



County Wicklow Residential Zoned Land Tax (RZLT)

Submission Template

A: Details of person / representative / agent making submission

Name	SLR Consulting Ireland
Address	7 Dundrum Business Park, Windy Arbour, Dublin, D14 N2Y7
Phone No.	01-2964667
Email Address	aobrien@slrconsulting.com

If you are the landowner of the lands that are the subject of this submission, or making the submission on behalf of the landowner, please complete Part (B) of this form.

If you are not the landowner of the lands that are the subject of this submission or making the submission on behalf of the landowner, (i.e. you are a 'third party') please complete Part (C) of this form.

Please be advised that personal information will be redacted before publishing.

B: Landowner Submission

Town	Fassaroe, Bray Co. Wicklow
Landowner name	[REDACTED]
Landowner address	[REDACTED]
Landowner phone	[REDACTED]
[REDACTED]	[REDACTED]
Address of site	Fassaroe, Bray, Co Wicklow
Site description	The Fassaroe Lands are shown in Drawing F1 (enclosed with this submission) and comprise two areas of land measuring 17.9 and 16.9 ha respectively (hereinafter, "Site 1" and "Site 2" respectively). At present, a construction related trade is carried on within the Fassaroe Lands. These trading activities include an active concrete plant and a licenced waste recovery facility.
Site Area	34.8 Ha

Maps / information to accompany submission	Check
Have you included the required Ordnance Survey map showing the lands at an appropriate scale i.e. 1:1000 in urban areas or 1:500 in rural area, clearly identifying the map in question?	<input checked="" type="checkbox"/> See Drawing F1, F3 and F4
Have you included proof of ownership?	<input checked="" type="checkbox"/> See land registry folio details Drawing F1, F3 and F4

Are you:	Check
Challenging the inclusion of certain lands on the map?	<input checked="" type="checkbox"/>
Challenging the date that lands are considered to be 'in scope'?	<input checked="" type="checkbox"/>
Requesting a change in zoning?	<input checked="" type="checkbox"/>
Identifying additional lands that you believe should be shown on the maps?	<input checked="" type="checkbox"/>

Grounds for your submission Refer to separate document attached SLR Ref. 501.00456.064892/ F1 dated 22nd December 2022.

C: Third Party Submission**N/A**

Town	
Landowner name	(if known)
Landowner address	(include Eircode if known)
Landowner phone	(if known)
Landowner email	(if known)
Address of site	(include Eircode if known)
Site description	(if address is unclear)
Site Area	(if known)

Please include a map if available

Please be advised that where we cannot identify the land we may not be able to take your submission into account.

Are you:	Check
Challenging the inclusion of certain lands on the map?	
Challenging the date that lands are considered to be 'in scope'?	
Identifying additional lands that you believe should be shown on the maps?	
Grounds for your submission (please see advice at end of this document) (you can set out grounds on this form, or attach a separate document)	

Criteria for inclusion on the map - any submission to exclude or include land should make reference to these criteria:

Land that meets the criteria for inclusion on the map, and therefore liable to the RZLT, is land that –

- is included in a development plan or local area plan and is zoned for residential development or zoned for a mixture of uses, that includes residential development.
- is serviced, or it is reasonable to consider may have access to services. Serviced means having access to the necessary public infrastructure and facilities including road and footpath access, public lighting, foul sewer drainage, surface water drainage and water supply necessary for dwellings to be developed and for which there is service capacity available sufficient to enable housing to be developed.
- is not affected in terms of its physical condition, by matters to a sufficient extent to preclude the provision of dwellings, including contamination or the presence of archaeological or historic remains.

but which is not –

- land that, while zoned residential, is an authorised development used to carry on a trade or profession by a business liable to pay commercial rates, and which provides services to residents of adjacent residential areas.
- land that is zoned for a mixed used purpose (including residential) unless it is reasonable to consider that such land is vacant or idle.
- land that is required for, or occupied by, other uses such as social, community or governmental infrastructure, including education and healthcare facilities, facilities used for the purposes of public administration, transport facilities and infrastructure, utilities, energy or telecommunications infrastructure and facilities; water and wastewater infrastructure and facilities, waste management and disposal infrastructure, recreational infrastructure including sports facilities and playgrounds.
- land that is subject to a statutory designation that may preclude development.
- land in respect of which the Derelict Sites Levy is payable.

