



An
Bord
Pleanála

Inspector's Report

ABP-316816-23

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	Kilmoney, Carrigaline, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	DRZLT473174758
Appellant(s)	Donal Spillane
Inspector	Rachel Gleave O'Connor

1.0 Site Location and Description

1.1. The subject site is situated to the south of the Wheatfields residential estate, west of the R611 and to the rear of a property fronting onto that road, which appears from submitted information to be in the same ownership (refer to associated appeals 316867-23 and 316865-23). To the south and east of the site there is agricultural lands.

2.0 Zoning and other provisions

2.1. The site is zoned 'Residential' Parcel 'CL-R-07' Carrigaline under the Cork County Development Plan 2022-2028.

3.0 Planning History

3.1. No records of any relevant planning history.

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:

- The land is not serviced, with reference to Irish Water.

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:

- Uisce Éireann confirms that water main and sewer exists in close proximity of the site.
- Response from Uisce Éireann confirm a water main on the public road R611 in close proximity to the site, accessible 65m away, via an adjoining land parcel in the same ownership. With respect to wastewater, a sewer exists on the public road R611 accessible 205m away, via an adjoining land parcel in the same landownership.

6.0 The Appeal

6.1. Grounds of Appeal

- This land is serviced by a 50mm water pipe which was installed by the landowner over 40 years ago as part of a group water scheme and is inadequate to service 40 odd houses.
- There is no foul or storm water services available in the vicinity of this land.
- Part of this land is occupied by a commercial building.
- Parts of this land suffer from flooding.

7.0 Local Authority Response

- Cork County Council has had full regard to infrastructure capacities.
- UÉ confirmed connections proximate to the site.
- Reference to the RZLT Guidelines and page 25 in relation to ease of connection to foul water drainage, and page 26 with respect to ease of connection to water supply.
- Council concluded that it is reasonable to consider that the site 'may have access' to required public infrastructure.
- The site meets criteria for inclusion on the RZLT map.

8.0 Assessment

8.1. Uisce Éireann have confirmed that connection to both water mains and wastewater can be facilitated via the public road, by crossing the adjoining parcel of land which is in the same ownership, therefore connection is within the landholder and public land control. I note the appellant's reference to the need network upgrades, however the RZLT Guidelines confirm on page 8 that "A need for network upgrades is not considered to exclude lands, where sufficient treatment capacity is confirmed to exist" and no constraint with regard to capacity has been identified. The site can connect to existing road and pedestrian infrastructure via the R611 and lands in the landholder ownership. With regards to any existing commercial operation on the site,

as the lands are zoned residential (and not mixed use), no exemption applies. With respect to flooding, the site is not recorded as being at risk on the OPW website, in any case ensuring appropriate surface water drainage can be managed through the development management process.

8.2. As such, the site is in-scope for inclusion on the RZLT map.

9.0 Recommendation

9.1. I recommend that the Board confirm the determination of the local authority and direct the local authority to include the site on the map.

10.0 Reasons and Considerations

10.1. 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 the advice in the Guidelines for Planning Authorities on the Residential Zoned Land Tax, the site should remain on the RZLT map.

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

06 September 2023