

Coolagad, Greystones

Annual Draft 2025 RZLT Map

Submission on Behalf of [REDACTED]

26 March 2024



MACCABE DURNEY
BARNES
Planning Environment Economics

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1. SUBMISSION DETAILS

1.1 Details of person/ agent making submission

Name	Jerry Barnes, MacCabe Durney Barnes
Address	20 Fitzwilliam Place Dublin 2 D02 YV58
Phone No.	01 6762594
Email Address	jbarnes@mdb.ie

1.2 Landowner and Landholding Details

Town	Greystones
Landowner name	████████████████████
Landowner address	██████████ ██████████ ██████████
Landowner phone	██████████
Landowner email	████████████████████
Address of site	Coolagad, Blacklion, Greystones, Co. Wicklow.
Site description	The site is located on the northern side of Greystones, west of R761.
Site Area	Coolagad, Greystones, Co. Wicklow

1.3 Information Supplied with Submission

Maps / information to accompany submission	Check
Have you included the required Ordnance Survey map showing the lands at an appropriate scale i.e. 1:1000 in urban areas or 1:5000 in rural area, clearly identifying the map in question?	Yes (1:5,000 at A3, 1:2,500 at A1)
Have you included proof of ownership?	Yes

2. CONTEXT

2.1 Greystones-Delgany & Kilcoole Local Area Plan 2013-2019

This Plan sets out the statutory zoning and land use provisions for the town. The figure below illustrates the zoning objectives. The lands are zoned *R22* and *R17*.

R22: 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.

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.