22 December 2022

Administrative Officer,
Planning Department,
Wicklow County Council,
County Buildings,
Whitegates,
Wicklow Town,
A67 FW96

Our Ref: 501.00456.064892/ F1

Your Ref: Wicklow County Council RZLT draft map

BY EMAIL: RZLT@wicklowcoco.ie

Dear Sir/ Madam

RE: FASSAROE - RZLT DRAFT MAP SUBMISSION: [REDACTED]

SLR Consulting Ireland acts as planning and environmental advisors to [REDACTED]

This submission, made pursuant to the provisions of Section 653D Taxes Consolidation Act 1997 (TCA 1997), relates to the inclusion of lands at Fassaroe, Co. Wicklow (hereinafter, the “Fassaroe Lands”) owned by Roadstone Limited and Belgard Estates Limited (hereinafter, the “Landowner(s)”) on the Wicklow County Council RZLT draft map. While each Landowner owns distinct parts of the Fassaroe Lands, given the proximity of their respective land interests the Landowners views as regards inclusion of their land on the draft RZLT map, and as set out in this joint submission, are aligned.

As you are aware, and as noted in the Residential Zoned Land Tax Guidelines published under Section 28 of the Planning and Development Act 2000 (hereinafter, the “RZLT Guidelines”), the purpose of the RZLT taxation measure is to “activate land which has [s]een the benefit of significant investment in servicing infrastructure”. While the Fassaroe Lands will, in time, be well suited to residential development, it is clear from our review that the necessary public infrastructure is not, as yet, in place to facilitate such development.

We have set out below further background information concerning the Fassaroe Lands and have detailed the specific reasons why the lands do not currently satisfy the necessary criteria for inclusion in the RZLT map (as set out in Section 653B TCA 1997).

1. SITE INFORMATION - ZONING AND BACKGROUND

The Fassaroe Lands are shown in Drawing FI (enclosed with this submission) and comprise two areas of land measuring 17.9 and 16.9 ha respectively (hereinafter, “Site 1” and “Site 2” respectively). At present, a construction related trade is carried on within the Fassaroe Lands. These trading activities include an active concrete plant and a construction related waste recovery facility. For completeness,

part of the Fassaroe Lands not used for trading purposes are licenced for agricultural use to a third party.

Both areas of land (also shown in Figure 1) are zoned for residential use in the Bray Municipal District Local Area Plan 2018 (the “Bray LAP”).

