



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316592-23

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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>	Former Chadwicks Site, Greenhills Road, Walkinstown, Dublin 12.
<b>Local Authority</b>	South Dublin County Council
<b>Local Authority Reg. Ref.</b>	SD-C25-19
<b>Appellant(s)</b>	Steeplefield Limited
<b>Inspector</b>	Frank O'Donnell

## 1.0 Site Location and Description

- 1.1. The site, which is the subject of this appeal, is located on the southern side of the R819 Regional Road (Greenhills Road), adjacent to the Greenhills and Ballymount industrial estates. The site has a stated site area of 2.79 ha and is comprised of a predominantly disused industrial complex in the form of a series of light industrial buildings and hard standing areas (Chadwicks Builders Merchants, stated area 11,120 sq.m.).

## 2.0 Zoning and other provisions

- 2.1. The site has the zoning objective REGEN '*To facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery*' in the South Dublin County Development Plan 2022-2028. The subject site is also located within the City Edge boundary, a set out in the City Edge Strategic Framework (August 2022). Residential use is a use which is Permitted in Principle on lands zoned objective REGEN.
- 2.2. The development plan Core Strategy states that REGEN zoned lands are to be developed to contribute to development plan housing targets, with increased capacity due to development of proposed high-capacity public transport projects. The following Core Strategy objectives apply to City Edge Regeneration Lands:

*Policy CS2: City Edge Regeneration Lands*

*Deliver a development framework for the regeneration of the City Edge lands in conjunction with Dublin City Council which underpins the strategic aims of the National Planning Framework and Regional Spatial and Economic Strategy*

*CS2 Objective 1:*

*To prepare a Local Area Plan or other appropriate mechanism for the zoned Regeneration (REGEN) lands and other lands at Naas Road / Ballymount as defined by the City Edge Project boundary. The LAP or equivalent will commence in 2022 and provide a framework for the sequential and phased development of the lands, integrating sustainable transport, land use and blue and green infrastructure. The City Edge Strategic Framework will inform this Statutory Plan.*

*CS2 Objective 2:*

*To facilitate a co-ordinated approach and vision to any future sustainable development of the City Edge area in collaboration with Dublin City Council and all relevant stakeholders, including the local community and existing businesses having regard to their operational needs, and ensure that the needs of the existing and new community will be met, and the provision of necessary community and physical infrastructure is delivered in tandem with any new development.*

- 2.3. There is an indicative road upgrade route shown along Greenhills Road to the North of the subject site.

The following text relates to the said indicative road link:

- *Name: Greenhill Road upgrade and links.*
- *Description: Upgrade of Greenhills Road from Airton Road to Walkinstown Roundabout with new links to Ballymount Avenue, Limekiln Road and Calmount Road for Bus Connects provisions and long-term residential communities.*
- *Function: To provide improved access to/between employment lands within Tallaght, Ballymount and Robinhood and to provide improved access to and from the Greenpark, Limekiln and Greenhills area and provide for Bus Connects provisions.*

## **3.0 Planning History**

### **3.1. Relevant Planning History**

- 3.2. ABP-316828-23: South County Dublin County Council: Tallaght/Clondalkin to City Centre Bus Connect Core Bus Corridor Scheme. Case is due to be decided by 06/11/2023.
- 3.3. ABP-313129-22: Strategic Housing Development. Steeplefield Limited (Applicant). Demolition of the former Chadwick's Builders Merchant development, construction of 633 no. Build to Rent apartments, creche and associated site works. Permission was REFUSED on 27/07/2022 for the following reasons and considerations:

1. *Having regard to the relevant provisions of the South Dublin County Development Plan 2016 to 2022, the zoning objective REGEN and where residential development is open for consideration subject to retaining an appropriate mix of uses, and the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, to accompany the Sustainable Urban Housing; Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020, and the design and layout of the proposed development, it is considered that the proposed development by reason of a lack of active frontages to Greenhills Road and the car dominated environment at this part of the development, the poor quality of the public realm at |Greenhills Road, the potential conflict with the proposed Bus Connects Core Bus Corridor 9 Tallaght and Clondalkin to City Centre including a potential traffic hazard at the junction between the proposed Calmount Link Road and Greenhills Road and the potential traffic hazard adjacent to the childcare facility at the southern side of the development, it is considered that the proposed development in its current form would be contrary to the REEGEN zoning objective for the site.*

*Furthermore the proposed development would contravene development plan Policy H7 Urban Design in Residential Developments, which seeks to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets, and would contravene development plan Policy H11 Residential Design and Layout, to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development. The development would also be contrary to the provisions of the 'Urban Design Manual – a Best Practice Guide' issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in*

*Urban Areas, in particular Criteria Number 1 Context, 6 Distinctiveness, 7 Layout, 8 Public Realm and 12 Detailed Design. The development would, therefore, be contrary to the proper planning and sustainable development of the area.*

