



An  
Bord  
Pleanála

## Inspector's Report ABP-316352-23

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<b>Type of Appeal</b>	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
<b>Location</b>	Bullford, Kilcoole, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	WW-RZLT-27
<b>Appellant(s)</b>	Brookhampton Ltd
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject lands contain an irregular shaped site of 4.99 hectares located to the western side of Kilcoole, Co. Wicklow. The lands form part of a larger landholding and access is available towards the southern part of the site onto a laneway that leads onto Main Street, Kilcoole. The lands are under grass and are in agricultural use.
- 1.2. The adjoining lands to the north, west and south are in similar agricultural uses. Lands to the east are in similar use and beyond them is the back of sites that front onto Main Street.

## 2.0 Zoning and Other Provisions

- 2.1. The site was zoned R22 – Residential – 22/ha in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 with an objective ‘To provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity.’
- 2.2. AP9 refers to a proposal for the ‘Bullford Action Plan’ for these and adjoining lands. Section 10.10 provides full details on this. The lands to the east between the subject site and Main Street are zoned TC – Town Centre.
- 2.3. This local area plan expired in 2019 and was not incorporated into the Wicklow County Development Plan 2022 – 2028. Section 1.2 of the development plan states the following:  
  
‘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.’

### **3.0 Planning History**

- 3.1. PA Ref. 22/15/ ABP ref. PL27.314721 refers to an application for 56 houses, internal roads, car parking, pedestrian and cycle paths, public open spaces and all associated site and infrastructural works to facilitate connections to public services, vehicular entrance from Main Street with associated upgrades/improvements to Main Street to facilitate this access. A Natura Impact Statement (NIS) was submitted with this application. The Planning Authority recommended a refusal of permission due to design, density and traffic safety issues, and no decision has been issued by the Board to date.
- 3.2. SHD Ref. 302552-18 refers to a December 2018 decision to refuse permission for 267 residential units, retail units, office units, childcare facility, innovation hub, and all associated site works. Reasons for refusal included issues of concern over foul drainage capacity, AA screening deficiencies and proposal for development on houses on Open Space zoned lands.

### **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 Planning Authority commented on a previous application for a SHD development under SHD Ref. 302552-18 that they were concerned about the phasing of development within Kilcoole, concerns were expressed about road junction capacity within Kilcoole, need for road improvements in accordance with the Action Plan and no plans have been provided to enable the development of the necessary roads.

## 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, and it can be serviced.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The following points were made in support of the appeal:

- The lands are not suitably serviced to enable their development – specific reference to necessary road upgrades/ new road provision.
- Potential for archaeological remains within the subject lands.

### 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 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 restricted by the need for new roads/ road improvements to enable the development of these lands. There was a potential for archaeological remains within the lands, thereby restricting the development of the site.
- 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 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.

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Paul O'Brien  
Planning Inspector

17<sup>th</sup> August 2023