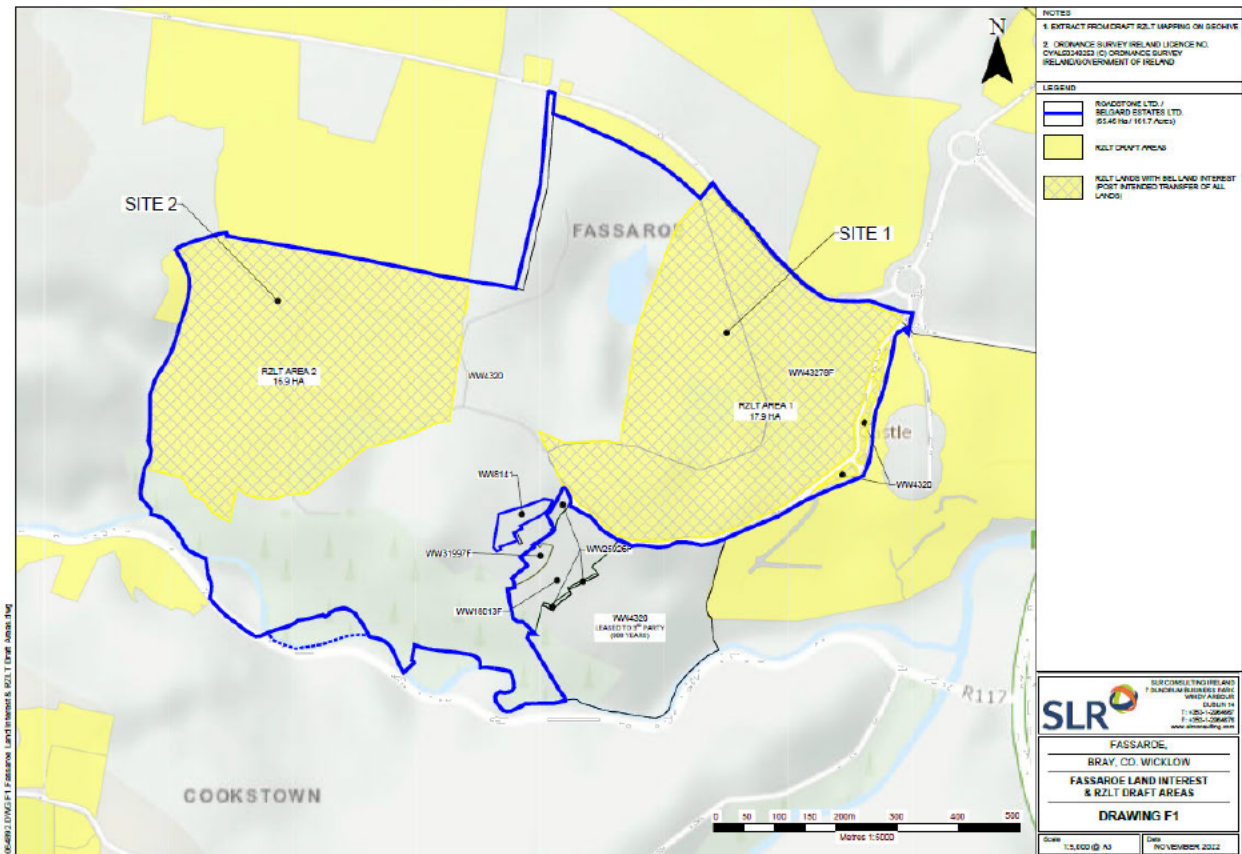


Figure 1 Sites 1 and 2 at Fassaroe

As you are aware, as part of the County Development Plan (“CDP”) process, the National Planning Framework (“NPF”) (National Policy Objective 72a) requires Planning Authorities to apply a standardised, two-tier approach to differentiate between:

- zoned land that is serviced (Tier 1); and,
- zoned land that is serviceable within the life of the relevant CDP (Tier 2)

Tier 1 lands are considered serviced, and in general, part of or contiguous to the built-up footprint of an area.

Tier 2 lands are considered not currently sufficiently serviced to support new development but have potential to become fully serviced within the lifetime of the Plan.

The NPF requires the CDP to assess the infrastructure required to support any Tier 2 lands identified for development and the assessment must be aligned with the delivery program of relevant

infrastructure providers. In this regard, we note that the Infrastructural Assessment Report (“IAR”) (Appendix 9 Wicklow County Development Plan 2022 – 2028¹) identifies the strategic site at Fassaroe (within which Site 1 and Site 2 are located) as Tier 2 lands. Specifically, the area was identified as Tier 2 ‘pending delivery of Transportation Infrastructure to support new development’.

With respect to transport, the “known infrastructure constraints” cited within the IAR are those referenced in the *Bray and Environs Transport Study (April 2019)* (the “Bray Transport Study”). In this regard, the Bray Transport Study lists the following transportation interventions which are needed to support the development of Fassaroe:

- Fassaroe development roads;
- N11 Cycle and Pedestrian Bridge;
- N11/M11 Junction 4 to 14 Improvement Scheme;
- Delivery of Wicklow County Council Part 8 N11 capacity and safety upgrades, as approved;
- Busway from Fassaroe to Old Connaught over County Brook at Ballyman Glen;
- Traffic Management Measures at Fassaroe Interchange to protect strategic function of the N/M11;
- Delivery of the Upper Dargle Road public transport priority measures-schemes and the River Dargle Cycle Scheme; and
- Commitment to the phased introduction of bus and enhanced rail services in line with increased demand.

While we appreciate that the Tier 2 classification of Fassaroe is not determinative as regards RZLT classification, it is nevertheless consistent with our view that the Fassaroe Lands are not, as yet, sufficiently serviced to enable near-term residential development.

2. GROUNDS OF SUBMISSION - APPLICATION OF THE SECTION 653B CRITERIA TO THE FASSAROE LANDS

The Landowners formally request Wicklow County Council to revise the draft RZLT Map and to exclude the entirety of the Fassaroe Lands from the map for the purposes of RZLT, on the basis that the land does not satisfy the relevant criteria for inclusion in the RZLT map provided for by Section 653B(b) TCA 1997.

In this regard, Section 653B(b) provides that lands should be considered in scope for RZLT if:

(b) it is reasonable to consider may have access, or be connected, 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

We have detailed below our review of a number of the above criteria which, in our view, are not met by the Fassaroe Lands.

