



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316766-23

---

<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 Map
<b>Location</b>	Lands at Knocknahorgan, Sallybrook, Glanmire, Co. Cork
<b>Local Authority</b>	Cork City Council
<b>Local Authority Reg. Ref.</b>	CRK-RZLT-46
<b>Appellant(s)</b>	Evelyn & Michael Kearney
<b>Inspector</b>	Frank O'Donnell

## 1.0 Site Location and Description

- 1.1. The subject site is located on northern side of Glanmire to the immediate west of north of the established Richmond Wood residential development.
- 1.2. Land Parcel (s) CCLA00025489, CCLA00025503, CCLA00025520, CCLA00025629, CCLA00025630 & CCLA00025645 which are the subject of the Local Authority Determination, have an estimated site area of c. 8.0 hectares.
- 1.3. It should be noted that there are 1 no. other concurrent RZLT Appeal in the general locality of the subject site, as follows:
  - Appeal Ref. No. 316769-23: Evelyn & Michael Kearney. Lands located c. 305 metres to the north of the subject site.

## 2.0 Zoning and other provisions

- 2.1. The site which is the subject of this appeal is zoned '*ZO 01, Sustainable Residential Neighbourhoods. Zoning Objective: Zoning Objective 1: To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*'
- 2.2. The lands are located within an area identified for Compact Growth as per the Growth Strategy Map 2022 to 2028 (Figure 2.21) of the Cork City Development Plan, 2022 to 2028.
- 2.3. Strategic Objective 1 (SO1) relates to Compact Liveable Growth and reads as follows:

*'SO 1: Compact Liveable Growth*

*Deliver compact growth that achieves a sustainable 15-minute city of scale providing integrated communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic greenfield expansion adjacent to existing city.'*
- 2.4. Chapter 12 of the Plan relates to Land Use Zoning Objectives. In relation to ZO1: Sustainable Residential Neighbourhoods, further planning guidance is provided in Sections ZO 1.1 to ZO 1.7.

## 2.5. Cork Metropolitan Strategic Area Plan

- Cork MASP Policy Objective 9

- Strategic Road Network Improvements

- *'To seek delivery of the following subject to the outcomes of required appropriate project appraisal, planning and environmental assessment processes including SEA/AA as appropriate. The upgrade of public transport networks must be the priority for strategic road network improvements under this objective. Sustainable proposals that facilitate the implementation of public transport networks on the strategic road network will be supported.*

....

*g) Dunkettle Interchange.'*

## 3.0 Planning History

### 3.1. Planning History

3.2. 052781: Evelyn & Michael Kearney. Permission for 14 no. dwellinghouses. Permission was WITHDRAWN on 21/06/2005.

## 4.0 Submission to the Local Authority

4.1. The Appellant made a submission to the Local Authority seeking to have his land removed from the draft map.

4.2. Lands contain the Appellants family home and adjacent farmyard.

4.3. The current road access is restricted with no footpath provision to serve potential future residential development at the subject lands. The delivery of a footpath along the existing road is constrained by the presence of several private dwelling houses between the subject site and the junction with the Springhill Road (L29979) to the south. This is further compounded by the similar lack of pedestrian access along the Springhill Road.

- 4.4. Due to the requirement for a footpath on which is outside the control of the Appellant, the lands should be omitted from the RZLT Map.
- 4.5. The future delivery of a footpath on Springhill Road will be materially significant and involve the construction of significant sections of footpath across other landholdings. In accordance with Section 653B of the Taxes Consolidation Act 1997 the subject lands should be discounted from the RZLT map.

## 5.0 Determination by the Local Authority

- 5.1. Having evaluated the submission, it is considered that the land DOES constitute land satisfying the criteria as per Section 653E (1) (a) (ii) (I) of the Taxes Consolidation Act, 1997 as amended, therefore it is recommended that the land(s) at Knocknahogan, Sallybrook, Glanmire, Cork should be INCLUDED in the final map for the following reasons:
  - 5.2. Reason(s)
  - 5.3. The land is included in the Cork City Development Plan 2022 – 2028, in accordance with Section 10 (2) of the Act of 2000 and is further zoned (i) solely or primarily for residential use, or (ii) for a mixture of uses, including residential use.
  - 5.4. These lands satisfy section 653B (b) of the Act, in that it is reasonable to consider that the land 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.
  - 5.5. The Local Authority determined that the site was in scope and should remain on the map.

## 6.0 The Appeal

### 6.1 Grounds of Appeal

The Grounds of Appeal are summarised as follows:

- Existing carriageway and permeability deficiencies to the subject lands constrain future residential development.