2. *The proposed development would materially contravene the relevant policies and objectives of the South Dublin County Development Plan 2016-2022 in respect of building height. Having regard to the design and layout of the proposed development along and adjoining the site boundary with Greenhills Road, it is considered that the proposed development fails to meet the criteria set out in 3.2 of the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, in that at both town and streetscape level, the development does not make a satisfactory contribution to the public realm at Greenhills Road, and given the potential conflict with the layout of the proposed Bus Connects Core Bus Corridor 9 Tallaght and Clondalkin to City Centre. In this regard, the provisions of Specific Planning Policy Requirement 3 of these Guidelines do not apply, and the proposed development would, therefore, be contrary to the provisions of the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

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

- 4.1. The Appellant made a submission to the Local Authority seeking to have their land removed from the draft map.
- 4.2. Item 1:
  - The lack of access to appropriate road/ footpath infrastructure and public lighting.
  - There is no formal adaptation of a route option for corridor 9 of the Greenhills to City Centre Bus Connects proposal which affects the subject lands.

- There is no timetable for implementation of the Calmount Road Extension Part 8 Scheme.

4.3. The Appellant submits that as a result of the lack of information on the delivery of public infrastructure, which is integral to the redevelopment of the subject lands, the landowner is powerless to redevelop the subject site. Such restrictions on the development of the site have been confirmed under the refusal of permission by ABP Ref. 313129-22. Works are currently ongoing within the drafting and preparation of a new planning application, and it is respectfully requested that the above be taken into consideration in the preparation of the final RZLT Map.

4.4. Item 2: The operation of an existing commercial business on the subject lands.

4.5. As a result of the above and the lack of information on the delivery of public transport which is integral to the redevelopment of the subject lands, our client is powerless to redevelop the subject site. Such restrictions on the development of the site have been confirmed under the refusal of permission by ABP Ref. 313129-22. Works are currently ongoing within the drafting and preparation of a new planning application, and it is respectfully requested that the above be taken into consideration in the preparation of the final RZLT Map.

## 5.0 Determination by the Local Authority

5.1. Local Authority Decision: To retain Land Parcel SDLA00055585 on the map.

5.2. It has been determined that the site in question fulfils the qualifying criteria set out in Part 22A of the Taxes Consolidation Act 1997 (as introduced by the Finance Act 2021) and the 2022 Section 28 Ministerial guidelines 'Residential Zoned Land Tax – Guidelines for Planning Authorities' for inclusion on the RZLT map for the following reasons:

1. *The land in question is included in a development plan or local area plan and is zoned for residential development or zoned for a mixture of uses, that includes residential development.*
2. *The land is serviced, or it is reasonable to consider may have access to services. Services means having access to the necessary public infrastructure and facilities including road and footpath access, public*

*lighting, foul sewer drainage, surface water drainage and water supply necessary for dwellings to be developed and for which there is service capacity available sufficient to enable housing to be developed.*

3. *The land is not affected in terms of its physical condition, by matters to a sufficient extent to preclude the provision of dwellings, including contamination or the presence of archaeological or historic remains.*

4. *The lands are vacant and idle.*

5.3. The Local Authority determined that the site was in scope and should remain on the map.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The Appellant refers to the Determination of the Local Authority. The Grounds of Appeal are presented in response to each of the above 4 no. reasons.

- Reason no. 1: *The land in question is included in a development plan or local area plan and is zoned for residential development or zoned for a mixture of uses, that includes residential development.*
  - The Appellant states that this reason is accepted. It is stated that the fact that the site is zoned for a mixture of uses including residential use was not disputed in the initial submission to the Local Authority.
- Reason no. 2: *The land is serviced, or it is reasonable to consider may have access to services. Services means having access to the necessary public infrastructure and facilities including road and footpath access, public lighting, foul sewer drainage, surface water drainage and water supply necessary for dwellings to be developed and for which there is service capacity available sufficient to enable housing to be developed.*
  - The Appellant acknowledges that the site can be connected to public lighting and surface water discharge services.

- Part of the previous refusal on the site, ABP-313129-22, relates to a potential conflict with Corridor 9 of the Greenhills to City Centre strand of the NTA's Bus Corridor (CBC) Project, also known as Bus Connects. The Appellant considers that, in advance of the formal route being adopted, the subject land cannot be adequately connected to road infrastructure and footpaths of sufficient scale and prominence to accommodate the comprehensive redevelopment of the site. The Appellant also points out that there is no timeline for the implementation of the Calmount Road extension which also impacts on road infrastructure adjoining the subject site. The Appellant states that the lack of certainty in respect of these two issues were key factors and considerations in the recent refusal of permission on the subject lands where, it is stated, the Board determined that the interface between the subject site and the adjoining road infrastructure was required to be further considered once the design of the bus connects corridor 9 route is available. The Appellant states that therefore the subject lands cannot currently connect to road infrastructure and as such is out of scope for the RZLT.
- Regarding the possibility of a connection along the southern and western site boundaries, thereby forgoing the connection to the main thoroughfare along the northern site boundary, the Appellant states that access cannot be provided at these locations due to the Greenhills Industrial Estate Road being in private ownership whilst the existence of Irish Water infrastructure within the north eastern quadrant of the site restricts development in this area and provides direct justification for providing access at this location. On this basis, the Appellant contends that the development of the site is directly restrained by the delivery of Bus Connects infrastructure.
- The Appellant considers that the new water and waste-water connection is feasible subject to upgrades.
- The Appellant requests the Board to acknowledge this current restraint, which it is stated provides direct rationale for the omission of the subject site from supplementary and final RZLT maps, the Appellant also



