



An
Bord
Pleanála

Inspector's Report ABP-316753-23

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 Port Authority (Graving Dock) Site, Lower Glanmire Road, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	CRK-RZLT-60
Appellant(s)	JMcM Properties Ltd
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an area of land located to the south of the Lower Glanmire Road, north of the River Lee, to the east of Cork City. The lands consist of a quay and former Graving Dock. The site also contains a former warehouse on the northern side of the site, adjoining the public road.
- 1.2. To the east of the site are two rows of terraced house, with a mix of quayside and slipways adjoining them. To the west are warehouses and quayside storage areas. North of the Lower Glanmire Road is primarily in residential use. There are also houses on the southern side of the Lower Glanmire Road forming the street frontage with the warehouse on the subject site.
- 1.3. A protected cycle track is in position along the front of the site and the Lower Glanmire Road is served by Bus Éireann city bus services.

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. An almost square area of land around the graving dock is zoned ZO 15 – Public Open Space. The remaining lands on site are zoned ZO 02 – ‘New Residential Neighbourhoods’ with an objective ‘To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure’.

3.0 Planning History

- 3.1. There are no recent, relevant, valid applications on this 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 that the lands are restricted by site access and cannot be developed until the ‘Bus Connects Sustainable Transport Corridor’ is finalised and constructed.

4.2. The submission makes clear that the lands are suitably zoned and no request for rezoning is made.

5.0 **Determination by the Local Authority**

5.1. The Local Authority determined that the site was in scope. The lands were suitably zoned for residential development, and they can be serviced as required for such development.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The following points were made in support of the appeal:

- Areas of land have been included on the maps and for which should not be included as they form part of existing businesses on site.
- Access to the site is difficult to achieve and to provide a route through the existing business may result in the business becoming unviable.
- The business is considered to be an essential retail outlet under Covid 19 legislation. Commercial rates are paid on this property.
- Nos. 13 and 16 Glanmire Road are included on the map, and these should not be liable for RZLT but for the Local Property Tax.

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. The information submitted in support of the appeal is different to that made in the original submission to the Planning Authority. The appeal is somewhat confusing as it refers to lands to the east of the subject site/ graving dock. The houses that may be subject to LPT are not within the subject site.

- 7.3. Issues relating to mapping anomalies can be addressed with the Planning Authority, the areas of land involved that relate to the subject site are very small and it is not a function of this process to determine what lands are zoned for residential development down to very small areas that may be included on the maps due to mapping anomalies associated with the development plan preparation process.
- 7.4. The appeal refers to the impact of access through the lands to the east. Access can be provided directly from the Lower Glanmire Road and not impact on any of the lands to the east of the subject site. The lands are suitably serviced and can be developed for residential use.

8.0 Recommendation

- 8.1. I recommend that the board accept the determination of the Local Authority and that the indicated site be kept on 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 the lands may not be accessible, parts of the lands were inappropriately included, and development may impact on existing businesses in the area. The Planning Authority recommended that the lands be retained on the map.
- 9.2. The lands are suitably zoned for residential development and no restrictions in terms of service provision have been identified by the Planning Authority. Access to the subject lands can be provided from the Lower Glanmire Road to enable the development of these lands for residential uses in accordance with the landuse zoning that applies here.

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.

Paul O'Brien
Planning Inspector

5th September 2023