



An  
Bord  
Pleanála

## Inspector's Report ABP-316430-23.

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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>	Belcamp Hall, Malahide Road, Dublin 17.
<b>Local Authority</b>	Fingal County Council.
<b>Local Authority Reg. Ref.</b>	RZLT 094/22
<b>Appellant</b>	Gerard Gannon Properties
<b>Inspector</b>	Irené McCormack

## 1.0 Site Description

- 1.1. The site comprises c. 67.8ha. of lands at Belcamp Hall, Malahide Road, Dublin 17.

## 2.0 Zoning

- 2.1. The site is zoned RA – Residential Area in the Fingal Development Plan 2017-2023. This zoning Objective – *Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.*
- 2.2. Zoning Objective Vision- *Ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.*
- 2.3. Chapter 4 (Pg. 119) of the Fingal Development Plan 2017-2023 sets out the development strategy including objectives for Ballygriffin and Belcamp including - objective BALGRIFFIN/BELCAMP 5 (Local Objective No. 73) - Consider a limited quantum of development on the Belcamp lands to facilitate the rehabilitation and preservation of Belcamp House. A design brief including the quantum and location of any such development, which shall not prejudice any future road requirements, shall be agreed with the Planning Authority prior to a planning application being lodged. Not more than 50% of any residential units permitted shall be sold or occupied pending the full re-instatement of Belcamp House to the satisfaction of the Planning Authority.
- 2.4. Map sheet no. 9 of the CDP highlights the lands -LAP 9.B. An indicative Road proposal is indicated on the map.

Note: Fingal Development Plan 2023-2029 was adopted by the Elected Members of Clare County Council at a Special Planning Meeting on the 22<sup>nd</sup> of February 2023.

The Plan came into effect 6 weeks from the date of adoption, on 5<sup>th</sup> April 2023

## 3.0 Planning History

### Site

**ABP-313494-22** – Permission for 10-year permission for the construction of 2,527 no. residential units (473 no. houses, 2054 no. apartments), creche and associated site works Lands at Belcamp Hall (Protected Structure), Malahide Road (R107), the R107/R123 junction, Carr's Lane, and R139 Road, Belcamp, Dublin 17. ([www.belcampshd.ie](http://www.belcampshd.ie))

#### 4.0 **Submission to the Local Authority**

- The submission refers to lands that represent the completion of the Belcamp lands and will adjoin the phase 1 development to the east. The wider development of these lands relies on increased infrastructure capacity, in particular road delivery/connection and access.
- The submission states that for a number of years the appellant was advised against submitting a planning application on the lands on the basis that they were premature pending the preparation of an integrated framework for land use and transport and an LAP. No LAP has been prepared in spite of lands being zoned for 20 years.
- Reference is made to the planning application ABP-313494-22. It is set out that this application has provided a considerable quantum of transport infrastructure and it is submitted the FCC and DCC has advised ABP the road infrastructure necessary to provide adequate transport capacity is still not available. Therefore, the land is not within the scope of the RZLT.
- Progressing development of the lands is reliant upon the delivery of increased road infrastructure capacity. The future development of the lands is also subject to increased capacity being delivered on the adjoining public transport network beyond the remit of the landowner.
- While local services are available to service the lands, it is the opinion of both LA's that additional physical road and transportation infrastructure outside of the Belcamp landholding will need to be in place to accommodate development.

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

- 5.1. The local authority state that the guidelines state "*In certain instances, phasing of particular settlements via an SDZ, LAP or non-statutory land use plan may require significant road or public transport infrastructure to be in place prior to development.*"

*Where such plans allow for a certain quantum of residential development prior to such projects being permitted or constructed, all of the land which may be able to access the infrastructure, or if specifically identified in the plan, the relevant phased area of land, should be considered in scope”*

- 5.2. The land in question is included in a development plan or local area plan and zoned for residential development or zoned for a mixture of uses, that include residential.
- 5.3. The land is serviced, or it is reasonable consider may have access to services.
- 5.4. The LA determined the site to be in scope and should remain on the map.

## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

- The ground of appeal reflects the submission to the LA.
- The main points are highlighted as follows:
  - The appellant has been discouraged from making planning applications in he pact on the basis that they are premature pending development of an integrated framework for land use and transport and an LAP for the area.
  - Consultation in the context of SHD suggest that the land is not currently sufficiently serviced due to lack of road infrastructure.
  - The South Fingal Transportation Study 2019 (STTS) indicates two key road links which traverse the lands.
  - Some of the lands forming part of the identified routes are in the ownership of the IDA an DCC respectively and cannot be delivered by the appellant.
  - The lands are currently the subject of an SHD. It is set out that FCC, DCC and the NTA have advised ABP that the road infrastructure necessary to provide adequate transport service capacity for the development of the land in not available.
  - While services are available to service the land, the additional physical infrastructure road and transportation infrastructure outside the Belcamp landholding and which is not within the power of the appellant to deliver, will need to be in place to accommodate the development of the zoned ands.

## 7.0 Assessment

7.1. The legislation clearly sets out that land in scope will be zoned for residential development or a mixture of uses including residential; be serviced or have access to servicing by water, wastewater, road, footpath and public lighting; and not be affected by contamination or significant archaeological remains which would preclude development taking place.

7.2. Section 3.1.2 *Exclusions from the Map* of the guidelines state that exclusions of particular lands as set out in the legislation and as clarified in the guidelines should be taken into account. With specific reference to *Land Required for Infrastructure and Community Services* the guideline state:

“As set out within the legislation, it is reasonable to exclude land required for the provision of community services and infrastructure which will sustain existing and future residential communities....

Accordingly, a significant number of uses which may be required or are provided on either residential or mixed-use lands which permit housing are to be excluded from maps to accompany the Residential Zoned Land Tax.

These are clearly set out in Section 653B(c)(iii)(I) – (VII) and include II. transport facilities and infrastructure.

7.3. Firstly, I note the lands are not specifically identified for the provision of transport and infrastructure in the Fingal Development Plan 2017-2023. Map sheet no. 9 of the CDP highlights the lands -LAP 9.B and identifies an indicative road proposal but this not supported by a specific policy objective. The guidelines state that where a zoning facilitates residential development, but also makes provision for other uses including the uses identified in Section 653B(c)(iii)(I) – (VII) (I) – (VII) by way of a statement or written objective, but does not specifically identify land within a statutory plan for those uses, the whole of the land area should be considered to be in scope unless the location and scale of the excluded uses is clearly set out. Whilst, the provision of improved infrastructure maybe required to facilitate the development of the site, the routes identified on Map Sheet no. 9 are indicative. Therefore, by virtue of the fact that the development plan does not specifically identify the location and scale any road in accordance with the above, it is reasonable to consider that the entirety of the land is in scope.

7.4. The appeal grounds do not raise any exclusions that would apply to the subject lands and warrant its removal from the map, with reference to the Taxes Consolidation Act 1997 as amended and the RZLT Guidelines

## 8.0 Recommendation

8.1. I recommend that the Board confirm the determination of the local authority and direct the local authority to include the site on the map.

## 9.0 Reasons and Considerations

9.1. The site is part of an established urban area with services available and no capacity or other reasons have been identified that would prevent the development of these lands for residential purposes. The site does satisfy the criterion for inclusion on the map set out in section 653B(c) of the Taxes Consolidation Act 1997, as amended.

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.

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Irené McCormack  
Senior Planning Inspector

18<sup>th</sup> July 2023