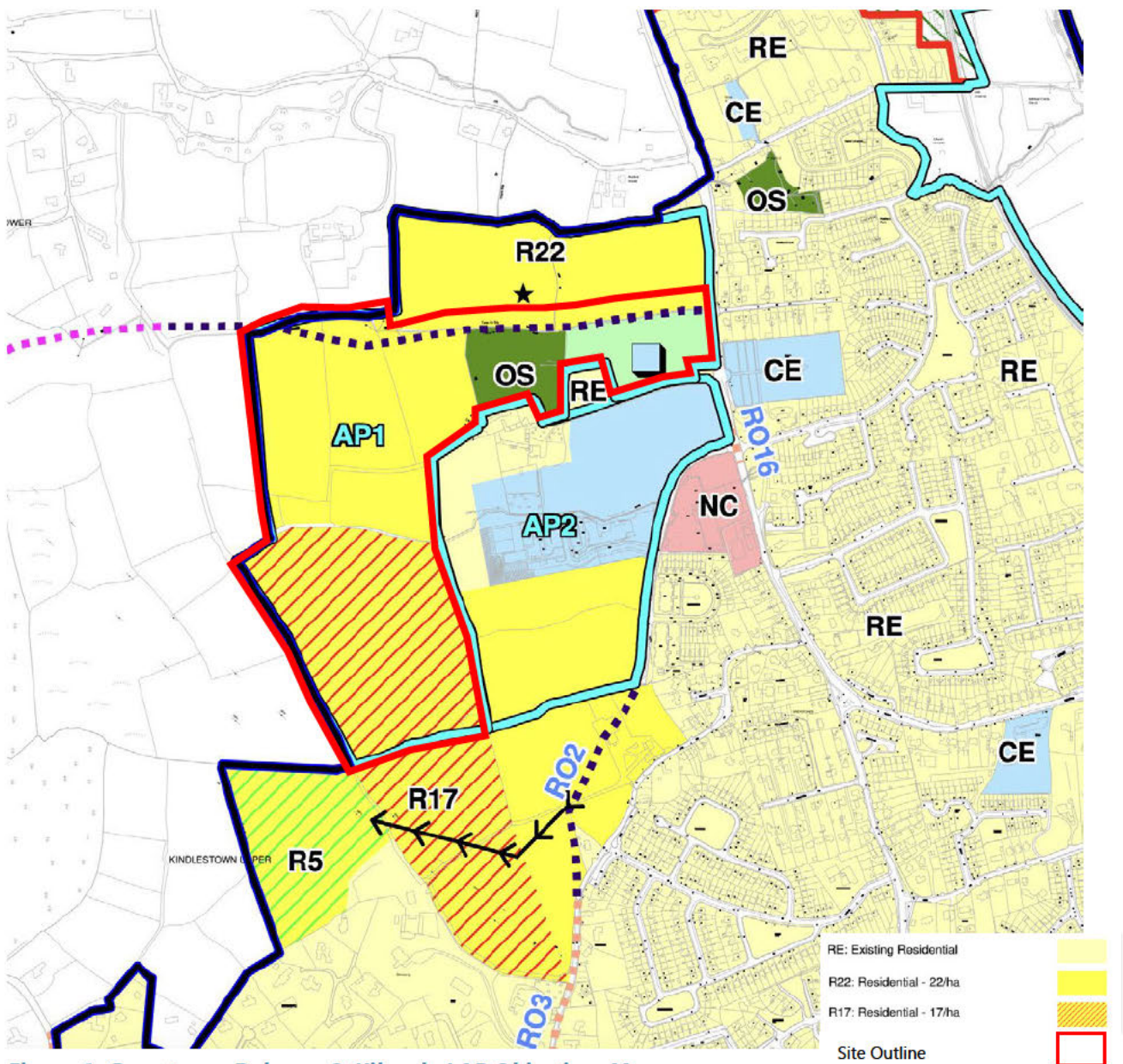


Figure 1: Greystones-Delgany & Kilcoole LAP Objectives Map

2.2 Residential Zoned Land Tax

A Residential Zoned Land Tax (RZLT) has been introduced by the Finance Act 2021. Details of the RZLT are inserted as Part 22A of the Taxes Consolidation Act 1997, as amended. In summary, an owner of land which is zoned as suitable for residential development and serviced on 1 January 2022, and on which development has not commenced before 1 February 2024, will be liable to file a return and pay the tax.

Wicklow County Council has prepared an annual draft map of the land considered to be in scope for the RZLT as of 01 January 2024. Submission are to be made by the public and can:

- propose a correction to the annual draft Residential Zoned Land Tax map if they feel that the land included on the map does not meet the criteria;
- propose a correction to the date on which land first met the criteria;
- support of the exclusion of their land where it is identified on the map that the local authority proposes to exclude such land from the final annual map for 2025, to be published on or before 31 January 2025; and/or
- propose the inclusion of land, not identified on the map, if it is considered such land meets the criteria.

The local authority will consider the submission and make a written determination on whether the land should stay on the map or be removed from it. If the landowner disagrees with the determination, they can appeal to An Bord Pleanála on or before the 1st August 2024.

2.3 Legislation and Criteria for Inclusion on Map

Section 653B was inserted into the Tax Consolidation Act 1997. It states:

“In this Part, a reference to land which satisfies the relevant criteria is a reference to land that—

(a) is included in a development plan, in accordance with section 10(2)(a) of the Act of 2000, or local area plan, in accordance with section 19(2)(a) of the Act of 2000, zoned—

- (i) solely or primarily for residential use, or*
- (ii) for a mixture of uses, including residential use,*

(b) it is reasonable to consider may have access, or be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development, and

(c) it is reasonable to consider is not affected, in terms of its physical condition, by matters to a sufficient extent to preclude the provision of dwellings, including contamination or the presence of known archaeological or historic remains,

but which is not land—

- (i) that is referred to in paragraph (a)(i) and, having regard only to development (within the meaning of the Act of 2000) which is not unauthorised development (within the meaning of the Act of 2000), is in use as premises, in which a trade or profession is being carried on, that is liable to commercial rates, that it is reasonable to consider is being used to provide services to residents of adjacent residential areas,*

- (ii) that is referred to in paragraph (a)(ii), unless it is reasonable to consider that the land is vacant or idle,
- (iii) that it is reasonable to consider is required for, or is integral to, occupation by—
 - (I) social, community or governmental infrastructure and facilities, including infrastructure and facilities used for the purposes of public administration or the provision of education or healthcare,
 - (II) transport facilities and infrastructure,
 - (III) energy infrastructure and facilities,
 - (IV) telecommunications infrastructure and facilities,
 - (V) water and wastewater infrastructure and facilities,
 - (VI) waste management and disposal infrastructure, or
 - (VII) recreational infrastructure, including sports facilities and playgrounds,
- (iv) that is subject to a statutory designation that may preclude development, or
- (v) on which the derelict sites levy is payable in accordance with the Derelict Sites Act 1990.

The figure below is taken from the Revenue Tax Guidance document and illustrates the decision tree in relation to determining whether land is liable for the tax.

