



An
Bord
Pleanála

Inspector's Report ABP-316810-23

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	Carriganarra, Carrigrohane, Ballincollig, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	CRK-RZLT-16
Appellant(s)	Matt Burke
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an irregular shaped area of land located to the west of the N22, to the south east of Ballincollig. The lands are undeveloped and contain a mix of grass and shrubs/ trees, which unmanaged.
- 1.2. The adjoining lands to the south and south west are similarly undeveloped though a new housing development is under construction to the north of the site, which is known as 'Heathfield' providing for 300 units. Lands to the east of the site/ N22 are in agricultural 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'.
- 2.2. To the south of the site is an indicated 'Walkways & Cycleways'.

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 lands in the area have been refused permission as there was uncertainty over the future route of the Cork City North Transport Project (CCNTP). This route has not progressed to a finalised option.
- 4.2. The site is not served by an existing road and access to the site would be over third-party lands. The Heathfield development does not provide for a suitable access to the subject lands. The development of these lands is dependent on access from the CCNTP.

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.
- The final route of the Cork City Northern Transport Project has not been agreed and this will open up lands in the area for development.
- The site is landlocked and would require access over third-party lands.
- Query over dates, the serviceability of the subject lands and the inclusion of lands on the map.

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. The information submitted in support of the appeal outlines why these lands cannot be developed and this is due to the route of the CCNTP not finalised to date and secondly the site is landlocked with access only possible over third-party lands. The submitted details in relation to the Heathfield scheme to the north of the site, do not indicate the provision of connecting roads to the lands to the south. The provision of such link roads/ streets would require development over open space provided for the Heathfield development.

- 7.3. It is considered that the provision of a route for the CCNTP is not critical if access to the site can be achieved from suitably adjoining sites.
- 7.4. The N22 adjoins the subject site to the east, however it is unlikely that an access would be provided here from a National Road, just to serve the subject site, which is relatively small. Pedestrian/ cycle access may be possible over the proposed greenway to the south west of the site.
- 7.5. It is therefore considered that the lands should be removed from the map as access is not possible in accordance with Section 653B.(b). Access would be over third party lands and there is no indication that permission would be received for the development of suitable roads/ streets.

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 may not be accessible, and that development of these lands was dependent on the finalisation of a route for the Cork City Northern Transport Project (CCNTP). The Planning Authority recommended that the lands be retained on the map.
- 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. The applicant has identified a restriction in terms of access to this site as any new road would require crossing third party lands and consent may not be received for the provision of such a link road. The lands should be removed from the map as access is not possible in accordance with Section 653B.(b) of the Finance Act 2021.

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

5th September 2023