



An  
Bord  
Pleanála

## Inspector's Report ABP-316547-23

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<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>	The Lord Mayor's Public House, Main Street, Swords, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	RZLT049/22
<b>Appellant(s)</b>	Jacko Investments Limited
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

1.1. The subject site is located in Swords town centre and comprises two parcels of land totalling 1.2 hectares (Parcel A 0.12ha and B 0.98ha). This file should be read in conjunction with ref no. ABP-316586. The site consists of a former public house (vacant) on Main Street Swords its associated car parking and an area of undeveloped land to the rear of it with frontage along Church Street.

## **2.0 Zoning and Other Provisions**

2.1. The subject site zoned MC, Major Town Centre – ‘to protect, provide for and/or improve major town centre facilities’ at the time of determination (Fingal Development Plan 2017-2023).

2.2. There are no protected structures, national monuments or any other similar item indicated on the development plan maps. Part of the site is within the zone of archaeological notification for Swords town centre.

## **3.0 Planning History**

3.1. ABP-313223-22: Permission granted to Jacko Investment Limited for construction of 146 no. apartments, crèche and associated site works on a site of 1.53 hectares, which incorporates the lands in question.

## **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 lands are within the Swords Masterplan 2009 area and the Fingal County Development Plan 2017-2023 contains a statutory objective to support development in accordance with a masterplan and envisions the lands as a cultural quarter, the fact that the lands are within a zone of archaeological notification and that the lands have limited connectivity to footpath, public lighting, water infrastructure and vehicular access.

## 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The site is two parcels of land (parcel A 0.12ha and Parcel B 0.98ha). Parcel B does not have connectivity to footpath with no footpaths along the eastern boundary.
- The lands are partially within a zone of archaeological notification and this area of the site provides road infrastructure and whose omission would restrict connection to road infrastructure.

The site should therefore be omitted from the map under Section 653(b)(c) for these listed reasons. The grounds of appeal do no dispute the fact that the lands are zoned for a mixture of uses, including residential use or that such can be classified as vacant or idle.

## 7.0 Assessment

7.1. The site can be serviced by road infrastructure, while it is acknowledged that there is lack of footpaths along the eastern side of the land in question along Church Road the level of frontage within the landowners control would allow for development of such as part of any residential development on site and connection of such to existing footpath infrastructure on the Main Street. In addition I would refer to the planning history of the site, which include a permission granted for residential development of 146 no. apartments, crèche and associated site works on a site of 1.53 hectares that incorporates the lands in question. Whilst these infrastructure

elements may not be in place at present, these would be expected to be provided in conjunction with the development of a site, generally developer led.

7.2. The eastern part of the lands in question is within a zone of archaeological notification with no protected structures, national monuments or any other similar item indicated on site. This is a designation, which requires notification of the relevant statutory bodies (Department of Housing, Local Government and Heritage) in the event of an application) and does not preclude development subject to the appropriate archaeological analysis of any site for development with such area. I would again refer to the fact the portion of the lands within the zone of archaeological notification is included in the 1.53 hectare site for which permission has been granted for 146 no. apartments, crèche and associated site works.

## 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 location of the site on lands zoned MC Town Centre for a mixture of uses, including for residential falls within the scope of the criteria under 653B of the Taxes Consolidation Act 1997, as amended. The site falls within the scope of vacant or idle required for mixed use land uses as required under section 653B (c)(ii).

The site has reasonable access to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development. The development of these lands are not constrained by deficiencies in existing roads and footpaths with the lands having significant road frontage to facilitate necessary improvements. The location of part of the lands within a zone of archaeological notification does not preclude the development of such lands.

The site satisfies 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.

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Colin McBride  
Planning Inspector

19<sup>th</sup> June 2023