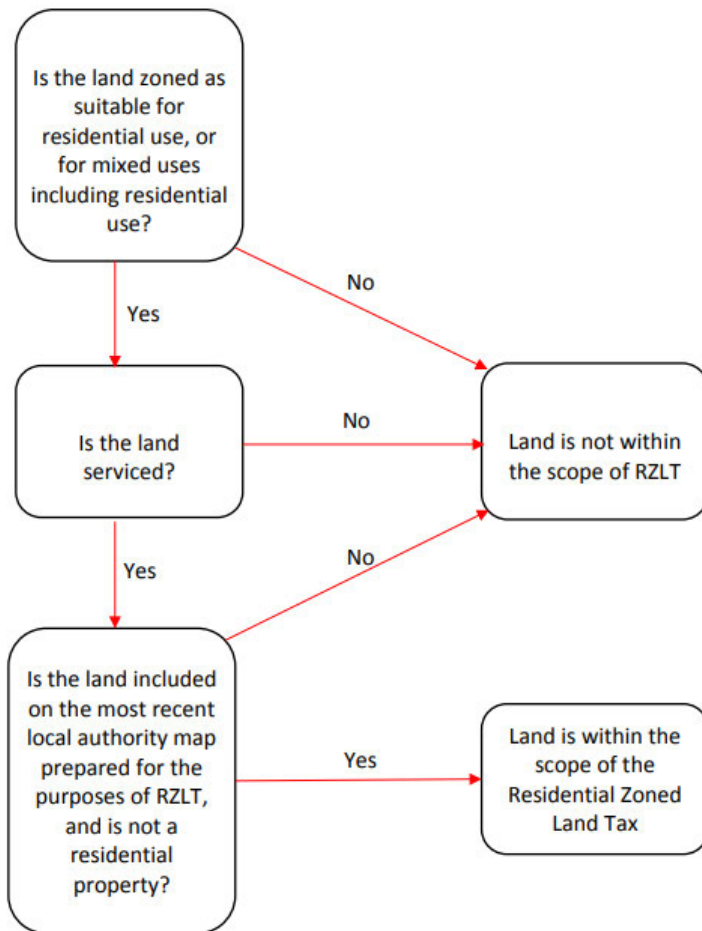


Figure 2: Decision Tree for RZLT

2.4 Draft RZLT 2025 Map

Wicklow County Council has prepared a draft annual map of the land considered to be in scope for the RZLT. The map was published on the 1st February 2024. The extract that is of relevance to this submission is detailed in the figure below.

