



An
Bord
Pleanála

Inspector's Report ABP-316770-23

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	Porterstown, Clonsilla, Dublin 15.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	RZLT033/22
Appellant(s)	Castlethorn Construction Unlimited Company
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an irregular shaped site located to the west of the Diswellstown Road, Porterstown, Dublin 15. This site, with a stated area of 2.7 hectares is undeveloped at present, and consists of a large area of land and a much smaller parcel of land, as reported, located to the west of the Diswellstown Road and south of the Dublin to Sligo railway line. The site surrounds a number of football pitches to the north, south and west and part of the site forms a section of one of the pitches.
- 1.2. Lands to the west are in agricultural use and to the east are in residential use. A national school is located to the south of the site and is separated from the subject site by an access road.

2.0 Zoning and Other Provisions

- 2.1. The site is within the 'Development Boundary' of Blanchardstown. The subject site is zoned RA – Residential Area – 'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure'. The football pitches etc. that adjoin but do not form part of this site, are also zoned RA.
- 2.2. The site is within Development Area 1 of the Kellystown Local Area Plan, which was adopted in January 2021.
- 2.3. There are no protected structures, national monuments or any other similar item indicated on the development plan maps.

3.0 Planning History

- 3.1. No recent applications on this site, though part of the site is located within the site area of SHD ref. ABP-312318-21, which refers to a March 2023 decision for the grant of permission for the development of 349 units.

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 development of this site is to be in accordance with the requirement of the Kellystown Local Area Plan.
- The comprehensive development of this site requires the relocation of St. Mochtas football club from these lands. No timeframe has been provided for this to date.
- A significant amount of infrastructural works will be required before these lands can be developed.
- References the grant of permission for development on the southern part of these lands under ABP Ref. 312318-21.

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 and has access to road, water, drainage and public lighting infrastructure as well as footpaths.
- 5.2. There are no physical constraints on the development of these lands and the existing use does not prevent the development of the site for residential uses.

6.0 The Appeal

6.1. Grounds of Appeal

The following comments were made:

- The development of this site is to be in accordance with the requirement of the Kellystown Local Area Plan. The site is located within Development Area 1 and should be developed at an early stage.
- The housing market is volatile and inflation costs in construction are impacting on the ability for developers to commence construction on sites.
- The imposition of this tax will not resolve fundamental issues in the sector, such as inflated construction costs and planning delays.
- A significant amount of infrastructural works will be required before these lands can be developed. Included are the extension of the Kellystown Road, works to water supply and foul drainage and other infrastructure works.

- The comprehensive development of this site requires the relocation of St. Mochtas football club from these lands. No timeframe has been provided for this to date.

6.2. Planning Authority Observation

Refers to the grant of permission under TA06F.312318, requests that the determination be upheld, and no further comments are made.

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 the recent grant of permission for a SHD development on the lands to the south of the site.
- 7.2. The site is located on lands that form part of the Kellystown Local Area Plan and it is therefore to be expected that the site is suitable for development of residential units in accordance with the RA zoning that applies to the site.
- 7.3. Concerns regarding volatility in the construction sector are noted, but they are not a reason for the exclusion of these lands from the RZLT maps as prepared.
- 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 volatility in the construction sector and also due to the need for infrastructure works in the area. The site is zoned for residential development and a local area plan in the form of the Kellystown LAP has been prepared to provide for the proper planning of the area.
- 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 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.

Paul O'Brien
Planning Inspector

8th June 2023