



An
Bord
Pleanála

Inspector's Report ABP-316502-23

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	Lands at Coolcarron (townland), Fermoy, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	DRZLT475124286
Appellant(s)	Craigfort Construction Limited
Inspector	John Duffy

1.0 Site Location and Description

- 1.1. The subject site, which comprises a number of fields, is situated in the townland of Coolcarron, to the south of Fermoy town centre and approximately 26 kilometres to the north of Cork City Centre. The site is approximately 1km from the M8 – Cork Dublin Motorway which is situated to the east of the site. There is an existing open drainage channel along the eastern boundary of the site with a wooded area beyond. The site is bounded to the west with a number of private residential dwellings, an ESB facility and a number of commercial properties. The St Colman’s sports ground lies to the north of the site with agricultural land to the south.
- 1.2. The subject lands comprise Land Parcel IDs FY-ZLT-12 and FY-R-04 on the draft RZLT 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 Fermoy Municipal District LAP. Chapter 1 of Volume 3 of the Development Plan includes the Fermoy Municipal District.
- 2.2. The northern section of the lands are zoned ‘Existing Residential / Mixed Residential and Other Uses’ while the remaining lands are zoned ‘Residential’ in the Cork County Development Plan 2022 – 2028.
- 2.3. The site is subject to Objective FY-R-04 which states: ‘Medium B density residential development. The scheme should provide for development of active open space to include playing pitches. Proposals should include provision for pedestrian and cycle connectivity from the development to link in with the open space and new residential lands to the north and north-east. Existing habitats on site should also be protected/enhanced and incorporated into a new development. Consideration should also be given to the site’s proximity to the River Blackwater & tributaries corridor local biodiversity area.’
- 2.4. The site is not located within the Fermoy Architectural Conservation Area (ACA).

3.0 Planning History

Subject site

- TA04.313253 is a current SHD application for 336 no. residential units (242 no. houses, 94 no. apartments), creche and all associated site works. No decision has issued in relation to this application as yet.
- PA Ref. 05/4806: Permission granted for 308 residential units and creche.
- PA Ref. 13/6356: Extension of duration granted for 05/4806. Permission to cease to have effect on 24/9/2019.

Submission to the Local Authority

- 3.1. The appellant made a submission to the Local Authority seeking to have the subject land removed from the draft map on the basis that there is a lack of reasonable access to public wastewater drainage and surface water drainage, while access to the lands requires third party consent. The submission notes that the SHD application includes major infrastructure investment through third party lands financed by the developer. Serviced Land Initiative funding was needed to activate the lands however this was never delivered.

4.0 Determination by the Local Authority

- 4.1. The Local Authority determined that the site is 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.

5.0 The Appeal

5.1. Grounds of Appeal

The following points were made in support of the appeal:

- The decision by the Local Authority did not provide a satisfactory infrastructural assessment of the lands as required by the RZLT Guidelines.

- An Bord Pleanála has yet decide on the SHD application pertaining to the lands which includes provision of infrastructure necessary for the development of dwellings.
- The lands do not currently have a reasonable access to foul sewer drainage or surface water drainage. A solution to facilitating access to these services has been designed and will be constructed (at the developer's expense) and this forms part of the current SHD application.
- Access to the lands cannot be facilitated from the public road and requires third party consent. Such consent has been secured however it only applies in respect of the SHD application and as such it is not an indefinite consent.

5.2. Planning Authority Response

- The Local Authority had full regard to infrastructural capabilities relating to all submissions received and also referred submissions relating to water services to Uisce Éireann, which in this case confirmed that a watermain and a sewer exist in the public road in close proximity to the site and are accessible via third party lands.
- The landowner has secured consent to traverse third party lands to access these services. Consent has also been secured to provide access to the site across lands in the ownership of the Local Authority.
- The current SHD application outlines all infrastructural proposals for the development of the site.

6.0 Assessment

- 6.1. The comments raised in the appeal are noted, as is the report and response of the Local Planning Authority. The site identified for inclusion on the RZLT map is zoned for residential use and the Local Planning Authority determined that the site remain on the RZLT map.
- 6.2. Uisce Éireann provided a site-specific report to the Local Planning Authority, dated 27th January 2023, which stated the following:

Water Networks: Uisce Éireann (UÉ) wish to confirm that a water main exists on the public road, R639 Cork Road, in close proximity to the site. Available GIS data indicates that the watermain is accessible 35m away via third party lands (access road / entrance) adjoining the land parcel and via the Cork Road'.

Wastewater Networks: UÉ wish to confirm that a sewer exists in close proximity to the site. Available GIS data indicates that the sewer is accessible 32m away via third party lands (access road/entrance) adjoining the land parcel.

Please note UÉ has no information as to the ownership of the lands surrounding the land parcel.

- 6.3. Having regard to the above, it is clear that water and wastewater infrastructure are located in close proximity to the site.
- 6.4. The appeal submission confirms that consent has been secured by the developer to traverse third party lands in order to facilitate access to foul sewer drainage and surface water drainage in respect of the SHD application pertaining to the lands. Furthermore, it is apparent from documentation on file that the developer has secured consent to traverse third party lands (in the ownership of the Local Authority) in order to facilitate access to the site.
- 6.5. It is therefore my opinion that services are available, and no capacity or other reasons have been identified that would prevent the development of these lands for residential purposes. The requisite consents to facilitate residential development on the subject lands have been secured by the developer. The site does satisfy the criteria for inclusion on the map set out in section 653B (c) of the Taxes Consolidation Act 1997, as amended.
- 6.6. The appeal grounds do not raise any exclusions that would apply to the subject lands and warrant its removal from the map, with reference to the Taxes Consolidation Act 1997 as amended and the RZLT Guidelines.

7.0 Recommendation

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

8.0 Reasons and Considerations

- 8.1. The appellant requested that their lands be removed from the map on the basis that the lands do not currently have reasonable access to foul sewer drainage or surface water drainage and also, that access to the land cannot be achieved in the absence of third-party consent.
- 8.2. The site is within an area zoned for residential use that is serviced or has access to services necessary for dwellings to be developed and with sufficient service capacity available for such development. The site does satisfy the criteria 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

7th September 2023