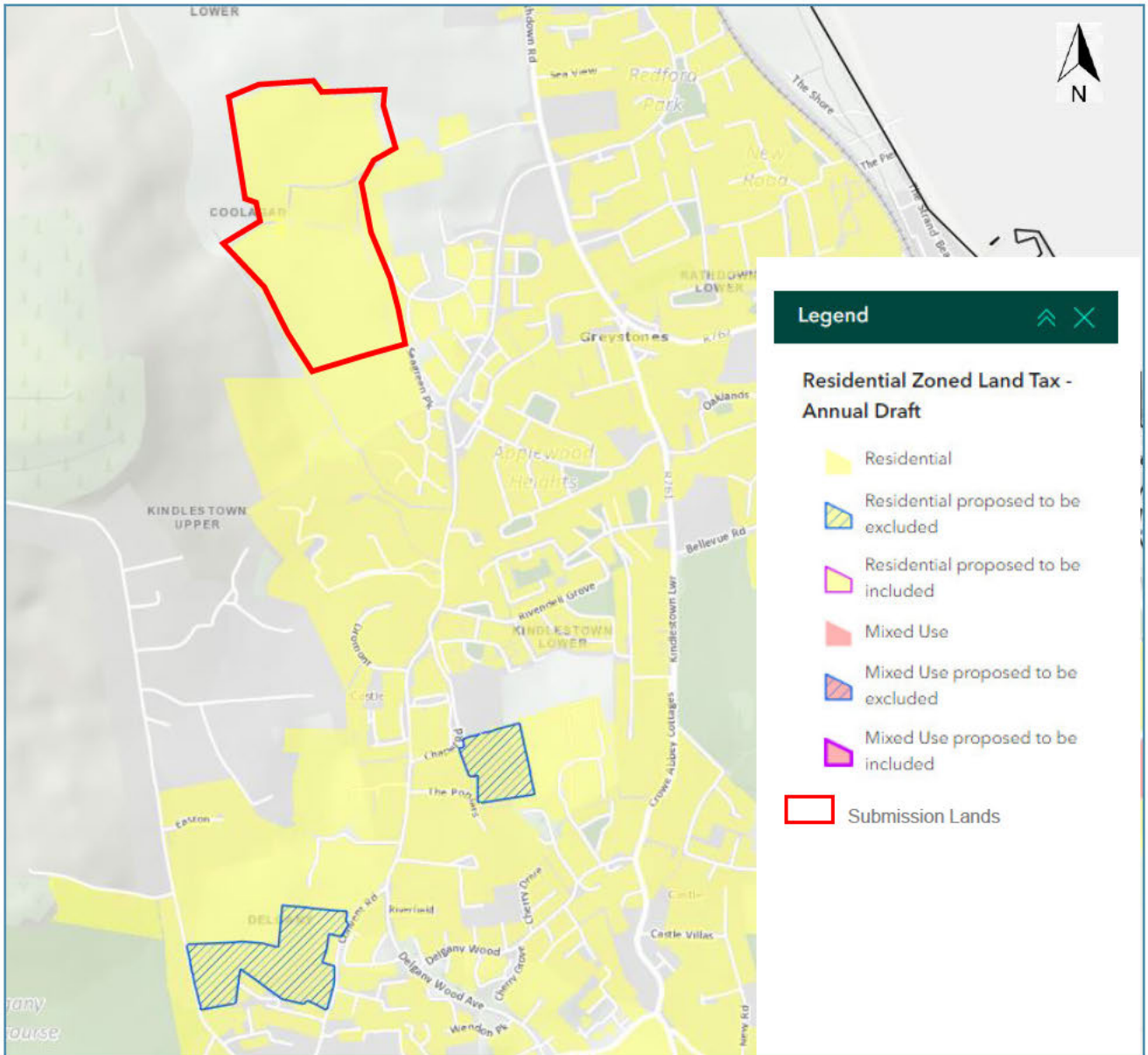


Figure 3: RZLT Map Extract with submission lands outlined

The aforementioned lands are contained on the

2.5 Description of the Lands

The subject lands total 20.36 ha. The details from the map are outlined in the table below.

Table 1: Wicklow County Council: WW1265 and WW1264

Parcel ID	WW1265	WW1264
Local Authority	WWLA	WWLA
Local Authority Name	Wicklow County Council	Wicklow County Council
Date Added	01/01/2022	01/01/2022
Land Use Zoning	RN	RN
Land Use Zoning Description	New Residential	New Residential
Site Area	10.43	9.93
Status of Map	Draft	Draft

Source: <https://housinggovie.maps.arcgis.com/>

The site is zoned as New Residential. The contents of the map viewer do not contain the LAP information regarding the applicable density to the site.

