



An
Bord
Pleanála

Inspector's Report ABP-316745-23

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	Ballybeg, Rathnew, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	WW-RZLT-66
Appellant(s)	Eugene Stephens
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an area of 8.78 hectares, with an almost triangular shaped site, located to the west of the R772 road and to the south of the Dublin/ Wicklow to Rosslare railway line. The lands are under grass and in agricultural use. A watercourse surrounded by trees crosses through the eastern side of the site.
- 1.2. The adjoining lands to the east/ on the Rathnew side are in residential use. The other lands are in agricultural use similar to the subject site.

2.0 Zoning and Other Provisions

- 2.1. The site was zoned R2 – New Residential in the Wicklow Town - Rathnew Development Plan 2013-2019 with an objective 'To provide for new residential development at densities up to 28 units per hectare'.
- 2.2. A small area of the site is zoned POS – Passive Open Space.
- 2.3. This local area plan expired in 2019 and was not incorporated into the Wicklow County Development Plan 2022 – 2028.

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 incorrectly measured, are not serviced, and they are in use as part of an active farm business. Reference was also made to the date of inclusion on the RZLT maps, though this point was not elaborated on.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that part of the site was in scope. The issue of the relevant site area was considered to be 8.78 hectares of the landholding. The lands

can be suitably serviced. Reports have been received from Uisce Éireann indicating that suitable services are available in the area. A report from the Wicklow Municipal District indicates that road/ pedestrian access is possible. The use of lands for agricultural purposes does not provide reason for exclusion from the RZLT maps.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The lands are in active agricultural use. The tax to be paid would be greater than the income derived from these lands.
- There are other lands in the area that would be more suitable for the development of housing than 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 with supporting reports are noted.

7.2. The simple fact here is that 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.

7.3. 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 in agricultural use 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 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

10th August 2023