



An
Bord
Pleanála

Inspector's Report ABP-316961-23

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	Tuam, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	GLW-C33-32
Appellant(s)	Sean & Phil Moran
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands consist of two separate areas of lands, with the relevant lands having the Parcel ID GALATKT003 and GALATKT021. The two areas of land adjoin.
- 1.2. GALATKT003 consists of 0.72 hectares of land located to the north eastern side of the Weir Road, on the western side of Tuam. The land is under grass and is in agricultural use.
- 1.3. GALATKT021 consists of 2.36 hectares of land located to the north eastern side of the Weir Road. The land is under grass and is in agricultural use, and forms part of a larger landholding.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Settlement Boundary of Tuam. The lands forming GALATKT003 are zoned R – Residential (Phase 1) and the lands forming GALATKT021 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. None.

4.0 Submission to the Local Authority

4.1. The appellant made a submission to the Local Authority seeking to have lands forming GALATKT021 removed from the draft map on the basis that the lands are not developable over the lifetime of the plan, as they are residential phase 2 lands.

5.0 Determination by the Local Authority

5.1. The Tuam Local Area Plan 2018 – 2024 came into effect on the 22nd 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 in relation to GALATKT021, no other land parcels were referenced in the submitted appeal:

- Only part of the lands is owned by the appellant, the rest is owned by a neighbouring farmer.
- The lands within their control are farmed and photographs have been submitted in support of this.
- It is intended that the lands will be developed for housing for family members.
- If the subject lands were built on for housing, this would landlock other lands that they farm.
- The lands are zoned for Phase 2 Residential Development and are not normally expected to be developed in the course of the current plan.
- The subject lands are indicated as zoned for agricultural use in the draft Tuam Local Area Plan.
- The lands are not suitable for the development of speculative housing.

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 the provision of services to this site. I note that the lands are proposed for agricultural zoning under the Draft Tuam Local Area Plan, however that plan is not in place at present and the assessment can only be on the basis of the plan that is in place.
- 7.2. The future use of the lands for family use and the potential landlocking of adjoining sites, does not exempt the identified lands from inclusion on the maps. There is no exemption from inclusion on the maps due to the use of lands for agricultural purposes.

8.0 Recommendation

- 8.1. I recommend that the board confirm the determination of the Local Authority and that the indicated site (ID Parcel GALATKT021) 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 zoned for Phase 2 Residential development, are not proposed for development at present and are in agricultural use. The development of these lands may result in the landlocking of adjacent sites.
- 9.2. The site is within an area with available services and no capacity or other reasons have has been provided as to why the lands cannot be developed. The lands are zoned for residential development, and there is no reason why they should be removed from the RZLT maps.

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

31st July 2023