



An
Bord
Pleanála

Inspector's Report ABP-316344-23

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

Kindlestown House, Delgany, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

WW-RZLT-15

Appellant(s)

Beakonshaw Developments

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an area of 2.43 hectares, with an almost rectangular shaped site, located to the south east of Chapel Road, from where access to the land is currently available from, and to the north west of The Poplars housing development, though it does not directly the public street here. On site is the large Kindlestown House and associated outhouses. The site is located to the north east of Delgany. There are significant differences in levels between the subject site and the adjoining lands.
- 1.2. The adjoining lands are primarily developed for residential use.

2.0 Zoning and Other Provisions

- 2.1. The site was zoned RE – ‘Existing Residential’ in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 with an objective ‘To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.’
- 2.2. This local area plan expired in 2019 and was not incorporated into the Wicklow County Development Plan 2022 – 2028 as per Section 1.2 of the development plan – ‘Separate Local Area Plans are in place, which will be reviewed after the adoption of this plan, for the following towns / areas: Bray Municipal District, Wicklow Town - Rathnew, Arklow, Greystones – Delgany - Kilcoole and Blessington. These Local Area Plans are reviewed and made under Sections 18, 19 and 20 of the Planning and Development Act, and as such do not form part of the CDP. However, the CDP does provide the key parameters for these Local Area Plans such as the future population and housing targets and sets out the broad strategy for the future economic and social development of these towns.’
- 2.3. Kindlestown House is listed as a protected structure – RPS no. 08-75 and T20 refers to a Tree Preservation Order on these lands.

3.0 Planning History

- 3.1. There are no recent, relevant, valid applications on this site.

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 development of these lands requires the provision of road infrastructure and footpaths, and other services, that would be required on third party lands. The site is subject to a Tree Preservation Order and Kindlestown House is a protected structure.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that part of the site was in scope. The protected structure was visited and found to be in poor condition. Suitable road/ footpaths are available along Chapel Road – confirmed by the Greystones Municipal District Engineer, and this section of road is to be served by a bus route under the Bus Connects project. Irish Water have confirmed that public water supply and foul drainage is available within 50 m of the subject site. The Planning Authority consider the site to be suitably serviced.
- 5.2. The protected structure and the presence of the TPO do not prevent the development of this site for residential use.
- 5.3. Supporting reports included with the Planning Authority report.

6.0 The Appeal

6.1. Grounds of Appeal

A details report has been prepared by Thornton O'Connor Town Planning and the following points were made in support of the appeal:

- The presence of the TPO and protected structure on site, impacts on the ability to develop this site.
- Difficulty in the provision of services.
- Service provision will have to be over third-party lands.

Request that the lands be removed from the RZLT maps.

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 with supporting reports are noted.
- 7.2. The zoning of these lands is under the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, and this plan has now expired. The Planning Authority have commenced the process of preparation of a new plan, but the current plan has expired.
- 7.3. The subject lands are therefore not zoned, and the lands cannot be considered to be suitable for inclusion on the RZLT maps.

8.0 **Recommendation**

- 8.1. I recommend that the board reject the determination of the Local Authority and that the indicated site be removed from 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 these lands are in agricultural use and the Planning Authority consider them suitable for development and should be retained on the maps.
- 9.2. The zoning of these lands was under the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, and this plan has expired with a replacement under preparation. The lands are therefore not zoned and should not be included on the relevant RZLT maps.

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

14th August 2023