



An
Bord
Pleanála

Board Order
ABP-320407-24

Taxes Consolidation Act 1997, as amended

Planning Authority: Fingal County Council

Planning Authority Reference Number: FIN-C657-RZT24-5

Appeal by October Investments (Two) Limited care of Brock McClure
Planning and Development Consultants of 63 York Road, Dún Laoghaire,
Dublin in accordance with section 653J of the Taxes Consolidation Act 1997,
as amended, against the inclusion of land on the map of the Residential
Zoned Land Tax by Fingal County Council on the 21st day of June 2024 in
respect of the site described below.

Lands at: Pinnock Hill, Miltonsfield, Airside, Swords, County Dublin.

Decision

The Board in accordance with section 653J of the Taxes Consolidation Act 1997, as amended, and based on the reasons and considerations set out below, hereby decides to set aside the determination of the local authority and allow the appeal.

Reasons and Considerations

The lands identified as Pinnock Hill, Miltonsfield, Airside, Swords (R132) (Parcel ID FL0000003403) are located on lands zoned MRE-Metro and Rail Economic Corridor, which facilitates mixed use including residential development and, therefore, are considered in scope of section 653B(a) Taxes Consolidation Act 1997, as amended. The subject site immediately adjoins the R132 along its northern boundary and UE capacity registers indicate that there is capacity available in the water network to serve the site. The current Railway Order Application, which relates to the majority of the site, creates an impediment to connectivity to roads and services. The eastern part of the site that does not form part of the Railway Order Application under An Bord Pleanála reference 314724 does not have direct frontage onto any public road and, therefore, it is reasonable to consider that this area cannot connect to public infrastructure or facilities. When considered in isolation, the eastern portion of the site does not meet the criteria for inclusion on the RZLT map under Section 653B(b) of the act. The northern, central and western areas of the site are included in the land take under the Railway Order Application for the metro link project (ABP reference 314724). Whilst this application has not been granted, it is reasonable to consider that any application for residential development at the site would be considered premature pending the Board's decision. In this way, it is reasonable to consider that the lands that form part of application ABP reference 314724, as shown in Figure 3 of the appeal statement, are required for transport

facilities and, therefore, meet the criteria for exclusion under Section 653B(iii) of the Act. There are no other physical conditions at the site that would preclude the provision of dwellings on the lands, with reference to Section 653B(c) of the Act.



Joe Boland

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 1st day of October 2024