



An
Bord
Pleanála

Inspector's Report ABP-316510-23

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	Lands at Grange Killumney, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	DRZLT472286908
Appellant(s)	Agricola Properties Limited
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The subject site is made up of land with an area of c. 2.881 hectares in the townland of Grange to the south west of Killumney/Ovens.

2.0 Zoning and Other Provisions

2.1. The site is located on lands that are subject to two zonings, the majority of the site is zoned New/Proposed Residential (Medium Density) with the remainder zoned Existing Residential under the Cork County Development Plan 2022-2028.

2.2. There are no protected structures, national monuments or any other item indicated on the development plan maps that directly impact on this site.

3.0 Planning History

3.1. Reg. Ref. 16/7267: Permission granted for 72 no. dwellings and associated site works. Permission has expired.

4.0 Submission to the Local Authority

4.1. The appellant made a submission to the Local Authority seeking to have its lands removed from the draft map on the basis that:

- Lands are currently undevelopable due to lack of infrastructure with lack of capacity within the existing Killumney WWTP and the inability to secure a Connection Services Agreement with Irish water on this basis.
- There is funding approval for upgrade of the WWTP however the timeline for delivery and completion of such is not known at this time.
- Applications in the area have been refused on the basis of inadequate WWTP capacity.
- The land at present time cannot be considered to be serviced residential land due to lack of adequate capacity of the existing WWTP and are undevelopable at this point in time.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that the site was in scope and should remain on the map on the basis that interim development led infrastructure provision will be considered on a case by case basis.

6.0 The Appeal

6.1. Grounds of Appeal

- The Lands are currently undevelopable due to lack of infrastructure with lack of capacity within the existing Killumney WWTP and the inability to secure a Connection Services Agreement with Irish water on this basis.
- There is funding approval for upgrade of the WWTP however the timeline for delivery and completion of such is not known at this time.
- Applications in the area have been refused on the basis of inadequate WWTP capacity.
- The land at present time cannot be considered to be serviced residential land due to lack of adequate capacity of the existing WWTP and are undevelopable at this point in time.

6.2 Response by Cork County Council

- The Council consider that the site meets the criteria for inclusion on the RZLT map as it can connect to the water services network and spare capacity is currently available in the Killumney WWTP with the site remaining in scope.
- The Council is aware that existing capacity is limited and will consider interim developer led on-site infrastructure provision pending additional treatment capacity with the Killumney WWTP a priority site for upgrade by Uisce Eireann.

7.0 Assessment

7.1. The appeal is Section 635B(b) and the contention that the site does not have reasonable access to services in particular wastewater services. This on the basis that the lands in question do not have access to wastewater treatment infrastructure with the existing Killumney WWTP operating at capacity. The Uisce Eireann response indicates as of the 1st of October 2022 that there is limited spare capacity in the WWTP with current level of new connection enquiries submitted exceeding the capacity available with no further capacity for growth. The Planning Authority determination justified inclusion of the site on the map on the basis that that interim development led infrastructure provision will be considered on a case by case basis. Uisce Eireann's capacity register (published June 2023) classifies Killumney WWTP as status Green indicating available capacity.

7.2. The Section 653B, of the Taxes Consolidation Act 1997 as amended, states that for lands to be included on the map:

“(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.”

7.3. There is capacity at Killumney WWTP (albeit limited capacity). Uisce Éireann have confirmed that there is limited spare capacity at Killumney WWTP as of 1st October 2022 and Uisce Eireann's capacity register (June 2023) classifies Killumney WWTP as having status Green meaning there is available capacity. Page 17 of the RZLT Guidelines confirms that:

“Where capacity exists in wastewater treatment plants or water supply plants for a settlement, all lands which are zoned and connected or able to be connected to the relevant network should be considered in scope until such time as the capacity is confirmed to have been utilised.”

7.4. Page 8 also confirms that with respect to the definition of serviced lands:

“...A need for network upgrades is not considered to exclude lands, where sufficient treatment capacity is confirmed to exist...”

- 7.5. In conclusion, Killumney WWTP has capacity and as such the site is considered to be serviced and in scope for the RZLT Map.
- 7.6. I therefore consider that the site should remain on the map in accordance with the recommendation of the Planning Authority.

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. 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 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.

Colin McBride
Senior Planning Inspector

01st September 2023