¹ Wicklow County Development Plan 2022 - 2028 was adopted on 12 September 2022 and came into effect 23 October 2022).

Access – Roads

As set out in the RZLT Guidelines, in considering road access....

the Planning Authority must take into account the ease of access to existing road infrastructure by the identified lands. Construction of significant sections of new road access across other landholdings, should be discounted with the exception of Local Authority owned lands, where use and access are a matter for the authority.

Infrastructure and Phasing Requirements for Fassaroe are set out in the Bray LAP which reinforces the key investment priorities for this area as set out in the CDP. It states that “all new development shall be accompanied by appropriate transport services, the format and scale of which shall be in accordance with the abovementioned Bray Transport Study”. Significantly, the Bray LAP stipulates the requirement for Phase 1 of development at Fassaroe to deliver a Road link from N11 to Ballyman Road prior to any subsequent development taking place within this area. The development of this road, which will be wholly located in 3rd Party lands, is only at planning application stage (currently under consideration by An Bord Pleanála²).

The Bray Transport Study also states that development of Fassaroe may only commence on a tightly phased basis when certainty on the need for and delivery of the above listed items (See section 1) is fully determined. Section 3.2 of this study; ‘First Growth Area’ - Phase 1 (a) Fassaroe’ states that “Phase 1 (a) of the development of Fassaroe would comprise c.650 residential units and appropriate residential support facilities.”

In light of the phasing required by the Bray Transport Study it is notable that an application for 650 units in Fassaroe is already under consideration with An Bord Pleanala which, if approved, will fully utilise the limited Phase 1 capacity for Fassaroe³. This planning application and supplementary Fassaroe Proposed Action Area Plan suggest that the Fassaroe Lands owned by the Landowners will form part of Phase 2 of the development of Fassaroe as a whole. Should the Fassaroe Lands be so considered, the RZLT Guidelines, in the context of the “phasing of particular settlements via an SDZ, LAP or non-statutory land use plan”, where significant road/transport infrastructure is required, provides that “... if specifically identified in the plan, the relevant phased area of the land, should be considered in scope” i.e. later phases should not initially be in scope.

In the context of public road infrastructure, it is also pertinent that the Bray Transport Study specifically mentioned the “N11/M11 Junction 4 to 14 Improvement Scheme” and “Traffic Management Measures at Fassaroe Interchange to protect strategic function of the N/M11”. Given the proximity of the Fassaroe Lands to the N11/M11, future residents will be reliant upon the N11/M11 to connect with the wider road network. Accordingly, future development of the Fassaroe Lands will require the abovementioned upgrade to the N11/M11. This view is supported by the following evidence:

1. Transport Infrastructure Ireland (“TII”) has described the M11/N11 between Junction 4 and Junction 14 as not fit for purpose and as:

² 313314: Fassaroe and Monastery, Bray, Co. Wicklow. (www.fassaroeshd.com)

³ 313314: Fassaroe and Monastery, Bray, Co. Wicklow. (www.fassaroeshd.com)

...a highly trafficked route that is facing ongoing congestion issues and capacity constraints. The M11 carries a high volume of regional and local traffic daily, particularly during peak travel periods and is not fit for purpose as a major radial road into Dublin.....As a result, the road has a number of safety concerns and is hazardous, having a collision rating twice above average⁴.

2. In refusing planning permission for development of an adjoining site in Fassaroe, An Bord Pleanala (“ABP”) noted that given, inter alia, the “congested nature of this route and trend for increasing traffic volumes” the development would be “premature pending necessary improvements to this route”⁵. [We understand that no such improvements have occurred to the N11/M11 in the interim⁶].

As you are aware, the M11/N11 Road Improvement Scheme has now been deferred by Government and there is no fixed timetable for implementation of this scheme within the lifetime of the current Wicklow CDP 2022 – 2028. Specifically, TII stated on 28 January 2022 that “funding is not available to Wicklow County Council to advance the N11/M11 Junction 4 to Junction 14 Improvement Scheme to the next phase of development at this time⁷.”

We note that our above view regarding the exclusion of the Fassaroe Lands from the RZLT map is supported by the RZLT Guidelines position that “where planning permissions have been granted subject to requirements for significant infrastructure to be delivered by infrastructure providers this land should not be considered in scope”. While no such planning permission has been granted in respect of the Fassaroe Lands, it is likely, given the abovementioned ABP decision, that any such permission granted for the Fassaroe Lands will be contingent upon the delivery of significant transport infrastructure.