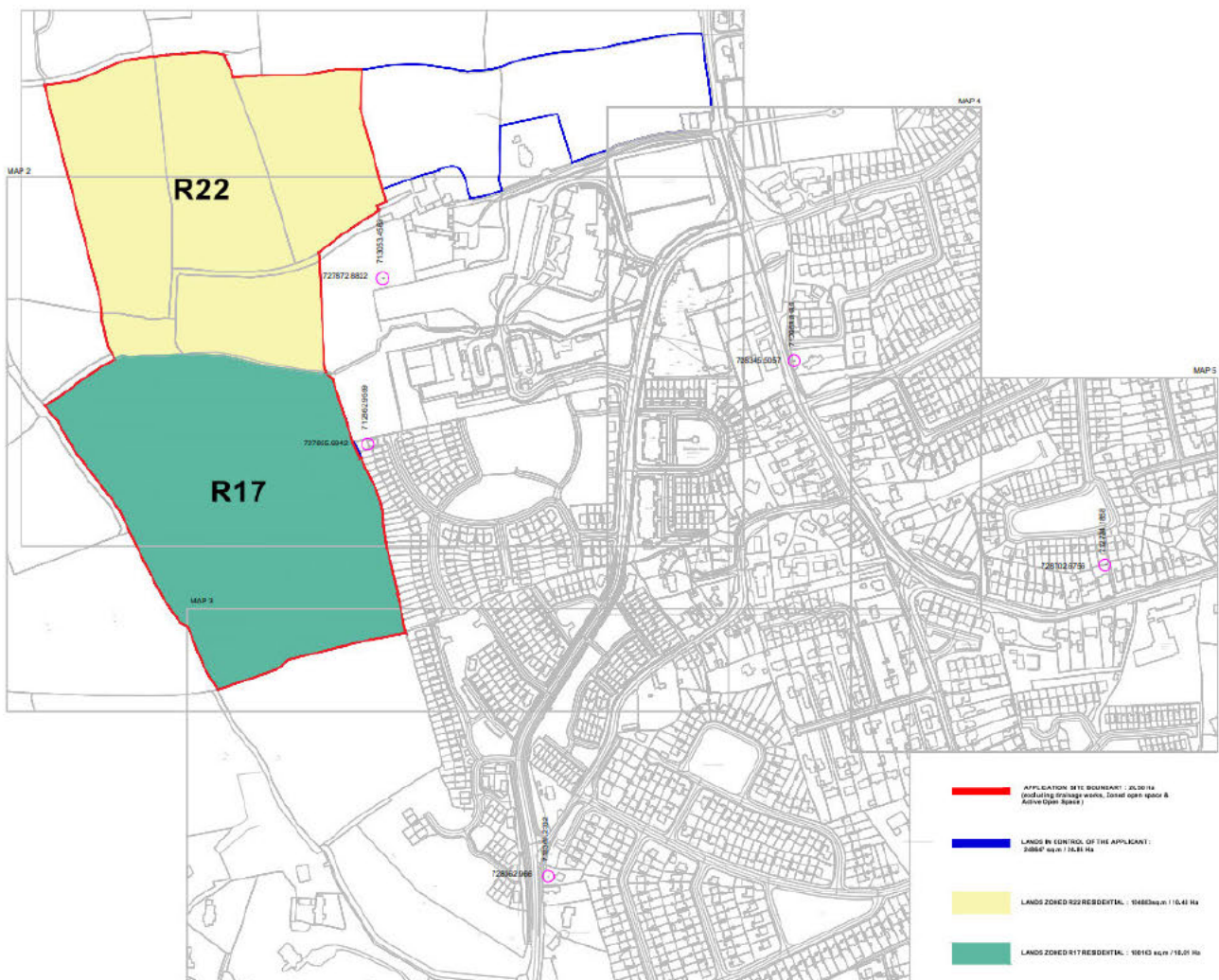


Figure 4: Red Outline of Site

2.6 Relevant Planning History

The following planning history is of relevance to this submission.

2.6.1 Planning Applications

ABP-313229 - A Strategic Housing Development (SHD) application was lodged on 05/04/2022 for the subject site. The application was due to be decided by 25/07/2022. However, no decision has been made by the Board to date. The proposed development consisted of 586 units, c.5192 sqm of communal space, 392 sqm community building with 29 no. car parking spaces, 734 sqm creche building with 21 car parking spaces, a new vehicular entrance, with signalised junction and pedestrian crossings, will be provided off the R761 (Rathdown Road). The new junction will be linked to the existing signalised junction at Blacklion Manor Road / Redford Park which has a planned upgrade by Wicklow County Council. The new access will provide a distributor road as part of the long-term objective to provide a northern access route from Greystones to the N11, 10.43 ha open space to include sports field, a MUGS, private communal and open spaces incorporating an existing stream, formal and informal play areas, and new boundary treatments; and ESB substations/ switchrooms, lighting, site drainage works and all ancillary site development works above and below ground.

The Chief Executive of Wicklow County Council submitted a report to the board for consideration in the determination of the proposed development. The Chief Executive recommended a refusal for permission with 3 no. reasons for refusal provided. Our client has received no indication from An Bord Pleanála as to when a decision can be expected for the proposed development.

Prior to a SHD application being lodged to An Bord Pleanála, the following consultations took place:

ABP-308945-20: pre-application consultation with An Bord Pleanála on 23rd February 2021. A response to the Board's opinion was submitted with the SHD application.

SHD-20/139: Pre-application Consultation with Wicklow County Council on 22nd September 2020.

P.A Reg. Ref: 23/342 – Wicklow County Council refused planning permission for the construction of 98 residential units on the 29th May 2023 on grounds relating to, inter alia, that notwithstanding the residential zoning of the lands, the development would conflict with the core strategy and settlement strategy of the Development Plan and would materially contravene the objectives CPO4.1, 4.2, 4.5, 4.7 and 6.19.

2.6.2 Part 8

Important works at the Rathdown Road/Redford Park/Blacklion Manor Road are required to allow the development of the lands at Coolagad to occur. The upgrade of the junction has been the subject of a Part 8 scheme. The site of the works is illustrated on the figure below. These works have not commenced as of the date of 1st February 2024.

3. GROUNDS FOR SUBMISSION

3.1 Introduction

This submission is made having regard to 653D of the TCA 1997. A person may make a submission in writing, on a draft map published in accordance with section 653C(2), regarding—

(a) the inclusion in, or exclusion from, the final map of a site,

In the first instance, and having regard to the decision tree outlined in the figure above, due consideration has to be given to whether the land is zoned for residential use. In this case it can be determined that it is zoned accordingly. The inclusion on the map must then consider:

- whether it is serviced and has access to public infrastructure including roads, foul sewerage and surface water drainage,
- if the lands are affected by some physical condition (e.g. contamination or archaeological remains) which precludes residential development

(b) the date on which a site first satisfied the relevant criteria,

A further consideration is whether the site satisfies the relevant criteria on the 1st January 2022 or one month prior to publication of the Draft Map (1st January 2024).

