



An
Bord
Pleanála

Inspector's Report ABP-316787-23

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 Map

Location

Lands at Woodville, Dunkettle, Glanmire, Co. Cork

Local Authority

Cork City Council

Local Authority Reg. Ref.

CRK-RZLT-11

Appellant(s)

Bluescape Limited

Inspector

Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located at Woodville, Dunkettle, to the south of the centre of Glanmire and to the west of the L2998. The site is located to the rear west of established residential development.
- 1.2. Land Parcel (s) CCLA00037904, CCLA00037905, CCLA00037907 and CCLA00037936, which are the subject of the Local Authority Determination, have an estimated site area of 3.5 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. 316883-23: O'Flynn Group. Lands located c. 400 metres to the northeast of the subject appeal site.

2.0 Zoning and other provisions

- 2.1. The site which is the subject of this appeal are zoned '*ZO 02 New Residential Neighbourhoods. Zoning Objective 2: To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.*'
- 2.2. The lands are categorised as Tier 2 lands in the Growth Strategy Map 2022 to 2028 (Figure 2.21) of the Cork City Development Plan, 2022 to 2028. Tier 2 sites are lands which are considered serviceable by physical infrastructure within the life of the plan. The subject site is indicated to be within the existing built-up footprint as opposed to within a Greenfield area, see Figure 2.22.
- 2.3. The following Objectives are of relevance:
 - Objective 10.69: South Glanmire Expansion Area: '*To support the compact growth and development of South Glanmire Expansion Area as a strategic City consolidation and expansion area, as identified in the Core Strategy. All development shall be designed, planned and delivered in a co-ordinated and phased manner, using a layout and mix of uses that form part of an emerging neighbourhood integrated with the wider area.*'
 - Objective 10.71: South Glanmire Framework Plan. '*Cork City Council will work with relevant stakeholders to produce a Framework Plan to support the*

sustainable growth of Glanmire and provide a coherent and coordinated land use plan for South Glanmire and its immediate environs.'

2.4. The South Glanmire Expansion Area of Ballyvolane lies c. 400 metres to the northeast of the subject appeal site.

2.5. Chapter 12 of the Plan relates to Land Use Zoning Objectives. In relation to ZO2: New Residential Neighbourhoods, the following is stated under ZO 2.1:

'ZO 2.1 Lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy.'

2.6. 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. 094334: Rosssdale Enterprises. Planning Permission for 4 no. dwelling houses. Permission was GRANTED on 16/06/2009.

3.3. 089278 (An Bord Pleanála Appeal Ref. No. PL04.233239): Rosssdale Enterprises Ltd. Permission for residential Development of 41no. two- and three-storey dwellings &

associated site development works. Permission was REFUSED on 08/09/2010 for the following 2 no. reasons:

1. *It is considered that the proposed development would be premature by reference to existing deficiencies in the local road network in terms of capacity, width, alignment, public lighting and pedestrian facilities, which deficiencies would render it unsuitable to carry the increased road traffic likely to result from the proposed development, and the period within which the constraints involved may reasonably be expected to cease. The proposed development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.*
2. *In the absence of detailed plans for the disposal of storm water from the site and reliance on proposed infrastructure to be provided on adjoining lands, planning permission for the development of which has been refused, it is considered that the proposed development would be premature, would represent a disorderly approach to development with associated risks of environmental pollution and flooding and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.4. 065958: Philip McAuliffe. INCOMPLETE APPLICATION.

3.5. 054972: Dan Mulvihill. Permission for the Construction of 52 no. two and three storey dwellinghouses, 2 no. apartments and associated site works. Permission was REFUSED on 06/04/2006. No further details available on the iPlan planning register.

3.6. 048138: Dan Mulvihill. INCOMPLETE APPLICATION.

3.7. 048135: Dan Mulvihill. INCOMPLETE APPLICATION.

3.8. 034088 (ABP. Appeal Ref. No. PL04.205378): Dan Mulvihill. Demolition of outbuildings and restoration and conversion of Woodville House to 4 apartments and construction of 50 houses and 1 apartment. Permission was GRANTED on 25/06/2004.

3.9. Other Relevant Planning History in the General Locality

3.10. ABP-300543-18: Strategic Housing Development (SHD): O'Flynn Construction Co Ltd. 10-year permission for demolition of existing dwelling house and farm buildings and construction of 608 no. residential units, crèche, conversion of former coach house to

provide retail/professional services, reservation of 1.2ha site for 16 classroom school, road improvements and associated site works. Permission was GRANTED on 29/03/2018 subject to 25 no. conditions. Condition no. 4 reads as follows:

'4. (a) The proposed development shall be carried out on a phased basis, such that not more than 400 number dwelling units, together with their associated site development works (Phases 1 to 6), shall be constructed prior to completion of the Dunkettle Interchange upgrade works. In addition, the distributor link road required under Local Area Plan objective GM-U-06 (Phase 1) shall be constructed prior to the occupation of any dwelling.

(b) Work on any subsequent phases after Phases 1 to 6 shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.'

3.11. *Reason: In the interest of safeguarding the capacity of the existing national primary road network and in the interest of orderly development.'*

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. The lands are zoned ZO2 'New Residential Neighbourhoods' and included within the South Glanmire Expansion Area (SGEA) as defined by the Cork City Development Plan 2022 to 2028.

