



An
Bord
Pleanála

Inspector's Report ABP-316339-23

Type of Appeal	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
Location	Monalin-Seasonpark, Newtownmountkennedy, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	WW-RZLT-40
Appellant(s)	Gilkerry Ventures Ltd.
Inspector	Paul O'Brien

1.0 Site Location and Description

1.1. The subject lands contain an irregular shaped site which forms part of a larger landbank of 19.26 hectares located to the western side of Newtownmountkennedy. Two separated land banks form this appeal:

- Lands to the west of Season Park residential development. These consist of a number of fields which are under grass and most recently in agricultural use. Access to the lands is from a short laneway to the north east, and which serves a detached house.
- Lands to the south west of Newtownmountkennedy and which adjoin a recently constructed housing development at Barleyfield and Moneycarroll. The lands are undeveloped but have partially been used for the development of the adjoining housing developments.

2.0 Zoning and Other Provisions

- 2.1. Newtownmountkennedy is a Level 4 – Self Sustaining Town and the town plan for its development is included within the Wicklow County Development Plan 2022 – 2028.
- 2.2. The two sites have the same zoning – RE – Existing Residential with an objective ‘To protect, provide and improve residential amenities of existing residential areas’.
- 2.3. The lands are located within an area designated for an Action Area Plan – Monalin-Season Park and full details are provided under Section 3.9 of the development plan.

3.0 Planning History

- 3.1. There are no recent, relevant, valid applications on these lands. A planning history is provided in the appellants submission. It is noted that these permissions were some ago, but the lifetime of the permissions has been extended into 2024 in some cases.

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 they do not have access to road

infrastructure until such time as the landowner develops other areas of their land, and the parcels of land could not be connected to such road infrastructure on the date of inclusion on the maps. The development of the area has been undertaken on a plan led basis and until such time as other parts of the overall landholding are developed, the subject lands should not be included on the maps.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that the site was in scope. There is planning permission approved for the development of the necessary road infrastructure and a significant part of the road infrastructure to the south of the site has been constructed.
- 5.2. The phasing of the development for logistical/ financial reasons are not criteria for the exclusion of the lands from the maps. It is reported that the sites are serviceable for their development for residential purposes.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The lands are zoned for residential development.
- Development of these lands cannot take place until required road infrastructure is put in place.
- The sites are landlocked until such time as the roads are put in place.
- The development of Newtownmountkennedy is on the basis of a plan led process.

6.2. Planning Authority Response

- No further comment.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted and the report of the Planning Authority is noted.
- 7.2. The lands are suitably zoned for residential development and as the Planning Authority have reported, there are suitable services in the area. The required roads can be provided on the appellants landholding, and I do not consider the subject lands are landlocked as they adjoin other lands within the appellant's control.
- 7.3. The issue of phasing/ provision of infrastructure are standard considerations within the Development Management process and are not considerations under this process.
- 7.4. The subject lands are suitable for inclusion on the RZLT maps.

8.0 Recommendation

- 8.1. I recommend that the board accept the determination of the Local Authority and that the indicated site be included 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 was restricted by the lack of suitable road infrastructure and due to the phasing of development in the area.
- 9.2. The zoning of these lands is suitable for residential development and services are available in the area to enable the appropriate development of these lands. The development of these lands is not restricted by any specific restraints.

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.

Paul O'Brien
Planning Inspector

21st August 2023