Finally, we note that Section 3.3 of the Bray Transport Study refers to Further Phases of Fassaroe. It states that further phases of the build out of these lands are recommended to be governed by a separate implementation and monitoring plan to be developed by Wicklow County Council with input from the NTA and TII. Where such a plan has been agreed with all agencies, the full build-out of Fassaroe could proceed on that basis. The exact nature of the transportation Infrastructure that will be identified in this plan is unclear at this stage and therefore it is not known what aspects are within the control of our client.

Additional road access constraints specific to Site 2

In addition to the above fundamental road access/capacity constraint which impacts the entire Fassaroe Lands (i.e. Site 1 and Site 2), we would, for completeness, point out that Site 2 does not, in any event, have direct access to any public road. As per the RZLT Guidelines –

⁴ Major Roads Projects Active List -Transport Infrastructure Ireland paper dated March 2021

⁵ ABP Board Order PL27.248705

⁶ https://n11m11.ie/wp-content/uploads/2022/01/Bulletin-12-Project-Status_For-Publication.pdf

⁷ N11/M11 JUNCTION 4 TO JUNCTION 14 IMPROVEMENT SCHEME - Bulletin #12 – 28 January 2022

Construction of significant sections of new road access across other landholdings, should be discounted with the exception of Local Authority owned lands, where use and access are a matter for the authority.

As you will appreciate from the map included at Figure 1 above, the provision of public road access to Site 2 would first require the provision of new sections of road “across other landholdings” (which are not Local Authority owned lands) and therefore must be excluded from the RZLT map issued pursuant to Section 653K TCA 1997.

Foul Sewer Drainage

The nearest public foul sewer to the Fassaroe Lands is located at a distance of approximately 1km from the site using the road network to the east of Site 1 and is on the opposite side of the N11 road (refer to Foul sewer – Figure 2). To construct and connect a new foul sewer at this location would require significant infrastructural works over 1km of road and would also require consent from TII for the N11 road crossing. Accordingly, the Fassaroe Lands do not currently have the requisite ease of access to public foul sewer infrastructure.

For completeness, we note that there is a private foul sewer at the roundabout beside Site 1 which connects to the public sewer on the west side of the N11. This private foul sewer does not satisfy the relevant criterion set out in the RZLT Guidelines nor Section 635B TCA 1997 as (i) access would require third-party consent, and (ii) this sewer does not constitute access/connection to “public infrastructure and facilities”.

As set out above, the foul sewer infrastructure required to support new development on the Fassaroe Lands are not within the control of our client and/or require actions by third parties. Both Sites 1 and 2 should therefore be excluded from the RZLT map.

