



An
Bord
Pleanála

Inspector's Report ABP-317022-23

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	Derrymullen, Ballinasloe, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	GLW-C33-30
Appellant(s)	Michael Tully
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site consists of an irregular shaped site of 0.5146 hectares at Derrymullan, located to the north east of Willow Lane, to the east of Willow Drive, approximately 1.7 km to the north west of central Ballinasloe. The site contains a number of fields that form a larger landholding, are in agricultural use and are under grass.
- 1.2. The surrounding area consists of houses to the west, east and south and agricultural lands to the north of the subject site.

2.0 Zoning and Other Provisions

- 2.1. The subject site is located within the Ballinasloe Local Area Plan (LAP) boundary.
- 2.2. The site is zoned R – Residential Infill and which allows for residential development, in the Ballinasloe Local Area Plan 2022 – 2028.

3.0 Planning History

- 3.1. There are no recent relevant valid applications on these lands.

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 in agricultural use.
- 4.2. Would prefer if the lands were zoned for agricultural uses and therefore not be liable for RZLT.

5.0 Determination by the Local Authority

- 5.1. The Ballinasloe Local Area Plan 2022 – 2028 came into effect in July 2022, and the lands here were zoned for Residential Infill.
- 5.2. The subject lands are considered to be adequately serviced in terms of roads, footpaths, drainage, and water supply. There is no exemption from inclusion on the RZLT maps on the basis of the land been farmed.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The lands are in agricultural use, and they will remain so into the future. The lands form an integral part of their agricultural business. There is no interest in developing these lands for other purposes.
- Wish that the lands were zoned for agricultural uses.
- Concern that the lands may be subject to flooding and would not be suitable for development.
- Query over the demand for housing/ development of additional housing in Ballinasloe.

Supporting documents, plans and aerial photographs have been provided.

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. The Flood Maps contained within the Ballinasloe Local Area Plan indicate that the site is within Flood Zone C.

7.2. The use of lands for agricultural purposes does not exempt them from inclusion on the RZLT maps.

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 were in agricultural use, the site is within an area at risk of flooding and queries the demand for housing in the Ballinasloe area.

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. Flooding is not an issue of concern at this stage.

9.3. The use of lands for agricultural purposes does not exempt them from inclusion on the RZLT maps. The lands are accessible and there is no reason why they cannot be developed in accordance with the zoning objective – R1 that applies to this site.

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

6th July 2023