



An
Bord
Pleanála

Inspector's Report ABP-316277-23

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 Map
Location	Rockville, Kiltarnan, Dublin 18
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	DM22/0007
Appellant(s)	Liscove Limited
Inspector	John Duffy

1.0 Site Location and Description

- 1.1. The subject lands which are greenfield in nature are located to the south-east of the Rockville residential estate, which itself is situated off the Glenamuck Road. The subject land is bound to the east by the approved route of the Glenamuck Distributor Road. The area is characterised by a mixture of residential development and undeveloped greenfield lands.

2.0 Zoning

- 2.1. The subject land is zoned 'Objective A' in the Dun Laoghaire Rathdown County Development Plan 2022-2028, which states 'To provide residential development and improve residential amenity while protecting the existing residential amenities.'
- 2.2. The subject lands are located within the boundary of the Kiltarnan Glenamuck Local Area Plan which was adopted in September 2013. In June 2018 the LAP was extended for a further period up to and including 9th September 2023. It is noted that the LAP was in force when the Local Authority made its decision to include the subject lands on the RZLT map.
- 2.3. The LAP indicates that the subject site will be bound to the east by the proposed Glenamuck Link Distributor Road. The lands form part of a larger parcel of land designated Development Parcel 20 and b. This parcel is designated for medium density residential development comprising apartments, duplex, terrace/courtyard, providing an average density of 40-45 per hectare.
- 2.4. The site is located to the south-east of Rockville House, which is a five bay, two-storey over basement house which was built in the eighteenth century. Rockville House and its Gate Lodge are Protected Structures.

3.0 Planning History

Subject site

ABP-306999-20 / PA. Ref. D20A/0015 – Permission granted on appeal for Phase 2B of residential development comprising of 56 residential units.

ABP-303324-18 / PA. Ref. D18A/0940 – Permission refused for construction of apartment block comprising of 57 residential units, gym and parking area.

Adjoining lands

PA. Ref. D17A/0793 - Permission was granted at Rockville House and Gatelodge (both protected structures) for 49 No. dwellings (Phase 1).

Other relevant applications

ABP 303945-19 & ABP 304174-19 – Part 10 application for the Glenamuck District Distributor Road Scheme (GDDRS) and a Compulsory Purchase Order for the acquisition of the necessary land to construct the GDRS was granted by the Board in December 2019.

Reg. Ref. PC/IC/01/17 – Consent issued in 2017 for a Part VII Scheme for upgrade works at the Glenamuck Road.

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have the subject lands removed from the RZLT map as they are restricted by the phasing requirement of the Kiltiernan LAP which states that development of these lands is dependent upon the construction of the Glenamuck Link Distributor Road (GLDR). Furthermore, energy infrastructure in the form of a 220KV overhead powerline is located on the site and the Development Plan provides for a 30m buffer either side of the powerline, and that development is precluded in this area.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that the site was in scope. The land is zoned solely or primarily for residential use. It is reasonable to consider it has access or can be connected to public infrastructure and facilities necessary for dwellings to be developed and with sufficient service capacity available for such development. It is reasonable to consider the land is not affected in terms of its physical condition by matters to a sufficient extent to preclude the provision of dwellings.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The development of the subject lands are restricted by a phasing requirement in the Kilternan LAP (namely that development of the lands is dependent upon the construction of the Glenamuck Link Distributor Road) that resulted in the Planning Authority refusing planning permission on the subject site and does not facilitate a new application on the site. It is acknowledged that the An Bord Pleanála overturned the Local Authority's decision to refuse permission on appeal (ABP-306999-20 / PA. Ref. D20A/0015 refers).
- The subject lands comprise 220KV lines traversing the site. A development clearance of 30m either side of the powerline or around a pylon is required, with development notably precluded in this area. In this regard reference is made to the exclusions set out in section 653B(c)(iii) (I)-(VII), with *(III) energy infrastructure and facilities* highlighted.

6.2. Planning Authority Response

- No response on file.

7.0 Assessment

- 7.1. The comments raised in the appeal submission are noted. The site identified for inclusion on the RZLT map is zoned for residential use and the Planning Authority determined that the site remain on the RZLT map. The site is within an area with services available and no capacity or other reasons have been identified that would prevent the development of these lands for residential purposes.
- 7.2. The 220KV overhead electricity line could potentially be undergrounded, although I am aware that such a measure is generally not undertaken in a piecemeal fashion. However, I am of the view that the solution proposed by the applicant in the planning application on the lands (which was granted permission under ABP-306999-20), specifically the configuration of the surface car parking and open space areas within the restriction corridor of the electricity line is a practical one. While the overhead electricity line is a constraint, it does not preclude the development of the lands. I do not consider that the overhead line meet the criterion for exclusion as referred to in section 653B (c)(iii) (III) of the legislation, and therefore the appeal on this ground should be dismissed.
- 7.3. In relation to the Kiltiernan LAP, Section 10.6 indicates that up to 700 dwelling units could be accommodated on an upgraded existing road network, but that additional units in excess of 700 would require the construction of the Glenamuck District Distributor Roads Scheme roads. I note that the LAP includes the subject lands as part of Phase 1(a) i.e., 'Node at Junction of Enniskerry and Glenamuck Roads' and it is stated that 'Any proposed developments must include the improvement of Glenamuck Road.'
- 7.4. I note there is an extant permission on the subject lands (ABP-306999-20 refers) in which the applicant contended that the existing road network, without completion of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme had sufficient capacity. This rationale was accepted and a grant of permission was made. As such and noting that there is an extant permission pertaining to the lands my opinion is that the subject lands are in scope for the purposes of the RZLT map.

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. Having regard to the determination by the Local Authority, the submitted grounds of appeal, the provisions of the section 653B of the Taxes Consolidation Act 1997, as amended, the site (zoned for residential use) is considered in scope for the purposes of the RZLT map.

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.

John Duffy
Planning Inspector

19th September 2023