



An
Bord
Pleanála

Inspector's Report ABP-317047-23

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| 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 | Catron, Kinvara, Co. Galway |
| Planning Authority | Galway County Council |
| Planning Authority Reg. Ref. | GLW-C33-42 |
| Appellant(s) | Mary Murray |
| Inspector | Paul O'Brien |

1.0 Site Location and Description

- 1.1. The subject site contains an area of 2.81 hectares of land located to the north east of the Gort Road on the southern side of Kinvara, Co. Galway. The subject site consists of two large fields. A detached house is located to the front of the site, but this does not form part of the subject lands.
- 1.2. Adjoining lands are in agricultural use, other than to the north west of the site which is in residential use.

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 1) development and are therefore suitable for residential development.

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 the lands removed from the map due to the lack of services that would facilitate the development of this site.

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. 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 consider that an error has been made in that the site is not connected to existing footpaths. The nearest footpath is over 70 m away on the L4508.

6.2. Planning Authority Response

- No further comment.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted, in particular with reference to the lack of footpath that provides connection with the urban centre/ Kinvara. I consider that the lack of a footpath is justification for removal from the RZLT maps. A footpath could be provided along the Gort Road, however this may require the purchase of lands from third parties and this is a process that only the Local Authority can successfully achieve.

8.0 Recommendation

- 8.1. I recommend that the board set aside the decision of the Planning Authority and remove these lands from the maps.

9.0 Reasons and Considerations

- 9.1. The subject lands are not provided with footpath connectivity and there are no proposals for a footpath along the L4508/ Gort Road. It is reasonable to conclude that the site does not access to footpath infrastructure.

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

1st August 2023