



An
Bord
Pleanála

Inspector's Report

ABP-316386-23

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	Former Harbour Point Golf Course Lands, Courtstown, Little Island, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	DRZLT473298052
Appellant(s)	Demesne Scally Holdings
Inspector	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 is situated to the rear of these dwellings. 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 western 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 western half of the Objective LI-X-02 lands.

3.0 Planning History

3.1. No relevant planning history on the subject site itself.

3.2. Planning history of eastern half of the LI-X-02 lands adjacent to the subject site:

3.3. 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.

3.4. 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.

3.5. 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 lands were previously used as a golf course. Along the southern boundary there is an existing sand pit, a number of dwellings mainly concentrated around Well Road and a small, wooded area. To the south of the property is Carrigrennan Wastewater Treatment Plant.
- The existing buildings on the site include the clubhouse with a footprint of approx.480sqm and a driving range structure with a footprint of approx.560sqm. The established access to the site is via an entrance on Clash Road.
- Reference to planning history of the adjacent site to the east of the subject site. (Summarised in section 3 above).
- From Objectives in the Development Plan, it is clear that the future development of the LI-X-01 lands is to be guided by a joint masterplan with the adjoining landowner to the east and reliant on the provision of a vehicular and pedestrian/cycle connection via the lands to the east.
- The lands do not have an appropriate access that will facilitate their development in a manner that is consistent with the proper planning and sustainable development of the area.
- There is no available alternative road access other than via LI-U-05. While there is an existing access from Clash Road to the south, this would be a secondary local access at best. It would not have the carrying capacity for use as a main access to the entire lands.
- The lands do not adjoin or intersect with, are nearby, or bound, or corner Courtstown Road to the north. The provision of an access to public roads would not constitute minor works and would involve 3rd party lands. Not aware of any formal planning or tendering process being advanced by CCC or 3rd parties to secure delivery of an access over 3rd party lands.

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:

- 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

6.2. The grounds of appeal restate the submission to the Local Authority summarised in section 4 above.

7.0 Local Authority Response

- Noted that the overall zoned lands (LI-X-01) of which the appeal site forms a part of is in different ownership. However, the zoned lands form a single zoned extent that has direct public road access.
- Reference to pages 7 and 10 of the RZLT Guidelines, relating to access to public infrastructure and that where specific objectives apply to provide facilities, the land will fall into scope until such time as it is developed (with regards to transportation).
- The on-site road requirement as set out in the appeal refers to a distributor road internal to zoned lands subject of LI-X-01. It is anticipated that this internal distributor road will be provided as part of the delivery of the zoning objective for LI-X-01.
- Recognise the Objective for the lands requires some non-residential uses, until development occurs, all lands remain in scope.
- The site remains in scope.

8.0 Assessment

8.1. The site forms part of a wider land zoning under LI-X-01. The eastern part of the zoned land has access to the road to the north, Ballytrasna Park. The subject site forms the western part of the zoned land and does not have access to that road. The subject site is situated to the rear of properties on Clash Road and Ballytrasna Park. The appellant identifies an access to the subject site to the south from Clash Road crossing lands in the same ownership, however those lands to the south are zoned Residential Reserve, and do not extend into the zoned land under LI-X-01 to which the RZLT map relates. As such, the lands zoned for the purposes of the RZLT map under the ownership of the appellant, do not have road access, and while the landownership extends further to the south where there is an access to Clash Road, the zoning to the south would not necessarily support the utilisation of the land for vehicular/pedestrian access as part of residential development.

8.2. Therefore, to achieve access to the site within lands suitably zoned, it would be necessary to cross 3rd party lands outside of the landholder control.

8.3. Page 24 of the RZLT Guidelines state that with respect to road access:

“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.”

8.4. Page 25 of the RZLT Guidelines state that with respect to footpath access:

“for lands to be considered in scope, there should be an ease of connection to an existing footpath network to facilitate active travel modes from the outset. Provision of significant sections of new footpath across other landholdings, where the land is not in the control of the landowner or local authority should be discounted when considering lands to be in-scope.”

8.5. Pages 25 and 26 of the Guidelines also confirm that with respect to water and wastewater, consideration of connections should take into account whether the land required to deliver the works is in the control of the applicant or the local authority. There is no record of consultation with Uisce Éireann on the file by the Local

Authority, however similar to considerations of road and pedestrian footpath access above, to connect to the public network it is likely that it would be necessary to cross third party lands.

- 8.6. As such it is not reasonable to conclude that there is ease of connection or availability to access public infrastructure, and the site is not in scope for the RZLT Map.

9.0 Recommendation

- 9.1. I recommend that the board set aside the determination of the local authority and allow the appeal.

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, the site is not served by existing public infrastructure, including the pedestrian and road network, and would require the provision of extensive new sections across lands in third party ownership, and as such cannot be considered in-scope for the RZLT.

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.

Rachel Gleave O'Connor
Senior Planning Inspector

06 September 2023