

| March 2024

Prepared by CWPA Planning & Architecture

CWPA
Planning & Architecture



Residential Zoning Tax Appeal

Lands at Ballyboughal, Co. Dublin.

Submission to An Bord Pleanála on behalf of [REDACTED].

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Quality Assurance – Mandate Statute

This document has been prepared and scrutinised in accordance with CWPA Planning & Architecture Quality Assurance team provisions.

Date of Preparation	Prepared By	Checked By	Approved By
March 2024	Roisin Corr	Joe Corr	Joe Corr

Planning Application Information:

Parcel ID: FL0000002221

Town/ Village: Ballyboughal

Site Address / location: Ballyboughal, Co. Dublin.

Site Area: Approx. 6 HA.

Zoning: RV-Rural Village (Mixed Use).

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1.0 Introduction

CWPA Planning and Architecture, Unit 10, North Street Business Park, Townparks, Seatown West, Swords, Co. Dublin, K67 C992, wish to submit this appeal document regarding the Residential Zoned Tax on our clients, [REDACTED], land in Ballyboughal, County Dublin.

This document will set out the justification as to why our client should be exempt from paying the Residential Zoned Land Tax on his land at Ballyboughal, Co. Dublin.

Figure 1: [REDACTED] land. Blue is the zoned land in question. Orange is client's total site.

Source: Google Maps.



2.0 Site Location & Description

Our client's land is in the centre-east area of Ballyboughal. Our client's site measures up to approx. 2.8 HA. The site is approx. 0.5 km from Ballyboughal Gaelic Football Club and 0.3 km from Mace Petrol Station. Approx. 8 km to the Main Street of Swords and approx.. 6 km to Lusk town centre.

The site is surrounded by residential developments and the north of the site has a stream running west to east.

The land is currently zoned Rural Village (RV) within Fingal County Council's (FCC) zoning maps in their Development Plan 2023 – 2029.

Objective: *Protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved land use plan, and the availability of physical and community infrastructure*

Vision: *Ensure protect and promote established villages within the rural landscape where people can settle and have access to community services, including remote work hubs. The villages are areas within the rural landscape where housing needs can be satisfied with minimal harm to the countryside and surrounding environment. The villages will serve their rural catchment, provide local services and smaller scale rural enterprises. Levels of growth will be managed through approved land use plans to ensure that a critical mass for local services is encouraged without providing for growth beyond local need and unsustainable commuting pattern.*

Figure 2: Land zoning map for Client's site.

Source: FCC Development Plan 2023 – 2029 Interactive Map Viewer.



3.0 Planning History.

CWPA Planning & Architecture have undertaken an assessment of the planning history pertaining to the subject site in conjunction with any relevant planning history has been gathered from Fingal County Council's planning portal. This research has shown that there is no planning history on the lands located in Ballyboughal,, Co. Dublin.

4.0 FCC Development Plan 2023 – 2029.

Chapter 3.5.14.2

Residential Zoned Land Tax - To encourage the activation of zoned and serviced land for residential development and in order to increase housing supply, Budget 2022 introduced the Zoned Land Tax (ZLT). The tax, which has a two-year lead time, will replace the current Vacant Site levy and will come into effect in 2024. The zoned Land Tax will apply to land which is serviced and zoned for residential development or for mixed use land zoning where residential development is permitted, regardless of size. Maps identifying suitable sites will be prepared by the Local Authority.

The Vacant Sites levy will continue to apply in the interim period.

Response: Our clients' land is not vacant. It is currently used for the family horticultural and agricultural farming business.

Chapter 3.5.14.3

Objective SPQHO47 – Vacant Sites Levy Implement the Vacant Sites Levy for all vacant development sites in the County and update and make available a Register of Vacant Sites, as per the requirements of the Urban Regeneration and Housing Act 2015, or any superseding Act.

Response: Our clients land is used as agricultural and horticultural land which facilitates his family run farming business. [REDACTED] hopes in the future to be in position to develop the land further, therefore wants to retain the RV zoning.

5.0 Justification to Appeal

Our client is seeking an exemption from the Residential Zoned Land Tax due to the land being used as a farming family business. Our client's land is utilised as farmland and the growing of fresh produce. The farmland is not only a source of income for our client's family but also for full-time employees, all of whom work on these lands. These fields farm a mix of horticulture and agricultural produce, which includes cereals, potatoes, and onions.

