



An  
Bord  
Pleanála

## Inspector's Report ABP-316656-23

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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>	Coolagad, Blacklion, Greystones, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	WW-RZLT-19
<b>Appellant(s)</b>	Cairn Homes Properties Limited
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site contains a relatively large area of 20.36 hectares of land located to the west of R761/ Rathdown Road, to the north west of Greystones, Co. Wicklow. The site consists of a number of large fields, and which are under grass, in agricultural use.
- 1.2. Surrounding lands are in agricultural use and are under grass, except to the east which consists of the Waverly housing development.

## 2.0 Zoning and Other Provisions

- 2.1. The northern part of the site was zoned R22 – ‘Residential with a density of 22 hectares’ 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. The southern portion was zoned R17 – ‘ To provide for the development of sustainable residential communities up to a maximum density of 17 units per hectare and to preserve and protect residential amenity.’
- 2.3. 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.’

### **3.0 Planning History**

- 3.1. SHD Ref. ABP-313229 refers to an application for a 7-year permission for construction of 586 no. residential units (351 no. houses, 235 no. apartments), childcare facilities and associated site works. No decision has been made to date.

### **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 site does not have access to suitable services including roads, and drainage. Query also over the date of inclusion on the RZLT maps.

### **5.0 Determination by the Local Authority**

- 5.1. The Local Authority determined that part of the site was in scope. A report from Uisce Éireann confirms that water supply and foul drainage was not currently in place but would be serviceable in the future. The site is zoned for residential development, service are/ can be provided to facilitate the development of these lands and no known restrictions exist that would prevent development here.

### **6.0 The Appeal**

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

The following points were made in support of the appeal:

- Concerns about the system of inclusion on the maps. Lack of consultation period to view the maps.
- Lack of public infrastructure to serve the site – with reference to roads, wastewater treatment and surface water drainage, and water supply.

#### **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 the development of these lands would be premature pending the provision of suitable road, drainage and water supply infrastructure to enable the development of these lands. Concern over the date of inclusion 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.

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Paul O'Brien  
Planning Inspector

17<sup>th</sup> August 2023