



An  
Bord  
Pleanála

## Inspector's Report ABP-316440-23

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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 Map
<b>Location</b>	Lands at Osberstown, Sallins, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	KCC-C108-29
<b>Appellant(s)</b>	Briargate Developments Limited
<b>Inspector</b>	John Duffy

## 1.0 Site Location and Description

- 1.1. The subject lands, situated on the northern side of Sallins, comprise two separate plots and are under grass. The lands are in close proximity to each other, one on the northern side of the Sallins Link Road, and the second plot on the southern side of this road.
- 1.2. The northern lands (Parcel ID KELA00000160) are bounded to the north and west by the Castlesize residential estate and to the east by the Willow Grove housing development.
- 1.3. The southern lands (Parcel ID KELA00000159) are bounded to the south and west by agricultural lands and the Millbank residential area to the east.

## 2.0 Zoning and Other Provisions

- 2.1. The lands were classified as Phase 2 lands in the Sallins Local Area Plan 2016-2022.
- 2.2. Both sites were zoned C – ‘New Residential’ in the Sallins Local Area Plan 2016-2022 with an objective ‘To provide for new residential development.’
- 2.3. Specific objectives which related to Zoning Reference C identified in the Sallins Local Area Plan 2016-2022 were as follows:
  - A. Phasing of lands shall accord with Section 8.1 Future Housing Target of this LAP.
  - B. A detailed Masterplan shall be required for lands zoned K1, C5 and C6 setting out the overall development framework for the area.
  - C. In accordance with the provisions of Section 49 of the Planning and Development Acts 2000-2015, a Special Development Contribution Scheme may be required for zonings A1, A2, A3, K1, C4, C5 and C6 to contribute to the strategic objective of delivering 3 no. pedestrian footbridges over the Grand Canal in accordance with Objective PCO 8.
- 2.4. The lands on the northern side of the Sallins Link Road were subject to specific zone C5 and C6, while the lands on the southern side of the Link Road were subject to specific zone C4.

- 2.5. The Sallins LAP prioritised the development of key sites in Sallins town centre, with lands identified as A Town Centre, K Commercial/Residential and areas C1, C2 and C8 New Residential all classified as Phase 1 lands. All remaining lands zoned C New Residential were classified as Phase 2 lands.
- 2.6. The lands are not located within an Architectural Conservation Area (ACA).
- 2.7. The lands are not affected by issues to a sufficient extent which would preclude the provision of development, including contamination or the presence of known archaeological or historic remains.
- 2.8. The Sallins LAP expired in 2022 and was not incorporated into the Kildare County Development Plan 2023 – 2029. Objective CSO 9 of the Development Plan (Page 26) states the following:

‘Review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements (and environs, where appropriate) of Naas, Maynooth, Newbridge, Leixlip, Kildare, Athy, Celbridge, Kilcock, Monasterevin, Sallins, Clane and Kilcullen in accordance with the objectives of the County Development Plan and all relevant Section 28 Ministerial Guidelines.’

### **3.0 Planning History**

- 3.1. There are no recent, relevant or valid applications on these sites.

### **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 residential zoning in Sallins is predicated on the core strategy set out in the Sallins LAP 2016-2022, which predates the Regional Spatial Economic Strategy (RSES) and the National Planning Framework (NPF), and as such the inclusion of the lands on the draft map is fundamentally flawed.

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

- 5.1. The Local Authority determined that the site was in scope. The site is zoned for residential development, it is serviced and has access. The RZLT legislation is not a

measure for determining the quantum of housing provision for individual sites or compliance with the core strategy of the Sallins Local Area Plan.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The following points were made in support of the appeal:

- The RZLT Guidelines were written on the basis that Development Plans and their core strategies are recently adopted or varied and are therefore consistent with regional and national plans and housing allocations. This may not be the case in Sallins where residential zoning is based on the core strategy in the Sallins LAP 2016-2022, which predates the RSES and the NPF.
- The draft map is therefore based on a Local Area Plan that may be inconsistent with higher tier plans.
- Inclusion of the lands on the draft map is contrary to the RZLT Section 28 Guidelines and should be deferred until the Sallins LAP is reviewed.

### 6.2. **Planning Authority Response**

- No response on file

## 7.0 **Assessment**

7.1. The comments raised in the appeal are noted as is the report of the Planning Authority.

7.2. The zoning of these lands was under the Sallins LAP 2016-2022, and this plan has now expired. It is unclear if the Planning Authority has commenced the process of preparation of a new plan, however the current plan has expired.

7.3. The subject lands are therefore not zoned, and the lands cannot be considered to be suitable for inclusion on the RZLT maps.

## 8.0 Recommendation

- 8.1. I recommend that the board set aside the determination of the Local Authority and that the indicated site be removed from the map.

## 9.0 Reasons and Considerations

- 9.1. The appellant requested that their lands be removed from the map on the basis that the core strategy for Sallins, as set out in the Sallins Local Area Plan 2016-2022, may not be consistent with regional and national plans and therefore inclusion of the subject lands on the draft map is contrary to the RZLT Section 28 Guidelines.
- 9.2. The zoning of these lands was under the Sallins Local Area Plan 2016-2022, and this plan has expired. The lands are therefore not zoned and should not be included on the relevant 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.

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John Duffy  
Planning Inspector

28<sup>th</sup> August 2023