



An
Bord
Pleanála

Inspector's Report ABP-316522-23

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	Ratoath Road, Hollystown, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	RZLT004/22
Appellant(s)	MCPS Investments Homes Limited
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site is located in Hollywood, Hollystown, Dublin 15, approximately 4.3 km to the north of Blanchardstown town centre. The rectangular shaped site, with a stated area of 3.5 hectares, is located to the east of the main Corduff to Hollystown Road and to the south of the Hollywood Road. The site forms part of a larger area of land that extends to the south east and east. The land is in agricultural use and is under grass.

2.0 Zoning and Other Provisions

- 2.1. The site is within the 'Development Boundary' of Blanchardstown. The subject site is zoned RS – to 'Provide for residential development and protect and improve residential amenity'. Local Objective No. 55 refers to part of this site and states 'Facilitate the provision of a turning space for public buses'.
- 2.2. There are no protected structures, national monuments or any other similar item indicated on the development plan maps.

3.0 Planning History

- 3.1. FW23A/0036 refers to an application for a development of 96 houses and all associated works on these lands. A final decision has not been made to date by the Planning Authority. Further information was sought on the 17th of April 2023.

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 land was not suitably serviced in terms of foul drainage. The foul sewer serving the area is located in third party lands.

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. The land is not constrained by its physical condition that would preclude

the development of housing, the site is not contaminated and there is no known archaeological/ historic remains here. The existing use of the site does not allow for its exclusion as set out in Section 653B(c) of the Finance Act 2021.

- 5.2. A letter has been provided on file from Uisce Éireann confirming that the site is serviceable for public water supply and that there is a sewer in close proximity to the site.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant made a submission to the Local Authority seeking to have its lands removed from the draft map on the basis that the land was not suitably serviced in terms of foul drainage. The appellant has submitted a letter from Fingal County Council – Castleknock Mulhuddart Operational Area, stating that ‘There are no sewers in charge of the County Council on Ratoath Road.

7.0 Assessment

- 7.1. The site can be serviced by road and water services, Uisce Éireann have confirmed that there is a water supply in the area and a foul drainage system is also available.
- 7.2. The appellant has made their case on the basis that the foul drainage system is not in public ownership and the subject lands do not have access to public foul drainage.
- 7.3. There is no indication as to why the applicant cannot connect to this system. As with all development, the developer will have to provide the infrastructure on their own site and connect to existing or new services. Uisce Éireann have raised no issues of concern in relation to the servicing of this site.

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 as there is no public foul drainage network serving this location. Foul drainage has been identified in the

area and Uisce Éireann have reported no issue with the connection of the applicant's site to this system. 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

30th May 2023