3.2 Access to Public Infrastructure

To date it has not been possible to bring forward the site for development. This is due to delays incurred by An Bord Pleanála. In addition, submissions made Wicklow County Council on the SHD application submitted to An Bord Pleanála cited numerous service constraints that will be detailed in this section of the report. Furthermore, the District Engineer for Greystones recommended the proposed development to be refused on the grounds that *“the development is premature pending the improvement of services in the town of Greystones.”*

3.2.1 Road Infrastructure

The proposed development for the strategic housing development application includes a new vehicular entrance, with signalised junction and pedestrian crossings, will be provided off the R761 (Rathdown Road). The new junction will be linked to the existing signalised junction at Blacklion Manor Road / Redford Park which has a planned upgrade by Wicklow County Council.

Page 24 of the RZLT Guidelines for Planning Authorities consider

In considering road access, the Planning Authority must take into account the ease of access to existing road infrastructure by the identified lands. Construction of significant sections of new road access across other landholdings, should be discounted with the exception of Local Authority owned lands, where use and access are a matter for the authority. Where provision has been made, but not yet constructed for road and pathway access through Local Authority consenting processes, then lands can be considered in-scope, where the process of tendering for construction of the permitted road or pathways has commenced.”

In accordance with provisions of PART XI of the Planning Acts 2000 (as amended) and Part 8 of the Planning and Development Regulations (as amended), notice was given by Wicklow County Council on 20th April 2022 its proposal *“to upgrade the existing signal-controlled Redford Park Junction consisting of improvements for pedestrians and cyclist with the upgrade of footpaths and the inclusion of protected cycle track facilities, as well as an improvement through the upgrade of two existing bus stops in the immediate vicinity of the junction.”* The public consultation closed on 10th June 2022. No works have been commenced to date on these upgrades.

The planned upgrade of Redford Park Junction are the responsibility of Wicklow County Council. The delivery of these planned upgrades will greatly assist the ease of movement, safety and accessibility for pedestrians and cyclists to the subject site. The adopted final design of the upgrades are also required to inform the approach to the linked signalised junction for the subject site. This was further emphasised by the roads department of Wicklow County Council requiring detailed design construction drawings to be submitted prior to construction having regard to the planned improvements of the Redford Park junction.

It is therefore not possible to bring forward development of the lands on the date on which the lands come within scope of the RZLT provisions, which is the 1st January 2024.

3.2.2 Wastewater Treatment

Page 25 of the RZLT Guidelines for Planning Authorities considers capacity constraints in relation to foul drainage. It states:

“The provision of connections to the public foul sewer network is a matter for Irish Water. Information from Irish Water, as well as the local authority water services section, on the ability to service the lands will inform whether land should be included in draft or supplemental maps. For lands which do not have the benefit of planning permission in particular, the ease of connecting to the existing network should be a determining factor”

The development of the entire lands is considered under the SHD application (Ref: ABP-313229) for 586 units. The opinion of the Chief Executive in response to the Waste Water treatment approach on-site stated:

“the public mains are a matter for Irish Water. Note upgrades and further studies are required to assess the extent of upgrades and required works to Victoria Pump Station.”

The district engineer of Greystones MD stated the below in his report appended to the Chief Executive’s report:

“The Irish Water report, reference CDS20005105, clearly states that upgrades are required in the area and that a study is needed to determine the extent of upgrades required to the network and the Victoria Road WWPS. It also states that the connection point is to be determined as part of the study. This report by Irish Water does not satisfy the Boards request in its Opinion as clearly Irish water itself is not yet clear on the scope, extent and nature of the upgrades required to facilitate this development.”

The District engineer further concluded:

“The council are of the opinion that the application as proposed would poses a significant increase in the risk of a health hazard to the public by actively sending larger volumes of raw sewage at high velocity towards the busy public amenity of Greystones harbour and the surrounding private residences. The development is premature pending clear understanding of the waste water network and the upgrade requirements needed to facilitate this development.”

The restraint is highlighted by the information included within the Chief Executive's report, which indicates that the matter is for Irish Water to determine.

Further information on the extent of upgrades and required works to Victoria Pump Station are needed to inform the proposed development's ease of access to the existing network. Therefore, having regard to the criteria listed in the RZLT Guidelines, it can be concluded that there are capacity constraints in relation to foul drainage for Coolagad.

The proposed Phase 1 development for 98 units under P.A Reg. Ref: 23/342 further considered the issue of capacity in March 2023. The Irish Water submission on the application stated:

"1) Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

2) In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

3) All development shall be carried out in compliance with Irish Water Standards codes and Practices"

The Irish Water SOF which accompanied the application highlighted that upgrades were required:

"To connect this development to Irish Water's foul network 160m of 300mm foul sewer is required in the public domain. The applicant will be responsible for the full cost of these upgrades."

