



An
Bord
Pleanála

Inspector's Report ABP-316676-23

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	Lands at the former Carmelite Convent, Delgany, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	WW-RZLT-47
Appellant(s)	Drumakilla Ltd. & Ronan O'Caoimh
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains the former Carmelite Convent lands in Delgany, Co. Wicklow. The lands have an area of 12 hectares, are of an irregular shape consisting of a number of a number of fields that are under grass and the convent buildings on the eastern side of the site. Bellevue Hill road forms the western boundary of the site and Convent Road to the east.
- 1.2. The lands to the south consist of residential development and the lands to the north consist of lands under grass and a number of detached houses.

2.0 Zoning and Other Provisions

- 2.1. 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. 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. ABP Ref. PL27.312451/ PA Ref. 21/959 refers to an application for 59 houses, 36 duplex units, 4 apartments, creche, chapel proposed as community use, cafe, retail unit, GP/ medical practice, 4 own door craft manufacturing unit, office unit, ESB plant, vehicular access, demolition of bungalow and outbuildings, car parking spaces, cycle spaces and ancillary site development works on these lands.

Permission was granted by the Planning Authority and no decision has been made to date on the appeal.

- 3.2. SHD ABP Ref. 308467-20 refers to a decision to grant permission for 232 no. units (96 no. houses, 136 apartments), creche and associated site works. This is subject to Judicial Review with no judgement issued 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 services can't be provided to serve the site with reference to upgrading of the existing road network in the area. The site is contaminated with Japanese Knotweed.
- 4.2. Query over the date of inclusion on the RZLT maps and also part of the site is subject to Local Property Tax (LPT).

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that part of the site was in scope. The site is zoned for residential development, the Municipal Engineer has confirmed that a suitable road access/ infrastructure can be provided for, Japanese Knotweed is not a reason for non-inclusion, the land can be serviced, and lands subject to LPT to be addressed with Revenue.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- Planning Permissions have been applied for on these lands and have been delayed through the system.
- Concern over the date of inclusion on the RZLT maps.
- Issue over the availability of services such as road connections.
- The site is undergoing preparation for Japanese Knotweed.
- Part of the site is subject to LPT.

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 has been delayed through the planning system, there are restrictions on infrastructure and part of the site is subject to LPT and should not be included on the RZLT maps. 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 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.

Paul O'Brien
Planning Inspector

14th August 2023