- Any meaningful road upgrade and footpath provision would require access to 3<sup>rd</sup> party lands which are in private ownership or would require CPO or planning permission in themselves. These works would be material, therefore the inclusion of these lands would be contrary to Section 4.1.1 (iii) of the RZLT Guidelines 2022.
- Any future development would be contrary to CDP Objective 4.5 Permeability in the absence of delivery of direct links to the adjacent road and public transport.
- Based on an ABP decision to refused permission in 2022 for an SHD in Glounthaune (ABP-312222-21) having regard to the existing road network which was substandard in terms of suitable pedestrian and cyclist facilities the subject land is currently undevelopable.
- In accordance with Section 653D of the Taxes Consolidation Act 1997, the lands should be excluded from the RZLT Map as the lands have yet to satisfy the criteria of Section 653B(b) of the Taxes Consolidation Act 1997.

## 7.0 Assessment

- 7.1. The comments raised in the appeal are noted.
- 7.2. The Appeal submission refers to Cork City Council RZLT Reference CRK-RZLT-46, Land Parcel ID (s) CCLA00025489, CCLA00025503, CCLA00025520, CCLA00025629, CCLA00025630 & CCLA00025645. The Appeal submission also includes an aerial view of a site outlined in red, see Figure 1.
- 7.3. The lands are zoned 'ZO 02 New Residential' and are categorised as Tier 1 lands in the Growth Strategy Map 2022 to 2028 (Figure 2.21) of the Cork City Development Plan, 2022 to 2028.
- 7.4. The lands are accessible via the public road to the west. The lands are also accessible via the existing residential development to the north at Glen Richmond. It is noted that there are exiting footpaths, public lighting and surface water services in Glen Richmond Residential development to the north.

- 7.5. The Carrigrennan Wastewater Treatment Plant (Ref. D0033) has a Green Status on the current Uisce Eireann Wastewater Treatment Capacity Register. Green status is stated to mean 'spare capacity available.'
- 7.6. I am satisfied therefore that it is reasonable to consider that the lands may have access to foul sewer drainage.
- 7.7. Section 10.287 of the Cork City Development Plan, 2022 to 2028 relates to Water and Waste Water in Glanmire and states: *'There are no significant issues with network capability in Glanmire apart from local upgrades which will be needed for connections. Irish Water will work with relevant stakeholders to accommodate additional development.'*
- 7.8. The Glashaboy Water Treatment Plant serves Glanmire. This WTP is the subject of current upgrades which are due to be completed by mid-2025. With specific reference to this Water Treatment Plant and the associated upgrades, it is stated on the Uisce Eireann website that:
- 'The Glashaboy Water Supply is included on the Environmental Protection Agency's (EPA) Remedial Action List (RAL), which identifies water supplies that are in need of improvement. Currently, there is inadequate protection against microbiological failure.'*
- 7.9. As per recommendations contained in Section 3.1.1 of the Residential Zoned Land Tax Guidelines, 2022, I am satisfied that it is reasonable to consider, notwithstanding the need for a network upgrade, that the lands may have access to a water supply.
- 7.10. It is noted that the terms of Condition no. 4 a) of a nearby consented Strategic Housing Development (SHD), c. 1.6 km to the southeast, Ref. No. ABP-300543-18, places a restriction on the number of dwelling units to 400 units which can be constructed, prior to completion of the Dunkettle Interchange upgrade works.
- 7.11. It is further noted that in the initial submission to the Local Authority attached to a concurrent RZLT Appeal Ref. No. 316883-23, reference is made to this restriction whereby development on that said site cannot currently exceed 489 residential units until such time as the Dunkettle Interchange is completed. The said works are yet to be completed.

7.12. Notwithstanding the above and having regard to the ZO 01, Sustainable Residential Neighbourhoods zoning of the lands and the principles of sequential and orderly development, I am satisfied that it is reasonable to consider that there is currently sufficient road service capacity available for residential development on the subject lands and that therefore the lands are in scope as per the qualifying criteria set out in Section 653B b) of the Act.

## 8.0 Conclusion

8.1. The site does satisfy the criterion for inclusion on the map set out in Section 653B(b) of the Taxes Consolidation Act 1997, as amended.

## 9.0 Recommendation

9.1. I recommend that the Board confirm the determination of the Local Authority and that the indicated site be retained on the map.

## 10.0 Reasons and Considerations

10.1. The lands identified as CRK-RZLT-46 (Land Parcel ID (s) CCLA00025489, CCLA00025503, CCLA00025520, CCLA00025629, CCLA00025630 & CCLA00025645), meet the qualifying criteria set out in Section 653B of the Taxes Consolidation Act 1997, as amended.

10.2. *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.*

---

Frank O'Donnell

Planning Inspector

19th September 2023