more suitable for residential development in Tuam and need to develop these lands will not occur for some time.
- The land is in agricultural use, and it is not intended to develop it.

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 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 Tuam Local Area 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.

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Paul O'Brien  
Planning Inspector

31<sup>st</sup> July 2023