



An  
Bord  
Pleanála

## Inspector's Report ABP-316975-23

---

<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
<b>Location</b>	Former Nissan Site, Naas Road, Dublin 12
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	RZLT-000055
<b>Appellant(s)</b>	O'Flynn Construction Co. Unlimited Company
<b>Inspector</b>	Paul O'Brien

## **1.0 Site Location and Description**

- 1.1. The subject site contains the former Nissan site located to the south of the Naas Road and to the east of Walkinstown Avenue, to the south west of Dublin City Centre. This is part of a larger landholding, and which includes access/ frontage to both roads, though the site subject to appeal does not have any direct road frontage.
- 1.2. This irregular shaped site was previously in use as a car parking/ storage area and consists of a large area of hardstanding. The site is located in an area characterised by commercial and light industrial units, but where there is a significant number of car/ motor vehicle sales/ repair sites. High Voltage powerlines cross the site on a north to south axis.

## **2.0 Zoning and Other Provisions**

- 2.1. The site is located on lands zoned Z14 – Strategic Development and Regeneration Areas (SDRAs) in the Dublin City Development Plan 2022 – 2028. This mixed-use zoning allows for residential development on such zoned sites. The site is also located within the Naas Road Local Area Plan lands.
- 2.2. The site is not located within a Conservation Area and there are no protected structures, national monuments or any other item indicated on the development plan maps.

## **3.0 Planning History**

- 3.1. PA Ref. 3228/20 refers to an April 2021 decision to grant a 10-year permission for a mixed-use development including part Build to Rent scheme in 13 no. blocks (Blocks A-L) ranging in height from 4 - 15 storeys over 3 no. basements with a cumulative gross floor area of 168,184.13 sq m at this 6.921-hectare site to the east of Walkinstown Avenue at the junction of Walkinstown Avenue and Naas Road. The application area includes part of the 'Nissan Site' (6.429 hectares) and 0.492 hectares to accommodate works to facilitate connections to municipal services and works proposed to public roads. The Nissan Site refers to the subject site.
- 3.2. PA Ref. 3060/23 refers to a February 2021 decision to grant permission for modifications to the previous application under 3228/20.

## 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:
- Significant works would be required to provide for a suitable public water and foul drainage system to serve this development.
  - A wayleave is in place associated with a 762 mm steel trunk watermain that crosses the site.
  - Significant road infrastructure is required to service this site.
  - Request that units on site be removed from the map, these are not included on the RZLT map determination by Dublin City Council.
  - Powerlines cross over and under the site and significant works would be required to accommodate these on a site that is to be developed for residential use.

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

- 5.1. The Local Authority determined that part of the site was in scope. Road access can be provided to serve the development of this site. Uisce Éireann have reported that a public water supply and foul drainage network can be provided to serve the site, though upgrades may be required to facilitate these aspects of the development.
- 5.2. The issues raised in relation to the powerlines are noted, however the permitted development has included these in the design and therefore it has been demonstrated that development can take place without impacting on these powerlines.
- 5.3. The site is therefore suitably zoned, can be serviced, is currently vacant/ idle, and there is no known restrictions on site that would prevent the development of these lands for residential uses.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The Planning Authority have not provided a detailed infrastructure assessment of these lands, to determine whether or not they can be serviced.
- Part of the lands are used for car storage and are not therefore vacant/ idle.
- The works necessary to accommodate development of this site would be significant. Water supply/ foul drainage and road works would be required, and which would be significant in their scale.
- All relevant factors have not been adequately considered in the assessment of the suitability of these lands for residential development.

### 6.2. Planning Authority Response

- No further comment.

## 7.0 Assessment

- 7.1. The comments raised in the appeal are noted. Restrictions on the development of these lands, through the provision of necessary services and relocation of powerlines, have been raised in the appeal.
- 7.2. The Planning Authority have outlined in their report why they have determined that the site is in scope for inclusion on the RZLT maps. The Z14 zoning allows for residential development and permission has been granted for a mixed-use scheme that includes a significant number of residential units.
- 7.3. The appellant has control over lands that would allow for suitable vehicular access to this site. This is not in doubt considering its former use for car storage. The area is served by water supply and foul drainage and there is no reason as to why this site cannot be suitably serviced. Whilst significant works may be required, this is not unusual in the context of the development of a site of this size and of a scale proposed in accordance with the permitted development of this site.

- 7.4. I note that a number of powerlines cross the site and again this is something that has been addressed through the permitted development. It has been demonstrated that these powerlines can be accommodated, and relocation/ undergrounding of lines would not be unusual within an urban location such as this.
- 7.5. The provision of services and accommodating of exiting powerlines have been adequately addressed through the applications permitted on this site and there is no known reason as to why these necessary works cannot be undertaken now. Such works are generally carried out by a developer or under the supervision of the relevant utility provider.
- 7.6. No issues in relation to contamination or archaeological remains that may be on site have been raised as an issue of concern.
- 7.7. I therefore consider that the site, should remain for inclusion on the Residential Land Tax Maps as the site zoning allows for residential development and there are no known restrictions on the development of these lands.

## **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 fact that the development of this site for residential uses would require significant infrastructure works and would also require the relocation of existing powerlines that cross over/ under the site.
- 9.2. I am satisfied that having regard to the nature/ location of the site and the planning history that relates to this site, that these lands can be suitably developed for residential development. 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

22<sup>nd</sup> June 2023