



An
Bord
Pleanála

Inspector's Report ABP-316801-23

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	Dunnes Stores, Bishopstown Court Shopping Centre, Ardostig, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	CRK-RZLT-84
Appellant(s)	Better Value Unlimited Company
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an almost square shaped area of land located to the south of the N40 – South Ring Road, approximately 4.4 km to the south west of Cork city. The north western part of the site is in use as a surface car park and the rest of the subject lands are undeveloped and are under grass/ covered in trees/ shrubs.
- 1.2. To the west of the site is Bishopstown Court Shopping Centre and which is anchored by Dunnes Stores. Garrane Darra residential development is located to the east and the lands to the south are primarily in agricultural use/ are under grass. The lands immediately to the north of the N40 are primarily in residential use.

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. PA ref. 21/40291 refers to an October 2021 decision to grant permission for alterations and extensions of the existing shopping. Included in the permitted development was modifications to the car parking area to serve the shopping centre.
- 3.2. PA ref. 21/40291 refers to a January 2020 decision to grant permission for extensions to the shopping centre and an extension to the car parking area.

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 part of the indicated lands are in use as an authorised car park associated with the shopping centre, and the remaining lands cannot be developed due to the presence of an existing Wet Willow Alder Ash Woodland.

4.2. Request that the lands be rezoned from Z0 1 residential to Z0 8 – Neighbourhood and Local Centres.

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.

5.2. It is also reported that it is not intended to rezone these lands as they are required for residential use in accordance with the core strategy.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The following points were made in support of the appeal:

- The planning history and development history of these lands is provided.
- Part of the lands are in use as an authorised car park associated with the shopping centre.
- The rest of the site contains a wet Willow Alder Ash woodland area, which is a sensitive landscape.
- There is a 1.5 m Trunk Water Main passing through the middle of the land parcel.

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. There are three restrictions identified on these lands, the car park, trunk water main and the woodland area. Taking the woodland area first, there is no designation on the Development Plan maps that restrict development on this site. Similarly it is possible to develop housing on car parking areas and over watermains. However, taking these together, the land is restricted. Exclusions from inclusion on the map under Section 653B. refer to lands '(iii) that it is reasonable to consider is required for, or is integral to, occupation by –

(II) transport facilities and infrastructure,

(v) water and wastewater infrastructure and facilities'.

The presence of a recently constructed car park and the location of the water main, restrict the development potential of these lands. It may be possible to include a small section on the maps, but the available information indicates that this would be a very small area.

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 appellant requested that their site be removed from the map due to the fact that the lands were partially developed as a surface car park, with only a relatively recent permission for this development, there is a trunk watermain passing through the site and part of the lands are in use as woodlands.

9.2. The lands are suitably zoned for residential development and no restrictions in terms of service provision have been identified by the Planning Authority.

9.3. Whilst the lands in use as a woodlands may be developed, the lands in use as a car park and within the wayleave of the watermain are restricted for development under Section 653B(iii) (II) and (VI) and 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