



An  
Bord  
Pleanála

## Inspector's Report ABP-316873-23

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<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>	Lehenaghmore, Togher, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	CRK-RZLT-67
<b>Appellant(s)</b>	OBR (Togher) Developments Ltd.
<b>Inspector</b>	Paul O'Brien

## **1.0 Site Location and Description**

- 1.1. The subject site contains two adjoining parcels of land located to the south The Gates Residential development, east of the Lenenagh More road and west of Wolfe Avenue, approximately 4.3 km to the south of Cork City. The subject lands consist of two large field which are under grass/ in agricultural use. Site boundaries consist primarily of hedgerows.
- 1.2. A sports ground/ facility is located to the south of the site, and other than the existing residential development to the north, all other lands 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 lands are zoned ZO 02 – ‘New Residential Neighbourhoods’ with an objective ‘To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure’.

## **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 the lands are dependent on the final route selection/ delivery of the Southern Distributor Link Road (SDLR). Development is delayed until this route is identified. Consultants have been engaged to progress this project.
- 4.2. The site therefore does not have access to public infrastructure, until such time as the route is finalised.

## **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 they can be serviced as required for such development. No issues were raised in relation to the routing of the SDLR.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The following points were made in support of the appeal:

- The lands cannot be developed until the final routing of the SDLR is agreed.
- The site therefore does not have access to public infrastructure in terms of roads, footpaths and public lighting.

### **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 subject lands adjoin an existing residential development to the north; therefore it can be determined that the site should be able to access necessary infrastructure in terms of water supply, drainage and road/ footpath infrastructure. There are existing roads to the east and west of the site, therefore it should be possible to provide for suitable access to these lands.
- 7.3. There is no indication on the Cork City Development Plan 2022 – 2028 maps that the SDLR is going to impact on this site. The issue of connection to existing/ proposed public road infrastructure is one that is more appropriately addressed through the development management process. In this case, provision may be made for a future connection to the SDLR, however the identification of this is not a function of this process.

## 8.0 Recommendation

- 8.1. I recommend that the board accept the determination of the Local Authority and that the indicated site be kept on 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 there was uncertainty over the finalised routing of the proposed Southern Distributor Link Road (SDLR). 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. Access to the subject lands can be provided from existing roads to the east and west of the site. Any provision for a future connection to the SDLR can be addressed as normal through the development management process.

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.

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Paul O'Brien  
Planning Inspector

5<sup>th</sup> September 2023