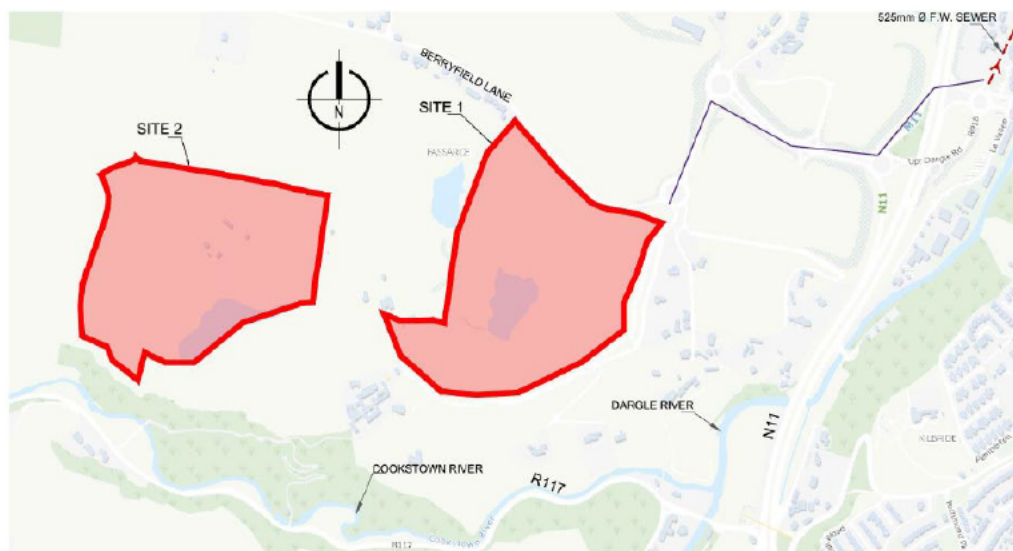


Figure 2 Foul Sewer Infrastructure

3. OTHER FACTORS OF NOTE

Section 653B(c) specifies that land should be excluded from the RZLT map where the physical condition of the land precludes the provision of dwellings. Given the nature of the operations currently carried on at the Fassaroe Lands including an operational concrete plant located on the site, a large part of the Fassaroe Lands is governed by an EPA waste licence (licence register number W0269-01). The Landowners (or any future owners of the land) would be precluded from developing the land covered by the EPA licence until such point as the EPA agrees to a surrender of the licence. Given the nature of the site (which includes a stockpile of construction and demolition waste), any such surrender cannot be achieved in short order. Further details concerning the lands covered by this EPA licence can be provided upon request.

4. CONCLUSION

The IAR (Appendix 9 Wicklow County Development Plan 2022 – 2028) identifies the site at Fassaroe as Tier 2 lands ‘pending delivery of Transportation Infrastructure to support new development’. As set out in the Bray Transport Study, a critical component on the infrastructure required is the upgrade to the M11/N11 road. As Wicklow County Council will be aware, the M11/N11 Road Improvement Scheme has now been deferred and there is no fixed timetable for implementation of this scheme within the lifetime of the current Wicklow CDP 2022 – 2028.

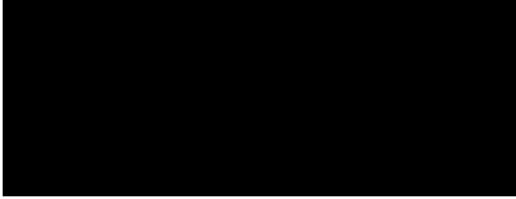
In addition to these transportation/road infrastructure access/capacity limitations, the Fassaroe Lands currently lack the requisite access to public foul sewer infrastructure. Accordingly, in the context of lands within scope of the RZLT, Site 1 and Site 2 should therefore be removed from the RZLT map published pursuant to Section 653K TCA 1997.

We trust that the information provided is sufficient to remove the lands from the RZLT map, however if you should have any further queries, please do not hesitate to contact the undersigned.

