



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316357-23

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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>	Courtstown, Little Island, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	DRZLT473464017
<b>Appellant(s)</b>	John Deane and John Ruane
<b>Inspector</b>	Rachel Gleave O'Connor

## 1.0 Site Location and Description

- 1.1. The site is situated to the south of Ballytrasna Park and east of Clash Road. Residential dwellings are located along Clash Road and to the south of Ballytrasna Park. The site has a confined section of frontage onto Ballytrasna Park. The wider area is characterised by industrial and retail warehouse uses. Open / greenfield / agricultural lands are situated to the north and south. The site itself is greenfield in nature and forms part of a wider land parcel identified under the RZLT ID parcel no. LI-X-01, situated to the eastern half of that land parcel.

## 2.0 Zoning and Other Provisions

- 2.1. The site forms part of a wider land parcel which is zoned LI-X-01 'Special Policy Area' in the Cork County Council Development Plan 2022-2028. The land use zoning objective for special policy areas is set out below:

*“Recognise that there are a small number of sites within the urban areas of the County where the normal land use zoning requirements do not apply. These can be subdivided into 3 distinct categories namely: a) Areas suitable for mixed use development (both brownfield and greenfield sites) where the range of uses are outlined. b) Areas suitable for mixed use development where further study is required to guide the significant or strategic nature of the site. This will involve the preparation of a master plan, design brief or area action plan before any formal planning application is made for the development. These should be subject to SEA and HDA screening where appropriate. c) Areas which require specific policy guidance to protect the unique characteristics of that particular area.”*

- 2.2. Volume 4 'South Cork' defines special policy area LI-X-01 as follows:

*“Comprising approximately 22.9 hectares of land, a large portion of this site in the south east of Little Island lies within an area that was previously operated as a golf club and which has been closed since 2009. The land provides a substantial buffer between areas of residential development and areas of industrial development. The special policy area has been extended in this plan to include adjoining land to the east that was zoned for industrial development in the 2017 Local Area Plan.*

*In the context of the vision for Little Island, it is considered appropriate to facilitate the development of this key site over the lifetime of this plan so as to achieve a better balance of employment and housing. It is important that this development be integrated into the surrounding land uses, to ensure appropriate protection of the adjoining residential land use and to ensure an appropriate landscaping buffer between new residential development and adjoining industrial uses to the east. Development of this site will require the provision of high frequency public transportation links to serve the area.*

***The objective for the site is to deliver compact residential development in tandem with a high quality, small scale, local neighbourhood centre, school, public realm and open space. The development is to facilitate excellent quality of life and establish a strong and attractive sense of place.***

*The adjoining land to the south was subject to a special policy area zoning objective in the 2017 Local Area Plan. It is considered that this area will be suitable, in the future, for a significant element of residential development combined with business development and a substantial area of high quality, public open space for recreation. This site will contribute to the sustainable expansion of Little Island's residential community to achieve a better balance between employment and residential land use for the settlement. It will be important that high quality pedestrian and cycle connectivity between this land and the LI-X-01 site be provided. In recognition of the future potential of this site it has been designated as residential reserve in this plan.*

*Access to the eastern side of the site should be from the Courtstown Road to avoid increase traffic movements on the Clash Road.” (Emphasis added).*

2.3. Objective LI-GO-02 under Volume 4 is to:

*“Secure the development of new dwellings, neighbourhood centre, school and high quality public open space and public realm at LI-X-01 in Little Island over the lifetime of the plan, subject to preparation of a framework plan, to enable Little Island to achieve its target population of 2,769 persons to provide a balance between the provision of housing and employment uses in the town, to support Little Island's development as an integrated live/work destination.”*

2.4. Objective LI-X-02 in the plan is for:

*“Medium A density residential development, small scale, local neighbourhood centre, high quality public open space (including buffer between development and adjoining industrial use) and public realm. To provide for future high quality pedestrian and cycle connectivity with LI- RR-01. Development of this area will be subject to an approved framework plan for its overall development. This zone is located in close proximity to the Cork Harbour SPA. Areas within this zone may be used by Special Conservation Interest bird species for which the Cork Harbour SPA is designated. Account will be taken of same when considering new development proposals in this area.”*

- 2.5. The subject site is situated on the eastern half of the Objective LI-X-02 lands.

### **3.0 Planning History**

- 3.1. Reg. Ref. 186021 and ABP-304271-19 – Planning Permission REFUSED by Cork County Council and An Bord Pleanála for a residential development comprising the construction of 75 no. dwelling houses, a creche and all associated ancillary site development works including access, parking, footpaths, drainage, landscaping and amenity areas. The development includes the creation of a new vehicular access road along the sites eastern boundary via Ballytrasna Park to service the site. The ancillary site development works consist of the diversion and undergrounding of the existing MV (10KV/20KV) ESB electrical cables. Refused for one reason relating to density, which was too low. Decision dated 2019.
- 3.2. Reg. Ref. 126311 – EXTENSION OF DURATION PERMISSION GRANTED site development works incorporating roads, services and ancillary works to facilitate future industrial and/or warehouse and distribution development, extension of duration of permission granted under Planning Reg. No. 07/6541. Decision dated 20/12/2012.
- 3.3. Reg. Ref. 07/6541 – Site development works incorporating roads, services and ancillary works to facilitate future industrial and/or warehouse and distribution development. Decision dated 30/10/2007.