4.3. The lands are categorised Tier 2 lands in figure 2.21 of the CDP and in accordance with Section 12.14 they are recognised as *'serviceable zoned lands that are not currently fully serviced but have the potential to become fully serviced within the life of the Plan.'*

4.4. Appellant is committed to the delivery of residential development at the lands during the lifetime of the CDP in accordance with the vision and objectives of the SGEA. Development of the lands is not currently deliverable owing to the infrastructural constraints relating to the disposal of surface water and upgrades required to the L2999 Dunkettle Road.

- 4.5. Reference is made to planning reg. ref. no. 08/9278 (An Bord Pleanála Appeal Ref. No. PL04.233239) and the 2 no. reasons for refusal.
- 4.6. The adjoining ZO02//SGEA lands to the west referred to in the Board's decision remain undeveloped and the local road network is still awaiting an upgrade. There is currently no footpath on the adjacent Dunkettle Road to link Woodville with the other SGEA lands to the north and the upgrade of this road was objective GM-U-08 of the recently lapsed 2017 Local Area Plan. CPOs required to facilitate upgrade of the Dunkettle Road.
- 4.7. As the subject lands do not have ease of access to an existing surface water network or footpath network, they do not yet comply with the criteria set out in Section 653B of the Taxes Consolidation Act 1997 and should be excluded from the RZLT Map.
- 4.8. The Appellant quotes Objectives 10.69 (South Glanmire) and 10.71 (South Glanmire Framework Plan) of the Cork City Development Plan, 2022 to 2028.
- 4.9. The Appellant also quotes CDP Objective 9.6 in relation to 'Storm Water'.
- 4.10. The submission is accompanied by an Infrastructural Feasibility Review prepared by Consulting Engineer. Development of the land in the short term is stated to be predicated on the delivery of surface water infrastructure on the adjoining lands to the west which are stated to be in separate third-party ownership.
- 4.11. The Dunkettle Road awaits an upgrade and while progress is being made on this, the provision of this upgrade involves lands which are not in the control of the landowner of the Local Authority, at present.

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 Woodville, Dunkettle, 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:

- The lands are zoned ZO2 'New Residential Neighbourhoods' and within the South Glanmire Expansion Area (SGEA) as defined by the Cork City Development Plan 2022 – 2028 (CDP).
- The lands are categorised as Tier 2 lands in Figure 2.21 of the CDP and in accordance with Section 12.14 they are recognised as '*serviceable zoned lands that are currently not fully serviced but have the potential to become fully serviced within the life of the Plan.*'
- The lands are not in scope as they were not serviceable on either 01 October 2022 or 1st April 2023 owing to infrastructural deficiencies, as highlighted in the accompanying Consulting Engineers Report.

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-11, Land Parcel ID (s) CCLA00037904; CCLA00037905; CCLA00037907 &

CCLA00037936. 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 2 lands in the Growth Strategy Map 2022 to 2028 (Figure 2.21) of the Cork City Development Plan, 2022 to 2028.
- 7.4. The content of the accompanying Services Constraints Report is noted.
- 7.5. Planning permission was Granted for 4 no. dwellings on the site as per planning reg. ref. no. 094334. Under this consented permission the Applicant proposed to connect to the foul sewer network and connect to a public water supply. Access to the lands was approved via the adjacent residential development/s of the Courtyard (3 no. units access here) and the Beeches (1 no. unit).
- 7.6. A foul sewer runs from north to south through the western area of site.
- 7.7. Existing services on the adjacent lands include public lighting, footpaths and surface water drainage.
- 7.8. It is noted that other Tier 2 lands in the general locality of the site, as defined in the abovementioned Growth Strategy Map include the adjacent lands to the immediate north, south and west. In addition, other Tier 2 lands in the general area include a defined City Expansion Area c. 400 metres to the north-east which is the subject of a consented Strategic Housing Development (SHD), Ref. No. ABP-300543-18. This residential development (Ballinglanna). There are multiple units occupied within this development. The remainder of the lands are still under construction.
- 7.9. The Appellant confirms in the accompanying Services Constraints Report that there is an existing foul sewer running North-South close to the western boundary of the site. This existing foul sewer is shown to have a southern flow direction. It is also stated that the existing Woodville estate is connected to this mains sewer through the lands in question, i.e. the subject appeal site.
- 7.10. It is noted 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.'
- 7.11. I am satisfied therefore that it is reasonable to consider that the lands may have access to foul sewer drainage.

- 7.12. 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.’*
- 7.13. 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.’*
- 7.14. 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.
- 7.15. It is noted that the terms of Condition no. 4 a) of the nearby consented Strategic Housing Development (SHD), c. 400 metres to the northeast, 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, see Section 3.0 of this Report above.
- 7.16. It is further noted that in the initial submission to the Local Authority attached to 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.
- 7.17. I am satisfied therefore that it is reasonable to consider that there is currently insufficient road service capacity available for residential development on the subject Tier 2 lands and that therefore the lands are not in scope as per the qualifying criteria set out in Section 653B b) of the Act.

8.0 Conclusion

- 8.1. The site does not 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 set aside the determination of the Local Authority and that the indicated site be removed from the map.

10.0 Reasons and Considerations

- 10.1. The lands identified as CRK-RZLT-11 (Land Parcel ID (s): CCLA00037904, CCLA00037905, CCLA00037907 and CCLA00037936), do not meet the qualifying criteria set out in Section 653B of the Taxes Consolidation Act 1997, as amended.
- 10.2. There is currently insufficient road service capacity for dwellings to be developed on the subject 'ZO 02 New Residential Neighbourhoods', Tier 2 lands.
- 10.3. *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

18th September 2023