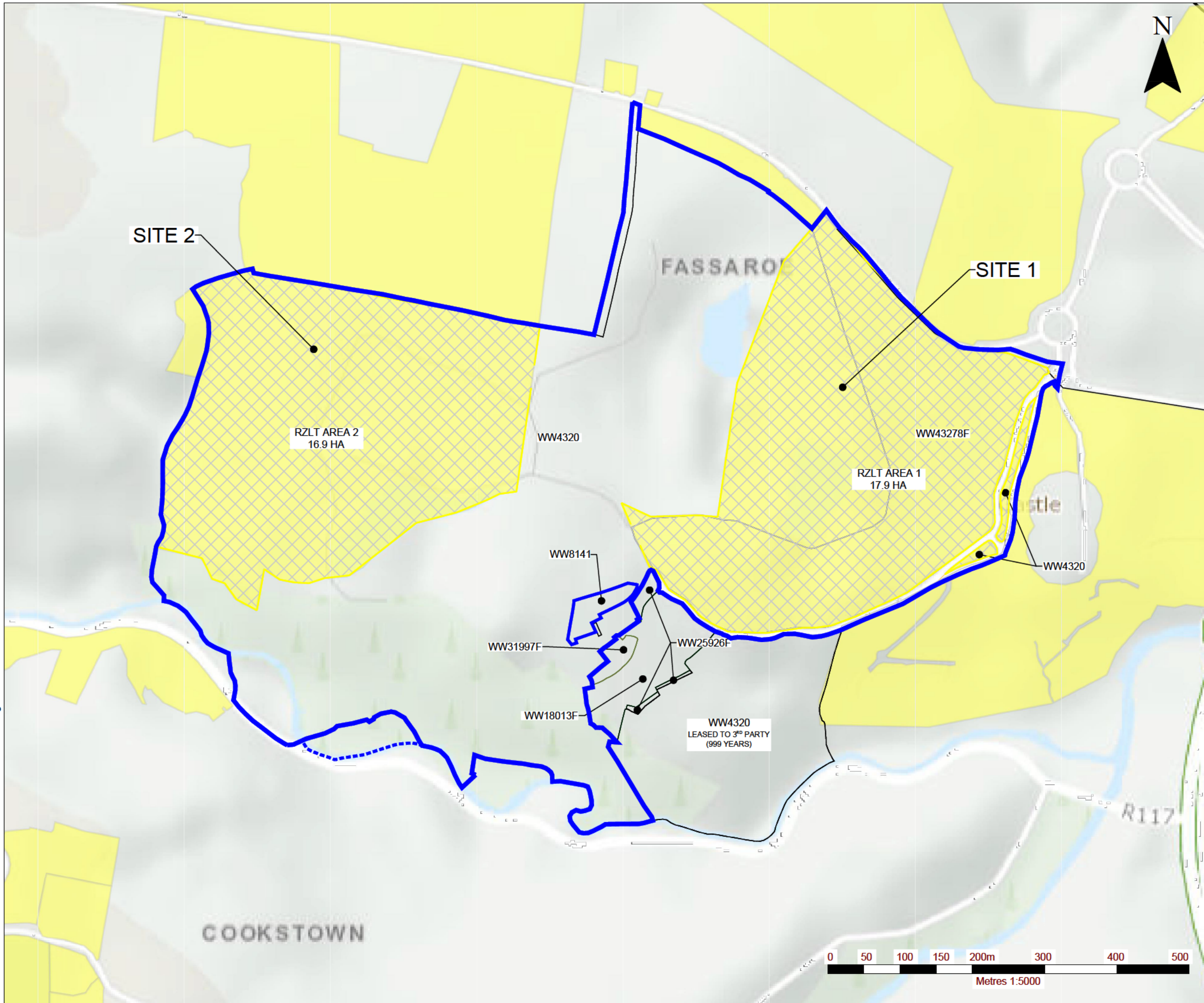
Yours sincerely
SLR Consulting Ireland

Aislinn O'Brien
Principal Planner

Encl. Drawing F1, F3 and F4.






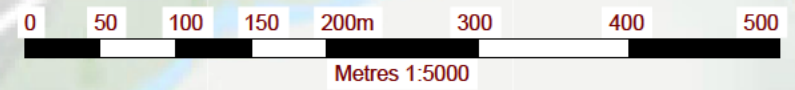
064892.DWG F1.Fassaroe Land Interest & RZLT Draft Areas.dwg



NOTES
 1. EXTRACT FROM DRAFT RZLT MAPPING ON GEOHIVE
 2. ORDNANCE SURVEY IRELAND LICENCE NO. CYAL50248253 (C) ORDNANCE SURVEY IRELAND/GOVERNMENT OF IRELAND

