



An
Bord
Pleanála

Inspector's Report ABP-316622-23.

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
Location	Corballis East, Donabate, Co. Dublin.
Local Authority	Fingal County Council.
Local Authority Reg. Ref.	RZLT 035/22
Appellant	Glenveagh Homes Ltd.
Inspector	Irené McCormack

1.0 Site Description

1.1. The site comprises c. 9.2ha. of lands at Corballis East, Donabate, Co. Dublin.

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.*

Note: Fingal Development Plan 2023-2029 was adopted by the Elected Members of Clare County Council at a Special Planning Meeting on the 22nd of February 2023. The Plan came into effect 6 weeks from the date of adoption, on 5th April 2023.

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. Donabate LAP 2016 (Extended). Section 9.0 relates to Phasing and Implementation
Section 9.1.2 Corballis East (300 Units)

The Corballis LAP lands east of the railway line (Corballis East – c. 300 dwellings) will be developed with access directly from DDR and internal link roads in Phase 2. Prior to the occupation of any residential units in Phase 2 of the Corballis East lands, landscape screening in the form of a Strategic Landscape Mitigation Area shall be in place in the area south of 'The Strand' estate to better integrate the new development lands into the existing ridgeline of the Corballis hillside area. Detailed Visual Impact Assessments and Landscape Character Analysis will be required as part of any application for development on these lands.

Section 9.1.3 .1.3 Phase 3 – Corballis East and Ballymastone

The final phase of development will be predicated on the completion and operation of the DDR infrastructure and the geographical growth of the settlement. Safeguards are also required to ensure that Corballis East does not develop in geographic isolation from the rest of the LAP residential lands. It is envisaged that Phase 2 and

3 will run consecutively, with a relatively short timeframe between these phases of construction. Fingal is committed to construction of the DDR within the short term, with funding set aside in the Council's capital programme.

Corballis East (1,000 Units) Development at Corballis East (1,000 units) will be dependent on the delivery of enabling road and open space infrastructure, and access to retail, community and educational facilities.

A small neighbourhood centre with a landscaped civic space and provision of a school site (minimum 16 classroom primary school) will be required prior to the commencement of house no. 301 within Corballis East (Phase 3).

The Corballis Nature Park shall be developed and provided as a public facility in tandem with pedestrian and cycle access providing a strategic link to the proposed Broadmeadow Way across the Estuary, linking Donabate to Malahide.

3.0 Planning History

3.1. Site

FCC Reg. Ref. F22A/0527 -Permission sought by Glenveagh Home Limited for A 7 No. year permission for development at this 3.50 Ha landholding in Corballis East, Donabate, Co. Dublin, which comprises 2 No. separate sites divided by the Donabate Distributor Road.

The development, which will have a total Gross Floor Area of 10,891sq m, will consist of: the construction of 96 No. residential units including 61 No. two storey houses (6 No. 2 bed units and 55 No. 3 bed units ranging in size from 78 sq. m to 117 sq. m) and 7 No. three storey 4 bed houses.

The development will also comprise of the following on the western site: a vehicular access from the Donabate Distributor Road; internal roads, footpaths and a shared pedestrian and cyclist link; pedestrian connections to the Donabate Distributor Road; pedestrian and vehicular connections to the adjoining site to the west (subject to a live Planning Application for a mixed-use development as per An Bord Pleanála Case Reference TA06F.311059)

Adjacent

ABP Reg. Ref. TA06F.311059 – Permission granted to Aledo Donabate Limited on 10th November 2022 for 1,365 no. units (346 no. houses, 1,019 no. apartments), creche and associated site works @ Corballis East, Donabate, Co. Dublin. (www.corballiseastshd.ie).

4.0 Submission to the Local Authority

- Seeks exclusion from the RZLT for the following reasons:
 - Three No. Recorded Monuments on site.
 - Part of the land comprises Irish Water pumping station.
 - Dwellings cannot be constructed due to phasing requirements in the Donabate LAP.

5.0 Determination by the Local Authority

- 5.1. Uisce Eireann were consulted by the local authority and reported that there are water services in the vicinity ca 230m north of the site. Wastewater maybe contingent on network extensions from neighbouring sites. The nearest sewer is ca.450m north-west.
- 5.2. Archaeology on site noted. It is considered that the site is not affected to a sufficient extent to preclude dwellings. SHD permission noted including archaeological monitoring condition.
- 5.3. The portion of the site accommodating UE pumping station to be removed from the RZLT.
- 5.4. It is set out that the legislation does not preclude exclusion of the basis of phasing.

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal reiterates the contents of the submission to the PA as it relates to phasing.
- Conclusion- The lands in the ownership of the appellant are dependent upon the delivery of infrastructure on adjoining lands in the ownership of a third party, as per Phasing Strategy of the Donabate LAP 2016 (Extended). The key phasing provisions have not been delivered to date (and not delivered by 1st

January 2022). Development comprising the key phasing provisions relate to ABP Reg. Ref. TA06F.311059 decision currently subject to JR for the aforementioned Mixed-Use development on lands to the immediate west of the subject lands. Having regard to the dependency of the residential development of the lands upon the delivery of infrastructure on adjoining lands in third party ownership which has not been delivered to date the lands are considered “Out of Scope”.

7.0 Assessment

- 7.1. The grounds of appeal are based on *Phasing* as set out in the Donabate Local Area Plan 2016 (extended) and the dependency of the residential development of the lands upon the delivery of infrastructure on adjoining lands in third party ownership. The lands the subject of the RZLT relate to Phase 3 lands as set out in the Donabate LAP. Section 9.1.3 of the Donabate Local Area Plan 2016 (extended) states that “*It is envisaged that Phase 2 and 3 will run consecutively, with a relatively short timeframe between these phases of construction...*”.
- 7.2. Of relevance and nothing the grant of ABP Reg. Ref. TA06F.311059 (Phase 2 lands) the guidelines state Section 4.1.1 Considerations ii) Review of land with planning permission “*Where development for housing or housing and a mix of other uses has been permitted on land which falls into the scope of the tax as set out within the legislation, then default presumption should be given to considering all such lands with permissions to be within scope...*”
- 7.3. Section 4.1.1 iii) Services to be considered sets out that under Section 653B of the provisions, the definition of land in- scope for RZLT identifies lands which are connected to, or able to be connected to services as being in scope. The guidelines set out that in assessing whether land or landbanks are able to connect to services, account should be taken of where the infrastructure is located adjoining, intersecting, at a boundary or corner of a landbank, in a nearby public road, or is connected to an existing development adjoining the landbank, the lands should be considered to be ‘connected’ or ‘able to connect’ and therefore are in-scope. Therefore, it is reasonable to consider that the lands are ‘able to connect’ to the permitted services and in so far as the LAP states that Phase 2 and 3 will run consecutively, with a relatively short timeframe between these phases of construction.

7.4. I do not consider the sequential development of the lands precludes the residential development of the lands the subject of this appeal, in particular, having regard to section 9.1.3 of the LAP as set out above.

7.5. 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.

Irené McCormack
Senior Planning Inspector

18th July 2023