



An  
Bord  
Pleanála

## Inspector's Report ABP-316711-23

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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>	Fassaroe, Bray, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	WW-RZLT-34
<b>Appellant(s)</b>	Borg Developments Unlimited Company
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site contains a large area of irregular shaped lands located to the west of the N11 in Fassaroe, Bray, Co. Wicklow. The total area of lands with Borg ownership that is suitable for residential development is given as 44.5 hectares.
- 1.2. The subject site currently contain a mix of uses including agricultural lands that are under grass and forestry. Lands cleared for development adjoin the N11 and its junction with the R918 regional road. Berryfield Road crosses through the southern part of the site and there is a large electricity substation/ 110kV station located midway along this road as it relates to the subject site.
- 1.3. Adjoining lands are in similar mixed used agricultural, and forestry uses. Roadstone have a quarry to the south of the subject lands and there are a number of detached houses/ individual sites surrounding the subject lands.

## 2.0 Zoning and Other Provisions

- 2.1. The subject lands are included within the Settlement Boundary of the Bray Municipal District Local Area Plan 2018. The subject site is located within lands zoned for a number of uses as follows:

E1- Employment

OS1 – Open Space

OS2 – Open Space

RE – Existing Residential – ‘To protect, provide and improve residential amenities of existing residential areas’.

R-HD – New Residential – High Density – ‘To protect, provide and improve residential amenities in a high density format.’

CE – Community & Education

NC – Neighbourhood Centre

- 2.2. Only the RE and R-HD lands are relevant to the process of inclusion on the map. The subject lands are located within the designated Action Area Plan 1 for Fassaroe, Bray.

### **3.0 Planning History**

- 3.1. There are numerous planning applications on these lands. The most relevant/ recent refers to **ABP Ref. 313314**, which is a SHD application for 650 residential units, but no decision has been made to date.

### **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 the future development of lands is dependent on a decision on the SHD application, and an implementation plan is required for the future development of the remaining lands. This plan should set out the future phasing and infrastructure needs of the Fassaroe lands. The provision of this infrastructure will impact on the development of the lands.

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

- 5.1. The Local Authority determined that the site was in scope. The land is suitably zoned and serviced for residential development. The provision of infrastructure is within the control of the Local Authority/ the landowner and there is no restriction on the provision of necessary infrastructure.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

The following points were made in support of the appeal:

- The process of inclusion on the maps does not have full regard to all aspects of Section 653B.
- The R-HD zoned lands are located on former landfill sites that have not been remediated, therefore are not suitable for development.
- There is a capacity issue in relation to water supply, the Uisce Éireann upgrade works are not due to be complete until August 2024.
- Road and footpath works are required in the area.

- There is a requirement for an Implementation Plan for the development of the lands in the area.
- There is no indication as to when suitable services will be provided so enable the development of this area.
- There are powerlines crossing the site including 110 kV lines which restrict the development potential of the lands.

The following comments are made in relation to the Wicklow County Council decision to include the lands on the map:

- Accept that the lands are suitably zoned for residential uses.
- Do not accept that the site is suitably serviced. References shortfalls in water supply, transportation, and other services.
- The lands contain a number of landfills, and which will require remediation before their use.
- A number of road projects are required to be implemented before the site can be suitably developed for residential use.
- There is a reasonable expectation that the site can be serviced by public infrastructure, and this is not clear at present.

The submitted appeal is supported with a number of plans, landownership documentation, details of correspondence with Wicklow County Council and other supporting information.

## 6.2. **Planning Authority Response**

- No further comment in addition to their original report, other than to note that SHD ABP Ref. 313314-22 is under consideration by An Bord Pleanála on the date of their comment.

## 7.0 **Assessment**

- 7.1. The comments raised in the appeal are noted and the report of the Planning Authority with supporting reports are noted.

- 7.2. I note the issues raised in relation to the Action Area Plan that applies to this site. The submission of the SHD application does not prevent an alternative application from been submitted and which may be assessed under the normal planning process. It is accepted that infrastructure may be required to enable the full development of these lands, however the site is serviced by suitable roads, which are mostly in public ownership and although Uisce Éireann upgrade works are required, these should be completed in advance of any development commencing on site.
- 7.3. The appeal refers to the need to remediate landfills on site. These are not within the residentially zoned lands and therefore they do not impact on the residential development potential of these lands. Powerlines crossing the site can be undergrounded or diverted as appropriate.

## **8.0 Recommendation**

- 8.1. I recommend that the board accept the determination of the Local Authority and that the indicated site be kept 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 these lands is restricted by former landfill sites, by the need for services to be upgraded and by overhead powerlines crossing the site.
- 9.2. The lands are suitably zoned and no restrictions in terms of service provision have been identified that would prevent the development of these lands. The presence of overhead powerlines does not prevent the development of lands for residential use, suitable services are available to enable the development of these lands, including roads and drainage/ water supply, and the identified landfills are not within the residentially zoned lands.

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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Paul O'Brien  
Planning Inspector

4<sup>th</sup> September 2023