3.2.3 Surface Water

Page 26 of the RZLT Guidelines for Planning Authorities considers capacity constraints in relation to surface water. It states:

"Surface water drainage networks are generally in the control of Local Authorities. For lands which do not have the benefit of planning permission, the ease of connecting to the existing network should be a determining factor. Connections which can be made by directly connecting to infrastructure which is on, or adjacent to the land in question will result in lands being scoped in. Connections which would require more significant works should consider whether the land is in the control of the applicant or the local authority subject to considerations set out in the explanatory section."

Following considerations by Wicklow County Council of the proposed SHD on-site, the Chief Executive recommended three reasons for refusal. Most relevant in this case is reason no. 2, which states:

"Having regard to the existing substandard stormwater drainage network in the vicinity of the site, including culverts that are piped through Redford Park and Rathdown Park, which are of limited capacity and poor construction, the proposed stormwater drainage and associated SUDS infrastructure and the failure of the submitted stormwater design to have full regard to all areas in respect of stormwater runoff, it is considered that the proposed development would, notwithstanding the proposed SUDS measures, increase the quantum of stormwater runoff from the site, with an associated risk of flooding downstream of the proposed development. Therefore, the proposed development would be prejudicial to public health,

would be premature pending the upgrade of the downstream drainage network and would be contrary to proper planning and sustainable development.”

In the report prepared by the Greystones Municipal District Engineer, concern was raised in respect of the capacity of the existing culverts proposed to serve the subject site. In addition, the following opinion was stated:

In the applicants response to the Boards opinion it states that runoff from the development will be limited to existing levels; it is still the Council's contention that the development will result in extra surface water being discharged to the stream increasing the risk of downstream flooding, see items 5 & 6 below that shows a level of uncertainty as to how much runoff is going to be generated by the development. Notwithstanding this the development is still premature as even if all sources of surface water were mitigated such that the current situation was not exceeded, the current situation is still causing flooding issues downstream.

Having regard to the reason for refusal and opinion of the District Engineer outlined above, it can be concluded that the development of the subject site is reliant on the upgrade of the downstream drainage network. Therefore, this reinforces that the subject lands do not meet the criteria for inclusion on the RZLT register.

3.3 Date on Satisfying Relevant Criteria

The maps should indicate the zoning of each parcel of land proposed for inclusion, along with the date that the land is considered to fall into scope where that date is after 1st January 2024, being land 'satisfying the relevant criteria' as set out at section 653B.

The Draft Annual Map has been reviewed. Section 653C specifies what should be contained on the draft map. Section 653B (1) (b) (i) indicates that the date on which, based on the information available to it, it considers that land first satisfied the relevant criteria where that date is after 1st January 2024. It is clear from the preceding section that the lands did not have access to public infrastructure in terms of road access and wastewater treatment capacity as of the 1st January 2024.

4. REQUESTED AMENDMENT

We contend that the subject lands do not fall within the scope for the RZLT as they do not have access to public infrastructure in the form of roads, surface water management and wastewater treatment facilities. They did not come within scope on the 1st January 2024.

We request that the subject lands be removed from the RZLT Map.



