



An
Bord
Pleanála

Inspector's Report ABP-316674-23

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	Newpaddocks and Dorans Pit, Blessington, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	WW-RZLT-43
Appellant(s)	Roadstone Ltd/ Belgard Estates Ltd
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands have an area of 15.7 hectares and are located to the east of the N81 to the north east of the centre of Blessington, Co. Wicklow. The lands form part of a Roadstone construction aggregates pit, and northern Blessington contains a number of these pits/ quarries. The front boundary along the N81 is tree lined and augmented with fencing. A vehicular access to the site is located towards the north western part of the site.
- 1.2. The site has two distinct areas, the northern part adjoins the public road, and the southern part is located behind properties with a mix of uses including residential, service station, and various yards. The River Liffey is located to the south east, but the site does not directly adjoin the river.

2.0 Zoning and Other Provisions

- 2.1. The site, located within Action Area 4, is primarily zoned R1: New Residential with an objective 'To protect, provide and improve residential amenities'. Also included on the lands is an area zoned for 'Active Open Space' and a smaller area for 'Town Centre/ Neighbourhood Centre'. An 'Indicative Road Line' crosses through the lands from the N81 to the Kilbride Road to the south east. 'Indicative Pedestrian & Cycle Routes' also cross through the lands.
- 2.2. This local area plan expired in 2019 and was not incorporated into the Wicklow County Development Plan 2022 – 2028. The Wicklow Development Plan came into effect on the 23rd of October 2022 and under Section 1.2 it 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.'

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 access/ road infrastructure to the lands would have to be provided and the route of the indicative road goes through lands that are an operational sand/ gravel pit. There are also capacity issues in relation to surface water drainage and foul drainage is over 0.5 km from the site.

4.2. The submission to the Planning Authority also referred to two other sites that do not adjoin this site and are located approximately 180 m to the west of the N81. These lands do not form part of the appeal.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that part of the site was in scope. Access to the lands can be provided as confirmed by Baltinglass Municipal District Engineer, and there are also footpaths and public lighting along the N81. Uisce Éireann confirmed that water supply is available, however there is no capacity remaining for foul drainage in Blessington. Wicklow County Council Environment Section and the Water Services report that the site can be serviced by foul and surface water drainage.

5.2. The provision of the road through the lands can be done by way of a planning application and does not require consent through the Part 8 process, the site adjoins the N81 and is therefore serviceable in terms of road access. Surface water can be addressed through on-site SuDS and by existing infrastructure. Foul drainage will be available on completion of the upgrade works to Blessington Waste Water Treatment Plant and which was due to be complete in Q3 in 2022. The use of the site as a quarry does not exempt it from inclusion on the maps.

5.3. The other two sites, 2A and 2B were assessed and were removed from the maps due to them not having suitable services to enable their development.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The lands are not serviced in terms of the provision of suitable road access and the need for a through road between the N81 and Kilbride Roads. There is a requirement for a Action Area Plan for the development of these lands.
- The through road requires Local Authority consent.
- Development on the N81 has been refused due to traffic impact on a national route.
- There is a constraint in terms of waste water infrastructure.

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. The available information provided by the Planning Authority is that the lands can be serviced and therefore developed for residential use.

7.2. The main issue though is that the zoning of these lands is under the Blessington Local Area Plan 2013-2019, and this plan has now expired. The Planning Authority state on their website that a new plan will be prepared and that pre-draft consultation is to commence shortly.

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 not suitably serviced in terms of road infrastructure and foul drainage 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 Blessington Local Area Plan 2013-2019, and this plan has expired with a replacement due to be prepared. 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

1st September 2023