requests that due regard is shown for the fact that the Appellants are actively seeking a means to develop the site in a manner which will not prejudice the delivery of local improvements to transport infrastructure. The Appellant request the Board to have regard to the initial submission (includes as Appendix B of the Appeal) for further background information in relation to the abovementioned infrastructural constraints.

- Reason no. 3: *The land is not affected in terms of its physical condition, by matters to a sufficient extent to preclude the provision of dwellings, including contamination or the presence of archaeological or historic remains.*
  - The Appellant references the site levels relative to the existing road system adjoining the sites northern boundary. The Appellant states that the site includes a level difference of 8 metres between the northern boundary (Greenhills Road) and the southern boundary.
  - The Appellant states that while the physical condition of the site does not present a significant challenge to its development, this factor in conjunction with the stated inability to develop via the western and southern boundaries of the site and the lack of information available in relation to the timeline for Bus Connects and the Calmount Road extension, together provide a substantive justification for the inability to develop the site at present.
  
- Reason no. 4: *The lands are vacant and idle.*
  - The Appellant states in response to reason no. 4 that they can confirm that the subject land is in active commercial use and is thus not vacant or idle. The Appellant references 2 no. existing businesses which currently occupy the site and include photographs which are stated to be in support of same, i.e., a Car Dealership and a Builders Merchants.

The Appeal includes the following further reasoning/ Grounds of Appeal:

- The Appellant would be advancing the development of the site had permission not been refused, see planning reg. ref. no. ABP-313129-22.
- In the interim and since the lodgement of the submission to the Local Authority, the Appellant has been reviewing alternative design proposals to accelerate

the development of the subject site. It is intended to make a formal request for a Large-Scale Residential Development (LRD) pre-planning request in 2023.

- The Appellant includes a series of Map extracts presented as Figure no. 8.0 which shows the location of the subject site relative to the wider Bus Connects Route (released in November 2020).
- The Appellant requests again that the Board has regard to the contents of the initial submission in the context of illustrating their willingness to actively engage with external parties in good faith to ensure the most appropriate development of the subject lands.

## 7.0 Assessment

7.1. The comments raised in the appeal are noted.

7.2. Uisce Eireann, as per the Report dated 03/02/2023, in relation to Water Networks confirm that the site is serviced. It is stated that there is a 4" uPVC watermain along the road parallel to Greenhills Road on the south side of the site and a 4" main intersecting the site. In addition, it is stated that there is a 120mm trunk main running through the north-east portion of the site.

7.3. I am satisfied that there is a viable water supply/ connection available in proximity to the site and that therefore the site can be reasonably serviced in terms of water supply.

7.4. In the same Report it is confirmed that a low level of development can be accommodated via the existing network. It is stated that upgrades are required to service the site in the case of a large development (e.g., 700 units – based on a Pre-Connection Enquiry). It is stated that Uisce Eireann are advancing these upgrades.

7.5. I am satisfied that there is a viable wastewater connection available in proximity to the site and that therefore the site can be reasonably serviced in terms of wastewater.

7.6. In respect of road and footpath infrastructure and notwithstanding the pending decision in relation to the City Centre Bus Connect Core Bus Corridor Scheme, as Appeal Ref. No. ABP-316828-23 refers, which relates to lands along the northern site boundary, it is my opinion that the subject land parcel has reasonable access to the necessary road and footpath infrastructure to service them.

- 7.7. The stated level difference of 8 metres between the northern and southern boundaries is noted. I am not satisfied that the stated level difference, together with the other stated site constraints, warrant exclusion from the map, as per the provisions of Section 653B c) of the Act.
- 7.8. The records of the rates section are stated to show the lands as currently vacant. The stated vacant and idle status of the lands is not disputed.

## 8.0 Conclusion

- 8.1. The site is within 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.

## 9.0 Recommendation

- 9.1. I recommend that the Board confirm the determination of the Local Authority and that the indicated site be retained on the map.

## 10.0 Reasons and Considerations

- 10.1. The lands identified as SD-C259-19 (Land Parcel ID: SDLA00055585), meet the qualifying criteria set out in Section 653B of the Taxes Consolidation Act 1997, as amended.
- 10.2. The Grounds of Appeal do not support a different conclusion in relation to this matter.
- 10.3. I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Frank O'Donnell  
Planning Inspector  
7th September 2023