## 4.0 Submission to the Local Authority

4.1. The appellant made a submission to the Local Authority seeking to have its land removed from the draft map. It stated that:

- The development plan requires a distributor road to be provided within the landholding under Objective LI-U-05.
- Previous application made to deliver housing on the site and refused by CCC and ABP. Currently progressing a Large-scale Housing Development application on the site.
- An important element of delivery of the lands is infrastructure that transverses the subject site and third party lands to the west and south.
- Upgrade works are required to connect to the wastewater network, along 70m on the Harbour Point Business Park Road and is a significant investment by the developer.
- Having regard to the significant investment required by the landholder to facilitate road and wastewater infrastructure, the lands do not satisfy the criteria set out in 653B(b) of the Taxes Consolidation Act 1997 as amended for inclusion in the map, which states ‘...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...’ The lands do not have access to public infrastructure necessary for dwellings to be developed. The lands can only be developed through significant private sector investment.

## 5.0 Determination by the Local Authority

5.1. The local authority provided an evaluation of the site with reference to the RZLT Guidelines, confirming the following:

- Uisce Éireann confirm a water main exists on the public road in close proximity to the site, 20m away via the road, Ballytrasna Park-Courtstown Road, adjoining the land parcel. With respect to wastewater, a sewer exists

on the public road, near the junction of the Courtstown Road and Harbour Point Business Park proximate to the site. A sewer is 76m away via the road, Ballytrasna Park-Courtstown Road adjoining the land parcel.

- Access to required infrastructure as per Section 653B of the Taxes Consolidation Act 1997 is available.

## **6.0 The Appeal**

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

- The decision taken by CCC did not provide a satisfactory infrastructural assessment of the lands as required by the RZLT Guidelines.
- The site does not have immediate access to infrastructure services and requires upgrades to extend the length of the Irish Water services network.
- In order to facilitate the delivery of residential development, the landholder needs to provide a distributor road and pedestrian and cycle facilities to service the subject lands.
- The provision of the distributor road is materially significant works requiring significant capital investment by the developer.
- With respect to wastewater connection, existing Irish Water services are separated from the Harbour Point Business Park Road by business/industrial properties. Connection requires significant investment by the developer to carry out material works.

## **7.0 Local Authority Response**

- CCC had full regard to infrastructural capacities.
- UÉ confirmed proximity to connections via public road.
- Reference to the RZLT Guidelines, pages 7 and 8 with regards access to connections, and that a need for network upgrades is not considered to exclude lands, where sufficient capacity is available, and page 10 in relation to 'where the land is zoned for residential development and specific objectives apply to provide such facilities but the extent of land required for such a use is

not identified, the land will fall into scope until such time as it is developed and the relevant land will then fall out of scope.'

- The site remains in scope.

## 8.0 Assessment

- 8.1. The site can be accessed directly from Ballytrasna Park which includes pedestrian footpaths. Uisce Éireann have confirmed that the site can be serviced following connections via the public road. These type of connections would be typical of any multi-unit residential development application in order to facilitate servicing of the site. The RZLT Guidelines confirm that the need for network upgrades does not render a site outside of scope, where capacity is available (page 8). Uisce Éireann has not identified any capacity constraints. While works relating to a distributor road are required in accordance with objectives under the development plan, these works are confined to the landholding (facilitating future connection to adjacent lands) and are part of the standard provision of infrastructure required as part of multi-residential development. While the appeal grounds reference significant capital investment required to undertake infrastructure connections, this is not a consideration under the criteria in the Act. In addition, the works are within the landholder or public land control, and are not materially significant, forming the standard type of network extension to be expected in such planning applications.
- 8.2. There are no infrastructural barriers to delivering residential development on the site as illustrated by the previous planning application on the site, refused in relation to density only, and no reasons relating to infrastructural or transport connections.
- 8.3. As such the site is considered to be serviced and in scope for the RZLT Map.

## 9.0 Recommendation

- 9.1. I recommend that the Board confirm the determination of the local authority and direct the local authority to include the site on the map.

## 10.0 Reasons and Considerations

10.1. Having regard to the determination by the local authority, the submitted grounds of appeal, the provisions of the section 653B of the Taxes Consolidation Act 1997, as amended, and the advice in section 3.1.2 of the Guidelines for Planning Authorities on the Residential Zoned Land Tax, the site is considered in scope for the purposes of the RZLT map.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Rachel Gleave O'Connor  
Senior Planning Inspector

31 August 2023