



An  
Bord  
Pleanála

## Inspector's Report ABP-316574-23

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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>	Rathborne, Pelletstown, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	RZLT-000040
<b>Appellant(s)</b>	Castlethorn Construction Unlimited Company
<b>Inspector</b>	Paul O'Brien

## **1.0 Site Location and Description**

- 1.1. The subject site forms a rectangle of land bound by the Ashtown Road to the west, River Road/ R102 to the north, and Rathborne Avenue to the south and east, in Pelletstown, Dublin 15. The site area is stated to be 1.25 hectares.
- 1.2. The site is fenced off from public access and is used for construction related activities and car parking associated with ongoing development in the area. Buildings on site were in use as a temporary school, this use has now ceased.

## **2.0 Zoning and Other Provisions**

- 2.1. The site is located on lands zoned Z1 – Sustainable Residential Neighbourhoods in the Dublin City Development Plan 2022 – 2028. The site is located within the Ashtown - Pelletstown Local Area Plan 2014, lands and road improvements are indicated to the north of the site along the River Road.
- 2.2. The site is located within a Conservation Area associated with the Grand Canal, however there are no protected structures, national monuments or any other item indicated on the development plan maps.

## **3.0 Planning History**

- 3.1. ABP Ref. 309318-21 refers to a May 2021 decision to grant permission for a Strategic Housing Development (SHD) of 169 apartments, creche and associated site works on these lands.

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

- 4.1. The appellant made a submission to the Local Authority seeking to have its lands removed from the draft map on the basis that the land was used as a construction compound that facilitated the development of other housing in the area, and therefore the site cannot be considered to be vacant nor idle. Also request details from the Planning Authority as to what infrastructure was available to serve the development of this site.

## 5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that the site was in scope and should remain on the map. The land is serviced/ it is considered reasonable that the site can be fully serviced. The land is not constrained by its physical condition that would preclude the development of housing, the site is not contaminated and there is no known archaeological/ historic remains here. The existing use of the site does not allow for its exclusion as set out in Section 653B(c) of the Finance Act 2021.
- 5.2. Uisce Éireann have reported that the site is serviceable as there are watermains adjoining the site and sewers forming part of the foul drainage system also adjoin the site.

## 6.0 The Appeal

### 6.1 Grounds of Appeal

- Request that the Planning Authority provide an assessment of the available infrastructure that may serve this site.
- The site is in use as a construction compound which is used to develop other housing in the area.

The site should therefore be omitted from the map under Section 653(b)(c) for these listed reasons.

## 7.0 Assessment

- 7.1. The appeal centres on the existing use of the site as a construction compound, for the development of other housing in the area. I note that permission has been granted for a SHD development on this site and that the site is suitably zoned for residential development. This use does not prevent the development of this site for residential units.
- 7.2. The site can be serviced by road and water services, Uisce Éireann have confirmed that infrastructure is available in the area to serve the development. No issues of capacity were raised.

- 7.3. The site can be accessed by the existing road network that is in place. As with all development, the applicant/ developer will be expected to provide for any internal road network necessary to serve the site and similarly a connection to the public road network would be provided by the developer in accordance with the requirements of the Local Authority.
- 7.4. I therefore consider that the site should remain on the map in accordance with the recommendation of the Planning Authority.

## **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 its current use as a building site compound and also there was a request that the Planning Authority provide an assessment of what services are available in the area. Foul drainage and water supply have been identified in the area and Uisce Éireann have reported no issue with the connection of the applicant's site to this system. There are existing roads and footpaths in the area that can be connected to the subject site.
- 9.2. The use of the site as a building compound does not prevent the development of the site in accordance with the Z1 zoning that applies to this site. This is generally a temporary use and permission has been granted for the development of housing on this site. The subject lands 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 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.

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Paul O'Brien  
Planning Inspector

21<sup>st</sup> June 2023