Firstly, our clients land is not services land. Please find in Appendix 1, the letter from Irish Water to state that it is not a serviced site, as well as the extensive works that would have to be carried out to make it a serviced site. There are no safe footpaths at the site. The roads near the site a poorly lit and would not be safe for pedestrians or large numbers of vehicles to use the site.

Our client would not be in a position to pay this tax from his farming income emanating from his current business, which in turn could impact negatively for employment and sustainability of his farming business. [REDACTED] run business is part of a local farming tradition, and he wishes to continue to produce fresh food for the local town and the wider area of Fingal.

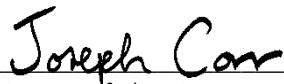
[REDACTED] would like to retain the zoning to enable him to reassess the viability of keeping the lands in horticultural and agricultural use. He proposes to carry out a reassessment prior to the adoption of the next Fingal Development Plan in 2029.

6.0 Conclusion

CWPA Planning & Architecture request that the Board exempt our client [REDACTED] from paying the Residential Zoned Land Tax on his land in Ballyboughal, County Dublin. The basis of this request is due to this site currently being essential to [REDACTED] fresh produce business located on the abovementioned lands.

We look forward to your consideration of this Appeal and the determination in due course.

Yours Sincerely,



Director of Planning
Joseph Corr MSc MRPII MIPI



Appendix 1

FOGA Consulting Eng.
Unit C2, Nutgrove Office Park
Rathfarnham, Dublin 14
Co. Dublin
D14CR20

Cathrach Theas
Cathair Chorcaí

Uisce Éireann
PO Box 448
South City
Delivery Office
Cork City

www.water.ie

27 November 2023

**Our Ref: CDS23008145 Pre-Connection Enquiry
Site at, Ballyboughal, Dublin**

Dear Applicant/Agent,

We have completed the review of the Pre-Connection Enquiry.

Uisce Éireann has reviewed the pre-connection enquiry in relation to a Water & Wastewater connection for a Housing Development of 72 unit(s) at Site at, Ballyboughal, Dublin, (the **Development**).

Based upon the details provided we can advise the following regarding connecting to the networks;

- **Water Connection** - Feasible without infrastructure upgrade by Irish Water
- **Wastewater Connection** - Feasible Subject to upgrades
- In order to accommodate the proposed connection, the following are required:
 1. Upgrade of Ballyboghil WWTP.
Uisce Éireann currently has a project on our current investment plan which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed by 2029 (this may be subject to change). In case of installation of a private on-site WWTP as an alternative/interim solution, please contact the Local Authority.

Stiúrthóirí / Directors: Tony Keohane (Cathaoirleach / Chairman), Niall Gleeson (POF / CEO), Christopher Banks, Fred Barry, Gerard Britchfield, Liz Joyce, Patricia King, Eilean Maher, Cathy Mannion, Michael Walsh.
Offig Chláraithe / Registered Office: Teach Colvill, 24-26 Sráid Thalbóid, Baile Átha Cliath 1, D01 NP86 / Colvill House, 24-26 Talbot Street, Dublin, Ireland D01NP86
Is cuideachta ghníomhaíochta ainmnithe atá faoi theorainn scaireanna é Uisce Éireann / Uisce Éireann is a design activity company, limited by shares. Cláraithe in Éirinn Uimh.: 530363 / Registered in Ireland No.: 530363.

UE / LH / 09448 / 0323

2. Approximately 120m of network extension from the existing 225mm gravity sewer on R108 road to the site. Uisce Éireann does not currently have any plans to extend its network in this area, therefore the applicant will be required to fund the extension. The fee will be calculated at a connection application stage.

This letter does not constitute an offer, in whole or in part, to provide a connection to any Uisce Éireann infrastructure. Before the Development can be connected to our network(s) you must submit a connection application and be granted and sign a connection agreement with Uisce Éireann.

As the network capacity changes constantly, this review is only valid at the time of its completion. As soon as planning permission has been granted for the Development, a completed connection application should be submitted. The connection application is available at www.water.ie/connections/get-connected/

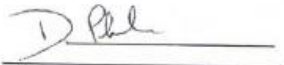
Where can you find more information?

- **Section A** - What is important to know?
- **Section B** - Details of Uisce Éireann's Network(s)

This letter is issued to provide information about the current feasibility of the proposed connection(s) to Uisce Éireann's network(s). This is not a connection offer and capacity in Uisce Éireann's network(s) may only be secured by entering into a connection agreement with Uisce Éireann.

For any further information, visit www.water.ie/connections, email newconnections@water.ie or contact 1800 278 278.

Yours sincerely,



Dermot Phelan
Connections Delivery Manager