



An
Bord
Pleanála

Inspector's Report ABP-316783-23

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	Barnavarna Hill, Poulacurry South, Glanmire, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	CRK-RZLT-31
Appellant(s)	Murnane O'Shea Ltd/ HW Planning
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an area of land located to the south east of Barnavara Hill road, Glanmire, to the north east of Cork city. The subject land is in a mix of agricultural and forestry use.
- 1.2. The adjoining area has undergone a significant transition from agriculture/ single housing to large residential development.

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

- 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 there are restrictions on service provision in the area. Access is not possible from adjoining developments and although access may be provided onto Barnavarna Hill to the west, this road does not have footpath access at present.
- 4.2. A number of houses/ properties along this road would prevent the development of such a footpath to the junction with Church Hill to the south as significant land take would be required. The provision of such a footpath is outside of the control of the landowner at this time.

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 it is reasonable to consider that 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:

- The lands are suitably zoned for residential development and are designated as Tier 1 lands in the development plan, therefore are available for development.
- It is not possible to provide a footpath to the adjoining Crawford Wood development as the only lands that adjoin the subject site are designated as open space serving the amenity needs of these residents.
- Access can be provided onto Barnavarna Hill Road, however there are no footpaths along this road and to provide a footpath to existing infrastructure at the junction with Church Hill, would require development over third-party lands.
- The lands cannot be developed due to constraints outside of the control of the appellant.

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. From the available information, the lands are suitably zoned, and services are available for their development for residential uses.
- 7.3. A criterion for the development of lands is the availability of services including footpaths and there are currently none along Barnavarna Hill. Whilst it is possible to

provide for footpaths along this road, this would require the acquisition of third-party lands, and this would be outside of the control of the landowner/ appellant. As a footpath connection cannot be made to existing infrastructure, the indicated lands should be removed from the map.

8.0 Recommendation

- 8.1. I recommend that the board reject the determination of the Local Authority and that the indicated site be removed from the map.

9.0 Reasons and Considerations

- 9.1. The lands are suitably zoned for residential development and no restrictions in terms of service provision have been identified by the Planning Authority.
- 9.2. The appellant requested that their site be removed from the map due to the fact that the lands were not able to be connected to existing public footpaths unless significant works and land acquisition was undertaken along the Barnavarna Hill road to the west of the subject site.
- 9.3. As the development of suitable footpaths would require significant land acquisition and works, these would not be expected to be undertaken by a developer and it is therefore considered that the lands should be omitted from the maps.

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

7th September 2023