



An  
Bord  
Pleanála

## Inspector's Report ABP-316757-23

---

**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 Map

**Location**

Lands at Odlums Mill, Main Street, Sallins, Co. Kildare

**Planning Authority**

Kildare County Council

**Planning Authority Reg. Ref.**

KCC-C108-57

**Appellant(s)**

Springwood Limited

**Inspector**

John Duffy

## 1.0 Site Location and Description

- 1.1. The subject lands comprise a broadly rectangular brownfield site which contains several vacant and disused industrial buildings and storage silos, and circulation areas associated with the previous industrial use on the site. The site is bounded to the north by the Grand Canal, to the west by the Osberstown Park housing estate, to the east by Main Street where there is an access to the lands, and to the south by the Osberstown Court housing estate. The Dublin to Waterford train line runs approximately 200 metres to the south of the site.

## 2.0 Zoning and Other Provisions

- 2.1. The subject site was zoned A – ‘Town Centre’ in the Sallins Local Area Plan 2016 – 2022 with an objective ‘To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses.’
- 2.2. Specific Objective A2 of the Sallins LAP related to the site and sought to encourage mixed use and residential development on the site. Development proposals should seek the retention of and re-use (where possible) of the former industrial buildings for community, recreational and amenity uses as set in the ‘Sallins Town Centre Urban Design and Public Realm Study.’
- 2.3. Section 5.2 of the Sallins LAP related to the regeneration of the lands, while Section 11.1 set out a Design Brief for the subject lands.
- 2.4. 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 36) 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.’

- 2.5. Having regard to the brownfield nature of the land and its planning history, it is considered the site is 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.

2.6. The site is not located within an Architectural Conservation Area (ACA).

### **3.0 Planning History**

#### **3.1. Subject site:**

ABP Ref. PL09.315776 / PA Ref. 22/110 refers to an application for demolition of buildings and the construction of 61 no. shared access apartment units, 16 no. own door apartment units, 15 no. 1 and 2 storey terraced houses, creche, 2 storey commercial/retail building and all associated site development works. Revised by Significant Further Information. The Planning Authority recommended a grant of permission subject to 45 conditions. The first party lodged an appeal in respect of several of the conditions. No decision has been issued by the Board to date.

### **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 lands are in commercial use and have been in such use for in excess of 100 years, noting that there is a commercial mill on the site. The submission noted that while a planning application for a mixed-use development on the lands had recently been lodged (PA Ref. 22/110 refers), given that no permission had been granted at that time for residential use on the lands, the site should be removed from the RZLT map.

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

5.1. The Local Authority determined that the site was in scope. The site is zoned for a mixture of uses, including residential use, and it can be serviced. The lands are

deemed to be vacant / idle, as defined in section 653A (1) of the Taxes Consolidation Act 1997, as amended.

## **6.0 The Appeal**

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

The following points were made in support of the appeal:

- The site has an authorised commercial land use and contains commercially rated buildings which are available to rent.
- The site is not listed on the Vacant Sites or the Derelict Sites Registers.
- While the site has been zoned in the Sallins Local Area Plan 2016-2022 for a mix of uses including residential use, the existing land use has not changed and may only change when a grant of permission is made in respect of the planning appeal.

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

- No response on file

## **7.0 Assessment**

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

7.2. The zoning of these lands was under the Sallins Local Area Plan 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 site be removed from the map given that these lands have an authorised commercial land use, contain commercially ratable buildings which are available to rent, and are not listed on the Vacant Sites or Derelict Sites Registers.
- 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.

---

John Duffy  
Planning Inspector

28<sup>th</sup> August 2023