



An
Bord
Pleanála

Inspector's Report ABP-316434-23

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	Dominican Convent, Wicklow Town, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	WW-RZLT-49
Appellant(s)	Congregation of Dominican Sisters
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands contain an irregular shaped site of 9.8 hectares located to the south west of the Glenside Road and Dunbur Park road, to the south east of Wicklow town centre. The lands comprise of a number of fields and are under grass/ in agricultural use. Hockey pitches are located to the north eastern part of the site and are in use by Wicklow Rovers AFC.
- 1.2. The adjoining lands to north, east, and west are primarily in residential use and the lands to the south east are in agricultural use.

2.0 Zoning and Other Provisions

- 2.1. The northern part of the site was zoned R1 – New Residential, with an objective ‘To provide for new residential development at densities up to 40 units per hectare’ and the rest of the site was zoned R2 – New Residential with an objective ‘To provide for new residential development at densities up to 28 units per hectare’, in the Wicklow Town - Rathnew Development Plan 2013-2019
- 2.2. 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: ‘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.’

The pre-draft consultation process is currently underway – with submissions invited between the 19th of July 2023 and the 28th of September 2023.

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 part of 'An Tairseach Organic Farm & Ecology Centre', this centre is located within the centre of Wicklow town. The lands are used to provide crops for the centre and its organic shop, and the lands are also used for amenity purposes. The hockey pitches are in use by Wicklow Rovers AFC. The subject lands are in use for not-for-profit purposes.

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. No issue was raised in the submission about the availability of services.

5.2. The hockey pitches were in use, but for 7 and 9 a side football matches. The Planning Authority recommended that the hockey pitches be removed from the map.

5.3. The use of the other lands was considered to be covered under agricultural use and as the use of land for agricultural purposes is not a reason for exclusion from the maps, it was recommended that the lands remain on the maps.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The lands were subject to zoning under the Wicklow Town – Rathnew Town Plan 2013 – 2019 and this plan has expired with no extension proposed. In the absence of a suitable zoning, the lands should not be included on the maps.
- The lands are in use providing a service for the local community, produce for sale from a farm shop. This shop is authorised and has been in operation for over 20 years.
- The lands provide an social, community and educational function.

- Request that the lands be rezoned for Community/ Educational/ Institutional uses. This zoning applies to the lands to the south east of the subject site.

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 use of lands for agricultural purposes is not a reason for exclusion from the map and it is not clear that the use of the lands to supply the farm shop is adequate to demonstrate that the use serves the local population. The issue of rezoning of the lands is not a matter under this process.

7.3. 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.

7.4. 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 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

1st September 2023