



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316790-23

---

<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
<b>Location</b>	Monacnapa, Blarney Town Centre, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	CRK-RZLT-49
<b>Appellant(s)</b>	JAW Asset Holdings Limited
<b>Inspector</b>	Rachel Gleave O'Connor

## 1.0 Site Location and Description

- 1.1. The site is located to the south west of the R617, north west of The Square. To the north, south and west there is agricultural lands and greenfield areas. Residential and commercial uses are situated to the east.

## 2.0 Zoning and other provisions

- 2.1. The site is zoned 'ZO 01 Sustainable Residential Neighbourhoods' under the Cork City Development Plan 2022-2028. The site is also situated within an designated Architectural Conservation Area.

## 3.0 Planning History

- 3.1. Reg. Ref. 2039502 / ABP-308670-20 – Planning Permission REFUSED by Cork City Council 19<sup>th</sup> October 2020 and ABP decision quashed. Permission for construction of a 3-storey primary care centre with 5 no. ground floor retail units and café at St. Ann's Road, Monacnappa, Blarney, Cork. The proposed primary care centre will comprise reception/waiting areas and associated offices, consultation rooms and staff welfare areas.
- 3.2. Reg. Ref. 2039597 – Planning Permission REFUSED 8/12/2020 for mixed use development (totalling 16,780.51 sq m Gross Floor Space) for (1) An 80-bedroom Hotel (5,834.91 sq m Gross Floor Space) (2) A licensed supermarket (2,205.41 sq m Gross floor space and net retail sales area of 1,418.25 sq m) (3) A cafe/coffee shop (221.63 sqm Gross Floor Space) (4) An office building (664.19 sqm Gross Floor Space) (5) A Commercial Building (622.92sqm Gross Floor Space).
- 3.3. Site history applying to the subject site and lands to the south as a wider site area:
- 3.4. Reg. Ref. 125084 – Planning Permission GRANTED 17/07/2012 a) Permission for retention and completion of demolition of former Blarney Park Hotel complex and 4no. single-storey dwellings; and b) permission for demolition of 1no. single-storey dwelling and remaining hotel outbuildings; and the construction of a single-storey discount foodstore including the sale of alcohol for consumption off the premises, provision of 99 no. carparking spaces, signage, external plant enclosure, boundary

walls and fencing, entrance roadway, bus lay-by and all associated landscaping and site development works.

#### **4.0 Submission to the Local Authority**

4.1. The appellant made a submission to the Local Authority seeking to have its land removed from the draft map. It stated that:

- Landowner is committed to the delivery of a mixed-use development at the lands.
- The provision of an appropriate access to the lands requires legal consent to the use of 3<sup>rd</sup> party lands.
- Previous application on the lands had an access dependent on consent from Cork City Council in relation to the upgrade of junction R617 and St. Ann's Road to provide for a roundabout and access to the proposed development. The proposal also made provision for revisions to an existing surface car park associated with Scoil Chrol Iosa to facilitate access to the subject site.
- The majority of the lands are in ownership of Cork City Council, which is subject to a statutory process in relation to legal consent including a resolution of the Elected Representatives. Alongside this an agreement would be required with the Board of Management of Scoil Chrol Iosa in relation to the use of their lands.

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

5.1. The local authority provided an evaluation of the site with reference to the RZLT Guidelines, confirming the following:

- The land is included in the Cork City Development Plan 2022-2028, in accordance with Section 10(2)(a) 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.
- These lands satisfy section 653B(b) of 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, water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.2. The grounds of appeal repeat the submission submitted to the Local Authority as summarised in section 4 above.

## 7.0 Assessment

7.1. The appellant refers to a former planning application on the site and details associated with the road access proposed as part of that development, which requires works over third party lands.

7.2. The site has frontage to St. Ann's Road (R617). To the north of this access there is a school car park, and to the south the frontage to properties extends to the road. There is no existing pedestrian footpath to the north or south of the subject site, and third-party lands extend to the roadway edge. Opposite the site, there is footpath infrastructure, however the intervening distance is an extensive junction area. While the appellant points to a previous development proposition on the site with respect to access works being required over third party lands, the details of that proposal do not define an assessment with respect to RZLT which is confined to the criteria under the Act. The RZLT Guidelines expand upon the requirement in relation to servicing, with includes access to the pedestrian network.

7.3. Page 25 of the RZLT Guidelines state that with respect to footpath access:

*“for lands to be considered in scope, there should be an ease of connection to an existing footpath network to facilitate active travel modes from the outset. Provision of significant sections of new footpath across other landholdings, where the land is not in the control of the landowner or local authority should be discounted when considering lands to be in-scope.”*

7.4. The subject site does not have ease of connection to the existing footpath network, given its situation on the junction and with third party lands extending to the road edge to the north and south.

7.5. As such, the site is not in scope for inclusion in the RZLT map.

## 8.0 Recommendation

8.1. I recommend that the board set aside the determination of the local authority and allow the appeal.

## 9.0 Reasons and Considerations

9.1. Having regard to the determination by the local authority, the submitted grounds of appeal, the provisions of the section 653B of the Taxes Consolidation Act 1997, as amended, and Section 4.1.1 (iii) of the RZLT Guidelines, the site is not served by existing pedestrian infrastructure and would require upgrades to connect to existing provision, which would likely require works on lands in third party ownership, and as such cannot be considered in-scope for the RZLT.

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.

---

Rachel Gleave O'Connor  
Senior Planning Inspector

12 September 2023