



An
Bord
Pleanála

Inspector's Report ABP-316350-23

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	Marlton Equestrian, Marlton Road, Ballynerrin, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	WW-RZLT-53
Appellant(s)	Lusra Teoranta Ltd
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands contain an irregular shaped site of 5.9 hectares located to the west of the R751/ Marlton Road, to the south west of Wicklow town. The lands form part of an equestrian business and are partially under grass but also include areas of forest, buildings and trotting areas associated with equestrian activities.
- 1.2. The adjoining lands to the north form a small forest area and beyond that is residential development as is the case to the east and south east. Lands to the west are primarily in agricultural and recreational uses.

2.0 Zoning and Other Provisions

- 2.1. The site was zoned R2 – New Residential in the Wicklow Town - Rathnew Development Plan 2013-2019 with an objective ‘To provide for new residential development at densities up to 28 units per hectare’.
- 2.2. This local area plan expired in 2019 and was not incorporated into the Wicklow County Development Plan 2022 – 2028.

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 lands are in use as an equestrian business, they pay rates and provide a service to the local community.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that part of the site was in scope. The site is suitably zoned for residential uses, but it cannot be considered that the site provides a business that serves the local community. The nature of the business is such that

customers/ visitors would come from an extended area and not just the immediately adjacent community.

5.2. There are no known reasons in terms of services, contamination and/ or archaeology that would prevent the development of these lands for residential uses.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The nature of the business and activities on site are set out in detail.
- The business is an established facility within the community and provides a range of services to this community.

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 simple fact here is that the zoning of these lands is under the Wicklow Town - Rathnew Development 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 equestrian use, providing a service for the local community 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 Wicklow Town - Rathnew Development 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 professional 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

10th August 2023