



An
Bord
Pleanála

Inspector's Report ABP-316371-23

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 Map

Location

Gortnaclohy, Skibbereen, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

DRZLT472913083

Appellant(s)

Niall O'Connor

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. Skibbereen is located on the N71 approximately 30km west of Clonakilty and approximately 30km south-west of Dunmanway. The subject lands are greenfield in nature and are located on the eastern side of the town. The lands form part of a larger area of residentially zoned lands situated immediately north of High Street and are bounded by residential development to the east and adjoin greenfield lands to the north and west.
- 1.2. The site comprises a portion of Land Parcel ID SK-R-02 on the RZLT draft map.

2.0 Zoning and Other Provisions

- 2.1. With effect from 6th June 2022 the Cork County Development Plan 2022 – 2028 replaced the 8 Municipal District Local Area Plans adopted in 2017, including the West Cork Municipal Districts LAP. Chapter 2 of Volume 5 of the Development Plan incorporates the West Cork Municipal District.
- 2.2. The subject site is zoned 'Residential' in the Cork County Development Plan 2022-2028.
- 2.3. The site is subject to Objective SK-R-02 which states: 'Medium B Density Residential Development. Provide pedestrian and cycle linkages to the X-01 Special Policy Area site.' SK-X-01 adjoins the subject site to the north.
- 2.4. Section 2.88 states the following in relation to residential zoned sites in the town, including the subject site:

'The land supply requirements for Skibbereen have been reviewed in order to achieve compact and sustainable growth of the settlement in accordance with national and regional policy guidance as set out in this plan. A number of residentially zoned sites remain undeveloped from previous plans, and some of these have been carried forward in this plan. These sites can ensure the sequential development and consolidation of the built envelope of the town. A number of zoned sites within the built envelope of the town can contribute significantly to the delivery of compact growth including SK-R-02, SK-R-03 and SK-R-05. All of the residential

zonings provide for Medium B and Medium C density residential development and have access to infrastructure and services.’

3.0 Planning History

There is no recent relevant planning history relating to the subject 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 of lack of infrastructure serving the site including the requirements for water supply and wastewater upgrades, that some residential sites requires completion of the Gortnaclohy Relief Road, and that the programme for infrastructure delivery is outside the landowner’s control.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that the site was in scope on the basis that it meets the criteria for inclusion on the RZLT Map as set out in section 653B of the Taxes Consolidation Act 1997.

6.0 The Appeal

6.1. Grounds of Appeal

- The Local Authority did not provide a satisfactory infrastructural assessment of the subject lands as required by the RZLT Guidelines.
- Responsibility for infrastructural provision/upgrades is spread across a number of bodies and is outside the appellant’s control.
- Delivery of the Gortnaclohy Relief Road is necessary for the lands to be developed.
- There is no definitive timeframe for delivery of infrastructure.
- The lands do not have access to infrastructure or services.

- Significant works / infrastructure provision are necessary to facilitate the development of dwellings on the lands.

Planning Authority Response

- Acknowledge that site does not adjoin the public road however it forms part of a larger land parcel of residentially zoned lands that adjoin the public road.
- Uisce Éireann confirms that a water main and sewer are located on the public road to the south of the site.
- Skibbereen WWTP has capacity constraints; connection applications are assessed considering specific demand requirements. 2022 Wastewater Treatment Capacity Register indicates limited spare capacity.
- Refers to RZLT Guidelines and notes that a need for network upgrades not a reason to exclude lands where sufficient treatment capacity exists.
- Footpath and public lighting available at site boundary.

7.0 Assessment

- 7.1. The comments raised in the appeal submission are noted. The site identified for inclusion on the RZLT map is zoned for residential use and the Planning Authority determined that the site remain on the RZLT map.
- 7.2. Uisce Éireann (UÉ) as per correspondence dated 31/01/2023, confirm that a water main and a sewer exist on the public road to the south of the lands.
- 7.3. UÉ also notes that the 2022 Wastewater Treatment Capacity Register indicates limited spare capacity in the Skibbereen WWTP, which is not compliant with its license limits but is capable of achieving at least Urban Wastewater Treatment Directive standards. The correspondence also states that 'Potential availability of capacity would be dependent on any additional load not resulting in a significant breach of the combined approach as set out in Regulation 43 of the Waste Water Discharge Authorisation Regulations, which is a matter for the Planning Authority to consider.'

- 7.4. Having reviewed the Capacity Register I note that the capacity of Skibbereen WWTP (Reg. No. D0166) is listed as 'Amber' confirming that there is potential spare capacity and applications will be considered on an individual basis considering their specific load requirements. This does not demonstrate insufficient capacity to serve new residential development in Skibbereen (with applications to be assessed on an individual basis) and therefore I accept the Local Authority's conclusions with respect to the ability to service the site.
- 7.5. I note that a footpath and public lighting is located along High Street, adjoining the overall landbank to the south.
- 7.6. In its evaluation of the subject lands, I note the Local Authority has confirmed that provision of the Gortnaclohy Relief Road is not required in the case of the subject lands.
- 7.7. I am of the view that the land satisfies criteria 653B (b) of the Taxes Consolidation Act 1997, as amended, and that it is serviced or has access to services necessary for dwellings to be developed and with sufficient service capacity available for such development. As such the lands could have development potential.
- 7.8. The remaining Grounds of Appeal do not relate to any of the relevant qualifying criteria set out in Section 653B of the Act.

8.0 Recommendation

- 8.1. I recommend that the board confirm the determination of the Local Authority and that the indicated site be retained on the map.

9.0 Reasons and Considerations

- 9.1. The lands identified as part of Land Parcel ID SK-R-02 meet qualifying criteria set out in Section 653B of the Taxes Consolidation Act 1997, as amended.
- 9.2. Having regard to the provisions of Section 653B (b), it is reasonable to conclude that the site may have access, or be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development.

9.3. 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, the site does satisfy the criterion for inclusion on the map set out in section 653B(c) of the Taxes Consolidation Act 1997, as amended.

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.

John Duffy
Planning Inspector

18th September 2023