



An
Bord
Pleanála

Inspector's Report

ABP-316796-23

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 Heathfield, Carriganarra, Carrigrohane, Ballincollig, Co. Cork
Local Authority	Cork City Council
Local Authority Reg. Ref.	CRK-RZLT-10
Appellant(s)	MOS Homes Ltd.
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The site which is subject to this appeal is located at Heathfield residential development on the western side of the N22 National Secondary road, c. 1.25 km to the southeast of the centre of Ballincollig.
- 1.2. The Local Authority Determination in respect of CRK-RZLT-40 relates to Land Parcel ID (s) CCLA00071287, CCLA00071302, CCLA00071304, CCLA00071306 & CCLA00071309.
- 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. 316789-23: MOS Homes Limited. Lands located c. 220 metres to the west of the subject site.

2.0 Zoning and other provisions

- 2.1. The lands which are subject to this appeal are zoned '*ZO 1 Sustainable Residential Neighbourhoods. 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 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. Tier 1 sites are zoned lands that are currently serviced by physical infrastructure.
- 2.3. The majority of the overall site which is the subject of the Local Authority determination is indicated as a Greenfield site and within the overall Sub City Area, see Figure 2.22 of the Plan.
- 2.4. The lands are located within the Outer Urban Suburbs of Cork City.
- 2.5. The lands are located within the South Ballincollig (Maglin) Expansion Area.

3.0 Planning History

3.1. Relevant Planning History

- 3.2. 2341785: MOS Homes Limited. Permission for the construction of a single storey creche. The proposed development is a change of plan from the creche facility previously permitted by Cork City Council Planning Reference 19/38923. Permission was GRANTED on 22/06/2023 subject to 18 no. conditions.
- 3.3. 2039452: MOS Homes Limited. Permission for the construction of 31 no. dwelling houses and all ancillary site development works, including a noise attenuation screen at Heathfield, Carriganarra, Carrigrohane, Ballincollig, Cork. Application was WITHDRAWN on 28/09/2020.
- 3.4. 1938923: MOS Homes Limited. Permission for the construction of 80 no. dwelling houses, a single storey 80 no. child crèche and all ancillary site works at Heathfield, Carriganarra, Carrigrohane, Ballincollig, Cork. The proposed development is a change of plan from that originally permitted under Cork County Council Planning Reference 15/6813 (as amended by Cork County Council Planning References 19/4188 & 19/5258) and Cork County Council Planning Reference 17/4270 and will result in the construction of an additional 23 no. residential units. Permission was GRANTED on 04/08/2020 subject to 28 no. conditions.
- 3.5. 1938895: MOS Homes Limited. Permission for the construction of 20 no. dwelling houses at Heathfield, Carriganarra, Carrigrohane, Ballincollig, Cork. Permission was GRANTED on 07/09/2020 subject to 20 no. conditions.
- 3.6. 195257: MOS Homes Ltd. Permission for the construction of 88 no. dwelling houses consisting of 6 no. 4 bedroom detached dwelling houses, 42 no. 4 bedroom semi-detached dwelling houses, 36 no. 3 bedroom semi-detached dwelling houses, 2 no. 3 bedroom townhouses and 2 no. 2 bedroom townhouses and all ancillary site works. The proposed development is a change of plan and change of house type from that permitted under Cork County Council Planning Reference 17/4270 as amended by 18/7345. Access to the proposed development will be provided via the junction from the Killumney Road and internal road network which was permitted by Cork County Council Planning References 15/6813 & 17/4270. Permission was GRANTED on 23/08/2019.

3.7. 187383 (Appeal Ref. No. ABP-304014-19): MOS Homes Ltd. Construction of 61 no. dwelling houses and all ancillary site works including a noise attenuation screen. Permission was Refused on 19/07/2019 for the following Reason and Consideration:

1. Having regard to Section 2.9 of the Spatial Planning and National Roads Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government in January, 2012, and to Objective TM 3-1 of the Cork County Development Plan 2014 – 2020, the Board considered that, as the site lies within the Route Protection Corridor of the Cork Northern Ring Road (N22/N20/M8) which is a Project Critical to the Delivery of Planned Development, the proposal would be premature in advance of the finalisation of the design of the proposed upgraded junction between the N22 and the L-2216 within this Corridor. Accordingly, to grant permission for this proposal would risk compromising the future design of this junction, would fail to preserve the Route Protection Corridor, would materially contravene Objective TM 3-1 of the development plan and would be contrary to the above-mentioned Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.8. 187345: MOS Homes Ltd. Permission for Alterations to the layout of a residential development known as Heathfield, which was permitted by Cork County Council Planning. Reg. No. 17/4270. Permission was GRANTED on 20/03/2019.

3.9. 174270 (Appeal Ref. No. PL04.300977): MOSH Group Limited. Permission for a Residential development of 238 no. residential units, single storey crèche with a gross floor area of 347 sq.m and all ancillary site development works. Permission was GRANTED on 25/01/2018. APPEAL WITHDRAWN on 25/05/2018.

