



An
Bord
Pleanála

Inspector's Report ABP-316646-23

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	St. Joseph's Hospital, Hansfield, Clonsilla, Dublin 15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	RZLT038/22
Appellant(s)	Firth Developments Unlimited Company
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains part of the former St Joesph, Dublin 15, approximately 1.5 km to the north west of Clonsilla. This irregular shaped site, with a stated area of 7.4 hectares, contains existing houses within the St. Josephs development including St. Joseph's Crescent, Avenue and Grove. The remainder of the lands, mostly to the south and west, are undeveloped at present.

2.0 Zoning and Other Provisions

- 2.1. The site is within the 'Development Boundary' of Blanchardstown. The subject site contains three zonings as follows:

RA – Residential Area – to 'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure'.

RS – Residential – 'Provide for residential development and protect and improve residential amenity'.

OS – Open Space – 'Preserve and provide for open space and recreational amenities'.

- 2.2. The site is located within the Hansfield Strategic Development Zone (SDZ) lands and the site is proposed for residential development as part of this plan.
- 2.3. There are no protected structures, national monuments or any other similar item indicated on the development plan maps. An objective to 'Protect & Preserve Trees, Woodlands and Hedgerows' is indicated on the development plan map in the area of the already developed housing.

3.0 Planning History

- 3.1. PA Ref. FW17A/0234 refers to an August 2018 decision to grant permission for a residential development of 213 units and all associated works and services.

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:

- part of the lands have been developed and the residential units constructed are occupied by private residents.
- Upgrade works to public transport and local roads are required to facilitate the development of this area.
- Opposed to inclusion on the maps.

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. DART+West project is progressing with clear policy support for its delivery. Report that part of the lands are developed and the constructed units are occupied.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The following comments were made:

- Part of the subject lands have been developed and the residential units constructed are occupied by private residents.
- As part of the implementation of the Hansfield SHD, upgrade works to public transport and local roads are required to facilitate the development of this area.
- Opposed to inclusion on the maps.

6.2. **Planning Authority Observation**

No further comment to make.

7.0 **Assessment**

7.1. The site can be serviced by road and water services, no issues of capacity constraint were identified. I note the Planning Authority comments in relation to DART + and this project is progressing with a Railway Order having been made to An Bord Pleanála. The site is currently accessible by rail from either Clonsilla and/ or Hansfield stations.

- 7.2. The site can be accessed by the existing road network that is in place in this area. As already reported, residential units have been constructed here and in doing so, significant road infrastructure has been put 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.
- 7.3. The appellant was also concerned that this tax was punitive and would prevent the development of these lands. This comment is noted but this issue cannot be addressed at this stage of the process.
- 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 the need for the provision of infrastructure and also concern that the imposition of this tax would prevent the development of these lands.
- 9.2. 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.

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.

Paul O'Brien
Planning Inspector

8th June 2023