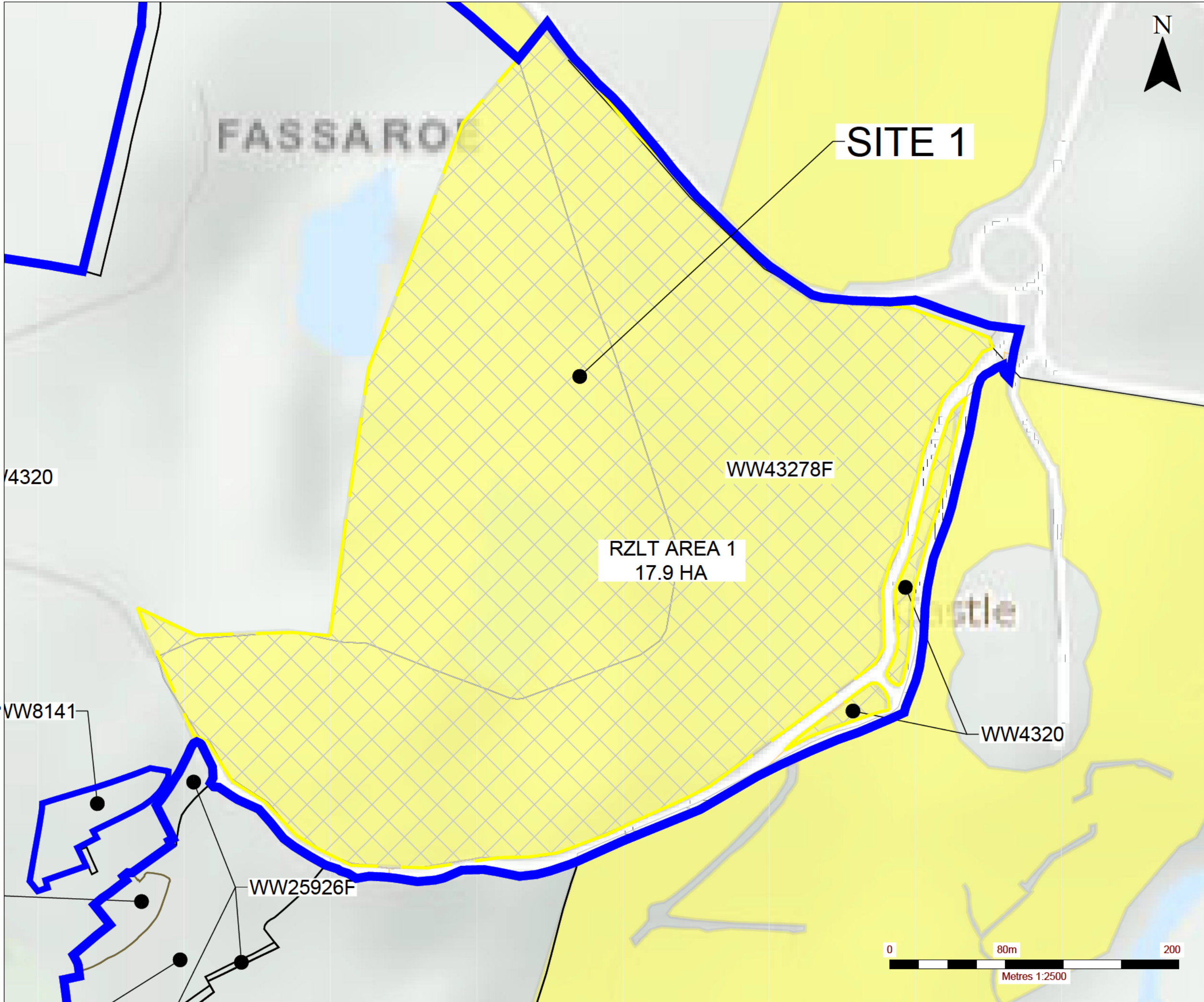
LEGEND

-  (65.46 Ha / 161.7 Acres)
-  RZLT DRAFT AREAS
-  RZLT LANDS WITH BEL LAND INTEREST (POST INTENDED TRANSFER OF ALL LANDS)



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FASSAROE,
 BRAY, CO. WICKLOW
**FASSAROE LAND INTEREST
 & RZLT DRAFT AREAS**
DRAWING F1
 Scale 1:5,000 @ A3 Date NOVEMBER 2022



NOTES
 1. EXTRACT FROM DRAFT RZLT MAPPING ON GEOHIVE
 2. ORDNANCE SURVEY IRELAND LICENCE NO. CYAL50248253 (C) ORDNANCE SURVEY IRELAND/GOVERNMENT OF IRELAND

LEGEND

	(65.46 Ha / 161.7 Acres)
	RZLT DRAFT AREAS
	RZLT LANDS WITH BEL LAND INTEREST (POST INTENDED TRANSFER OF ALL LANDS)

064892.DWG F1.Fassaroe Land Interest & RZLT Draft Areas.dwg

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FASSAROE,
 BRAY, CO. WICKLOW
**FASSAROE LAND INTEREST
 & RZLT DRAFT AREAS - SITE 1**

DRAWING F3
 Scale 1:2,500 @ A3
 Date DECEMBER 2022

SITE 2

RZLT AREA 2
16.9 HA

WW4320

WW8141

WW31997F



NOTES
1. EXTRACT FROM DRAFT RZLT MAPPING ON GEOHIVE
2. ORDNANCE SURVEY IRELAND LICENCE NO. CYAL50248253 (C) ORDNANCE SURVEY IRELAND/GOVERNMENT OF IRELAND

LEGEND
[Blue outline] (65.46 Ha / 161.7 Acres)
[Yellow fill] RZLT DRAFT AREAS
[Yellow cross-hatch fill] RZLT LANDS WITH BEL LAND INTEREST (POST INTENDED TRANSFER OF ALL LANDS)

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FASSAROE,
BRAY, CO. WICKLOW
FASSAROE LAND INTEREST
& RZLT DRAFT AREAS - SITE 2

DRAWING F4

Scale 1:2,500 @ A3 Date DECEMBER 2022



064892.DWG F1.Fassaroe Land Interest & RZLT Draft Areas.dwg