3.10. 167268: MOSH Group Limited. INCOMPLETE APPLICATION.

3.11. 156813 (Appeal Ref. No. PL 04.246938): MOSH Group Ltd. Permission for 59 No. dwellings, new access road and roundabout and ancillary site development works. Permission was GRANTED on 19/10/2016. APPEAL WITHDRAWN on 30/09/2016.

3.12. 146693: Murnane & O'Shea Ltd. EXTENSION OF DURATION. Alterations to mixed use residential, community facilities and commercial development permitted under Planning Reg. No. 08/7047. WITHDRAWN on 02/02/2015.

- 3.13. 104341: Murnane & O'Shea Ltd. Permission for Alterations to mixed use residential, community facilities and commercial development permitted under Planning Reg. No. 08/7047. Permission was GRANTED on 24/06/2010.
- 3.14. 087047: Murnane & O'Shea Ltd. Mixed use community facility, commercial and residential development comprising of 429 no. dwelling units. Permission was GRANTED on 21/05/200.

4.0 Submission to the Local Authority

- 4.1. The Appellant made a submission to the Local Authority seeking to have the land removed from the draft map.
- 4.2. The lands are subject of a statutory designation that may preclude development.

5.0 Determination by the Local Authority

- 5.1. The Local Authority Evaluation Report dated 31/03/2023 relates to Land Parcel ID (s): CCLA00071287, CCLA00071302, CCLA00071304, CCLA00071306 & CCLA00071309.
- 5.2. 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 Heathfield, Carriganarra, Carrigrohane, Ballincollig, Cork, should be INCLUDED in the final map for the following reasons:
- 5.3. Reason(s)
- 5.4. 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.
- 5.5. 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.

6.0 The Appeal

6.1. Grounds of Appeal

The Grounds of Appeal are summarised as follows:

- Permission was refused under planning reg. ref. no. 18/7383 (Appeal Ref. No. ABP-304014-19). A separate application, planning reg. ref. no. 2039452 was withdrawn.
- The single issue in both applications was the uncertainty regarding the Cork Northern Ring Road (CNRR). This project has subsequently been renamed to The Cork City Northern Transport Project (CCNTP).
- Appellant met with Local Authority Officials in December 2022 to discuss the status of the CCNTP. Appellant was advised that matters regarding the CNRR had not advanced far enough to permit development on the subject lands.
- The Local Authority and the Appellant both wish to see the development of housing on the subject lands but due to the sites planning history and the requirement for further work to be done on the CCNTP corridor, the lands do not yet meet the criteria to be included on the RZLT register.
- The Appellant refers to Sections 4.138 to 4.140 of the CDP and states that this provides an update on the CCNTP. The Appellant quotes the said sections. The Appellant states that until such time as there is certainty regarding the delivery of the CCNTP, residential development at the subject lands is not yet deliverable as the lands are subject to a statutory designation that may preclude development. Serviced lands which are identified for future infrastructure should also not fall into scope for the RZLT.
- The timeframe for the delivery of the residential development at the lands is dependent on the determination of the CCNTP, which is outside of the control of the Appellant.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted.
- 7.2. Planning reg. ref. no. 187383 (Appeal Ref. No. ABP-304014-19) was refused on site for 1 no. reason as set out above in Section 3.0 of this Report. Objective TM 3-1 which is referenced in the 1 no. reason for refusal was attached to the previous Cork County Development Plan 2014 – 2020.
- 7.3. Planning reg. ref. no. 2039452 was withdrawn.
- 7.4. A letter from the National Roads Design Office dated 7/09/2020 and attached to planning reg. ref. no. 2039452 considers the planning application to be premature at the said time, i.e. 07/09/2020. It is stated that the section of site in question will be directly affected by the design of the Cork North Ring Road Project. It is further stated that the said lands encroach into the area set aside for the development of a junction alignment to connect the existing link road and that consequently, a refusal of this application is recommended at this time.
- 7.5. A separate letter from Transport Infrastructure Ireland on the same application and dated 02/09/2020 similarly does not support the proposed development which, it is considered will by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network.
- 7.6. Having regard to the provisions of Section 653B c) iii) (II) of the Act, I am satisfied that it is reasonable to consider that the lands are required for, or are integral to, occupation by transport facilities and infrastructure. On this basis the Appeal site should therefore be excluded from the map.

8.0 Conclusion

- 8.1. The appeal site does not satisfy the criterion for inclusion on the map set out in Section 653B(c) (iii) (II) of the Taxes Consolidation Act 1997, as amended and should therefore be removed from scope and therefore removed from the map.

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-10 fall within the scope of Section 653B c) iii) (II) (transport facilities and infrastructure) of the Act and are therefore excluded from the map.
- 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

20th September 2023