

ID: 19335c62-ff36-4e2d-8115-cbaeece7dddb

**8. What is the Postal address of the land to which this submission relates? If none, give a description sufficient to identify it.**

109 Mount Prospect Avenue, Clontarf

**9. Eircode if Available:** D03 C6A0

**10. Parcel ID reference number as shown on the Map:** DCC000061112

**11. Are you requesting a variation of the zoning of land identified on the Final Map for 2025 as being in scope for the tax?(Required)**

Yes

**12. If Yes please indicate:**

Z1 - Sustainable Residential Neighbourhoods

**13. If Yes please indicate:**

Z15 Community and Social Infrastructure

**14. Provide detailed reasons for your rezoning request, which may include continuation of an ongoing economic activity.**

The property concerned is [REDACTED]

The Land Registry Map Compliant Map does not reflect the development which has taken place since the Planning Permission 2732/17, dated 26 July 2017, granted by DCC which has been implemented in full

An aerial view confirms that the development for which planning permission was obtained has been completed, although the carparking has been adapted somewhat to reduce its impact and increase the area of garden.

Aerial photographs (23 April 2023) indicate the current arrangement of the property.

The development permitted under planning permission 2732/17 provided [REDACTED]

[REDACTED] The map accompanying the application outlined the entire boundary of the property, not part of the property. [REDACTED] integral to the planning permission granted.

Condition 4 of the planning permission states:

“Development shall not commence until a landscape scheme prepared by a suitably qualified person comprising full details of the size, species and location of all trees and shrubs to be planted and the treatment of all external ground surfaces, has been submitted to and agreed in writing by the Planning Authority and implemented in the first planting season following completion of the development, and any trees and shrubs which die or are removed within 3 years of planting shall be replaced in the following planting season. (The landscaping scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, available from the Parks and Landscape Services Division). Reason: In the interests of amenity, ecology and sustainable development.”

Dermot Foley Landscape Architects' made a submission to DCC dated 02 December 2017 in compliance with Condition No. 4 of Planning Permission 2732/17. The garden is an essential element of the care for the care and welfare of the occupants in the nursing home.

In order to complete the development, it was necessary to relocate car parking from the area in which new accommodation was to be developed to the current location. Any further development on site would compromise [REDACTED] – part of the amenity available [REDACTED] and conditioned in the planning permission.

Accordingly, in our view under Section 653B(c) of the Part 22A of the Taxes Consolidation Act 1997, as amended, it is reasonable to consider that 109 Mount Prospect Avenue is affected, in terms of its physical condition, by matters to a sufficient extent to preclude the provision of dwellings. In this instance 'physical condition' references the physical delivery of a recent new development with [REDACTED] delivered at 109 Mount Prospect Avenue.

In addition, Section 653B(c) (iii) and (iii) (I) of the Taxes Consolidation Act 1997 states:

“(iii) that it is reasonable to consider is required for, or is integral to, occupation by—

(I) social, community or governmental infrastructure and facilities, including infrastructure and facilities used for the purposes of public administration or the provision of education or healthcare,” [REDACTED]

It is affirmed that the buildings on the lands identified at 109 Mount Prospect Avenue are used for [REDACTED] Both the [REDACTED] is associated with the [REDACTED]

Accordingly, it is our further contention that it is both reasonable and factual to consider that the facilities and infrastructure thereon are integral to the occupation of the lands by the [REDACTED]

For the reasons outlined above, it is clear that land fails to meet the relevant criteria for inclusion in the final map. The site should not be included on the basis that the site does not constitute land satisfying the relevant criteria as set out in Section 653B of Part 22A of the Taxes Consolidation Act 1997, as amended.