



An  
Bord  
Pleanála

## Inspector's Report ABP-316748-23

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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>	Ballincroilig, Dublin Pike, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	CRK-RZLT-51
<b>Appellant(s)</b>	O'Leary and O'Sullivan Development Limited
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site primarily contains lands to the east of Ballincollie Road and west of the Ballyhooly Road, and which are located to the eastern side of Ballincroilig, to the north of Cork City. Residential development is underway in this area and the subject site adjoins a small housing development located to the north east of the site. The lands have been cleared for development and a number of houses have actually been constructed on the subject site.
- 1.2. Smaller sections of land adjoin the L2980 road, which is the main road thorough Ballincroilig, and on lands that form open space associated with the ongoing residential development in the area.
- 1.3. The adjoining lands, to the east/ north east/ south east are primarily in agricultural use/ are under grass, with lands to the west and south in residential use.

## 2.0 Zoning and Other Provisions

- 2.1. The subject lands are included within the Settlement Boundary of the Cork City Development Plan 2022 – 2028. The subject site is zoned ZO 01 – ‘Sustainable Residential Neighbourhoods’ with an objective ‘To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses’.

## 3.0 Planning History

**PA reg ref. 311730** refers to a February 2023 decision to grant permission for 96 no. residential units, 1 no. crèche, associated car parking, landscaping and all associated site works.

**PA reg ref. 17/6781** refers to an April 2018 decision to grant permission for 74 no. residential units and all associated site development works, foul and storm drainage including attenuation tank, and landscaping and amenity area. The proposed development incorporates 1 no. new access from the L2980 (Dublin Pike) and 1 no. new access from the Ballincollie Road with individual accesses to 13 of the units also from the Ballincollie Road.

## 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 for the following reasons:

- Planning permission has been granted for the development of these lands.
- Most of the lands have been developed for residential use, with houses constructed and with individual eircodes.
- The lands to the east of the site (Parcel IDs: CCLA00026017 and CCLA00027253) have not been developed to date but do have the benefit of planning permission and are awaiting the provision of an upgraded water connection, which is due to be in place in Q3 2023. The lands were not serviced and should not be included on the map.

A number of supporting maps, photographs, and aerial photographs are provided with the submitted appeal.

## 5.0 **Determination by the Local Authority**

5.1. The Local Authority determined that part of the lands was in scope referencing the following Parcel IDs:

- CCLA00026017
- CCLA00027253
- CCLA00027255

These lands are suitably zoned for residential development and are serviced. Uisce Éireann have confirmed that the sites can be serviced subject to upgrades.

5.2. The other lands to be removed from inclusion on the map.

## 6.0 **The Appeal**

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

The following points were made in support of the appeal:

- The planning/ site history is provided.

- With regard to Parcel ID CCLA00027255, these lands have been built out for residential development and each of the housing units has an individual Eircode.
- In relation to Parcel ID CCLA00026017 and CCLA00027253, these lands cannot be developed until such time as a suitable water connection is provided here.

## 6.2. **Planning Authority Response**

- No further comment.

## 7.0 **Assessment**

- 7.1. The comments raised in the appeal are noted and the report of the Planning Authority with supporting reports are noted.
- 7.2. In relation to Parcel ID CCLA00027255, these lands have been developed for residential use. By looking at the Eircode.ie finder, it is evident that these houses have been constructed and have their own individual Eircode. This parcel of land should be taken off the map.
- 7.3. The adjoining lands to the east have not been developed to date and the appellant has reported that they cannot be developed until Uisce Éireann upgrades are complete in this area.
- 7.4. From the available information provided by Uisce Éireann, these lands can be developed. They are suitably zoned and water/ foul drainage services can be provided subject to upgrades. These lands should therefore remain on the map.

## 8.0 **Recommendation**

- 8.1. I recommend that the board accept the determination of the Local Authority and that Parcel IDs CCLA00026017 and CCLA00027253 be retained on the map and in relation to Parcel ID CCLA00027255, the determination of the Local Authority be rejected, and these lands be removed from the map.

## 9.0 Reasons and Considerations

- 9.1. The appellant requested that their site be removed from the map due to the fact that part of the lands have been developed and that the remaining lands cannot be developed until Uisce Éireann upgrade works are completed.
- 9.2. In relation to Parcel IDs CCLA00026017 and CCLA00027253, the lands are suitably zoned for residential development and the lands can be serviced. These lands to remain on the map.
- 9.3. In relation to Parcel ID CCLA00027255, these lands to be removed from the map as they have been developed for residential purposes, which has been confirmed by information on the Eircode.ie website.

I confirm that the report represents my profession 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.

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Paul O'Brien  
Planning Inspector

7<sup>th</sup> September 2023

Encl: Eircode Map of the lands.