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MAP 1
 Description:
 Digital Cartographic Model (DCM)
 Publisher / Source:
 Ordnance Survey Ireland (OSI)
 Data Source / Reference:
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 Autodesk AutoCAD (DWG_R2013)
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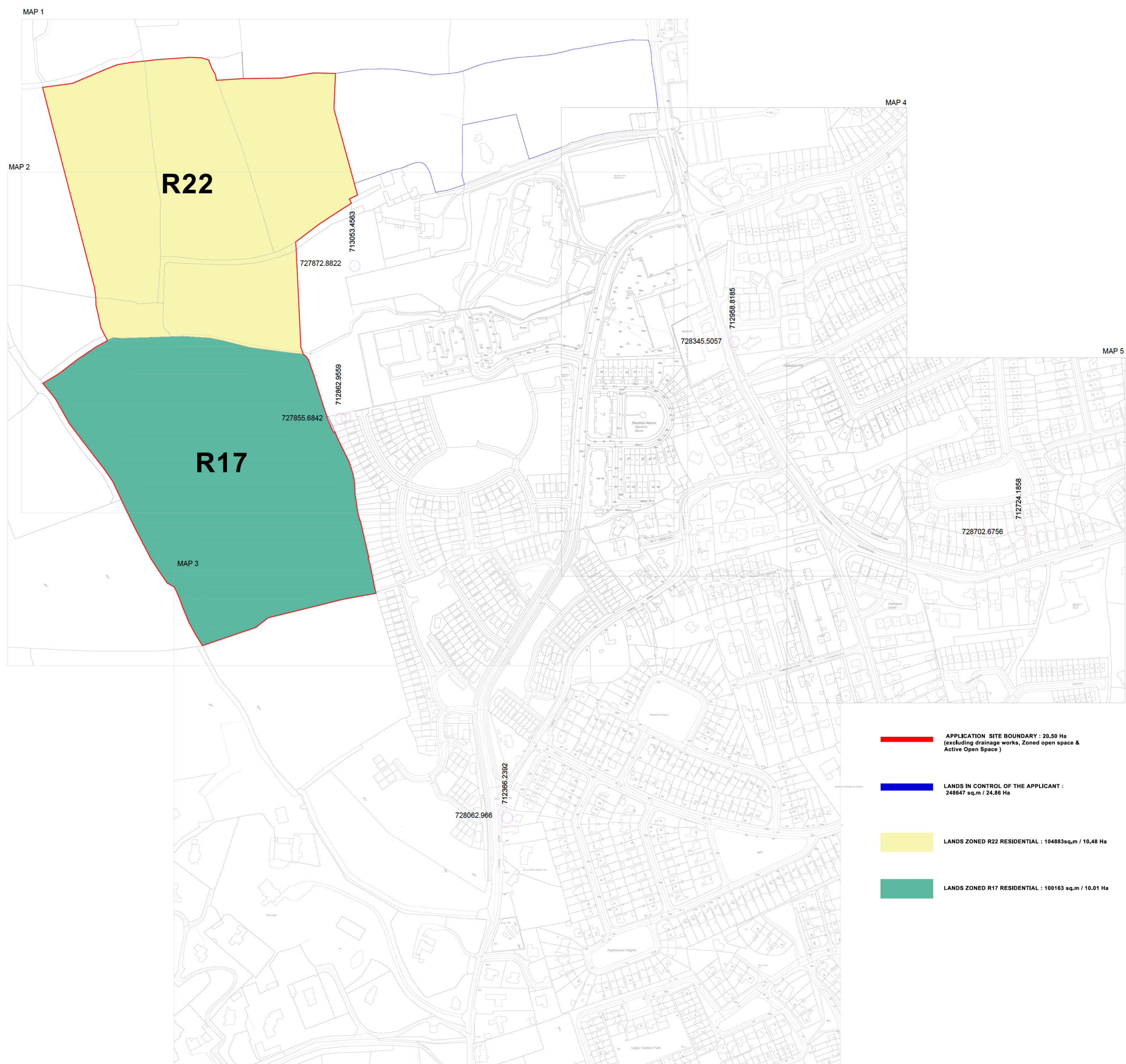
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 Ní hionann bóthar, bealach nó cosán a bheith ar an léarscáil seo agus flanaise ar chead slí.
 Ní thaispeánann léarscáil de chuid Ordánais Shuirbhéireacht na hÉireann teorann phointí dlítheall de mhaoin riamh, ná úinéireacht de ghnéithe fhisiciúla.
 CYAL50250518
 © Ordnance Survey Ireland/Government of Ireland.



NOTES:
 DO NOT SCALE FROM DRAWINGS. WORK TO FIGURED DIMENSIONS ONLY. ARCHITECT TO BE NOTIFIED OF ALL DISCREPANCIES.
 * ALL AREAS ARE APPROXIMATE UNTIL FURTHER ACCURATE LAND SURVEYS ARE CARRIED OUT.

REVISIONS			No.
DATE	DESCRIPTION		

N

M CROSSAN O'ROURKE MANNING ARCHITECTS

PROJECT TITLE:
Coolagad, Greystones.

DRAWING TITLE:
Site Location Map

DATE:
NOV/22

SCALE:
1:5000@A3

JOB NO:
20005

DRAWING NO:
PL01

Planning Department
Wicklow County Council
County Buildings
Station Road,
Whitegates,
Wicklow

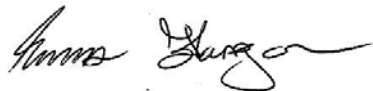
19th December 2022

RE: Residential Zoned Land Tax submission in relation to lands at Coolagad, Greystones, Co Wicklow

To whom it may concern,

On behalf of [REDACTED], I confirm that we are the registered owners for the lands at Coolagad, Greystones, Co Wicklow as indicated on the attached OSI map.

Yours Sincerely



Emma Flanagan MIPI MRTPI
Senior Planner

On behalf of

[REDACTED]

[REDACTED]