



An
Bord
Pleanála

Inspector's Report

ABP-316883-23

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 Balliglanna, Glanmire, Co. Cork
Local Authority	Cork City Council
Local Authority Reg. Ref.	CRK-RZLT-50.3
Appellant(s)	O'Flynn Group
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject appeal site is located in the townland of Ballinglanna, Glanmire, c. 6 km north east of Cork city centre and c. 1.3 km to the north of the Dunkettle Interchange.
- 1.2. Land Parcel (s) CCLA00037828, CCLA00037695, CCLA00037729, CCLA00037824, CCLA00037836, CCLA00037859 & CCLA00037835 which are the subject of the Local Authority Determination, have an estimated site area of c. 22.60 hectares.
- 1.3. It should be noted that there is 1 no. other concurrent RZLT Appeal in the general locality of the subject site, as follows:
 - Appeal Ref. No. 316787-23: Bluescape Limited. Lands located c. 400 metres to the southwest of the subject appeal site.

2.0 Zoning and other provisions

- 2.1. The site/ lands which is the subject of this appeal are zoned '*ZO 02 New Residential Neighbourhoods. Zoning Objective 2: To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.*'
- 2.2. The lands are categorised as Tier 2 lands in the Growth Strategy Map 2022 to 2028 (Figure 2.21) of the Cork City Development Plan, 2022 to 2028. Tier 2 sites are lands which are considered serviceable by physical infrastructure within the life of the plan. The subject site is indicated to be within the existing built-up footprint as opposed to within a Greenfield area, see Figure 2.22 of the Plan.
- 2.3. The lands are located within the South Glanmire Expansion Area (Ballyvolane).
- 2.4. The following Objectives are considered to be of relevance:
 - Objective 10.69: South Glanmire Expansion Area: '*To support the compact growth and development of South Glanmire Expansion Area as a strategic City consolidation and expansion area, as identified in the Core Strategy. All development shall be designed, planned and delivered in a co-ordinated and phased manner, using a layout and mix of uses that form part of an emerging neighbourhood integrated with the wider area.*'
 - Objective 10.71: South Glanmire Framework Plan. '*Cork City Council will work with relevant stakeholders to produce a Framework Plan to support the*

sustainable growth of Glanmire and provide a coherent and coordinated land use plan for South Glanmire and its immediate environs.'

2.5. Chapter 12 of the Plan relates to Land Use Zoning Objectives. In relation to ZO2: New Residential Neighbourhoods, the following is stated under ZO 2.1:

'ZO 2.1 Lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy.'

2.6. Cork Metropolitan Strategic Area Plan

- Cork MASP Policy Objective 9
 - Strategic Road Network Improvements
 - *'To seek delivery of the following subject to the outcomes of required appropriate project appraisal, planning and environmental assessment processes including SEA/AA as appropriate. The upgrade of public transport networks must be the priority for strategic road network improvements under this objective. Sustainable proposals that facilitate the implementation of public transport networks on the strategic road network will be supported.*
 -
 - g) Dunkettle Interchange.'*

3.0 Planning History

3.1. Planning History

3.2. ABP-300543-18: Strategic Housing Development (SHD): O'Flynn Construction Co Ltd. 10-year permission for demolition of existing dwelling house and farm buildings and construction of 608 no. residential units, crèche, conversion of former coach house to provide retail/professional services, reservation of 1.2ha site for 16 classroom school, road improvements and associated site works. Permission was GRANTED on 29/03/2018 subject to 25 no. conditions. Condition no. 4 reads as follows:

‘4. (a) The proposed development shall be carried out on a phased basis, such that not more than 400 number dwelling units, together with their associated site development works (Phases 1 to 6), shall be constructed prior to completion of the Dunkettle Interchange upgrade works. In addition, the distributor link road required under Local Area Plan objective GM-U-06 (Phase 1) shall be constructed prior to the occupation of any dwelling.

(b) Work on any subsequent phases after Phases 1 to 6 shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: In the interest of safeguarding the capacity of the existing national primary road network and in the interest of orderly development.’

4.0 Submission to the Local Authority

- 4.1. The Appellant made a submission to the Local Authority seeking to have his land removed from the draft map.
- 4.2. The submission was sent by email dated 22/12/2023 and included a detailed submission schedule for relevant properties in the legal ownership of the O’Flynn Group.
- 4.3. Site no. 3 relates to Ballinglanna, Glamire, Co. Cork and references the following Land Parcel ID (s):
 - CCLA00037828; CCLA00037824; CCLA00037859; CCLA00037729; CCLA00037836; CCLA00037835 & CCLA00037695.
- 4.4. This property/ site is under construction, ref SHD planning permission ABP-300543-18. Development can not currently exceed 489 residential units until such time as the Dunkettle interchange is completed. The development is being constructed on a phased basis in line with the agreement with the Planning Department as part of the condition of planning for the development. Therefore, this property is not liable for tax and should be deemed as exempt. Current RZLT mapping does not reflect the current developed status of the property.

5.0 Determination by the Local Authority

- 5.1. The Local Authority Evaluation Report dated 31/03/2023 relates to Land Parcel ID (s): CCLA0037828, CCLA00037695, CCLA00037729, CCLA00037824, CCLA00037836, CCLA00037859 & CCLA00037835.
- 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 Balliglanna, Glanmire, 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.
- 5.6. Only the parcel IDs that are conditioned under authorised Planning Permission SHD ABP-300543-18 meet the criteria for **exclusion** under section 653B(b) of the Act. (CCLA0037828, CCLA00037824, CCLA00037837, CCLA00037838 and part of CCLA00037859).
- 5.7. The Local Authority Determination Letter dated 31/03/2023 refers to Land Parcel ID (s): CCLA0037828, CCLA00037695, CCLA00037729, CCLA00037824, CCLA00037836, CCLA00037859 & CCLA00037835 in the header.
- 5.8. It is stated that by Order dated 28/03/2023 it was decided to EXCLUDE the above land from the final map of the Residential Zoned Land Tax for the following reason(s):
- 5.9. 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.

- 5.10. 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 discharge and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development.
- 5.11. Only the parcel IDs that are conditioned under authorised Planning Permission SHD ABP-300543-18 meet the criteria for exclusion under section 653B(b) of the Act. (CCLA00037828, CCLA00037824, CCLA00037837, CCLA00037838 and part of CCLA00037859).

6.0 The Appeal

6.1. Grounds of Appeal

The Grounds of Appeal are summarised as follows:

- The appeal submission is stated to relate to the following Land Parcel ID (s):
 - CCLA00037729; CCLA00037836; CCLA00037836 & CCLA00037835.
- The lands form part of a completed residential development i.e. Ballinglanna and include/ comprise open space/ amenity lands serving that development.
- The identified Land Parcels provide open space and footpaths associated with the development permitted under ABP 300543. These land parcels provide social, recreational and transport infrastructure for the permitted development and therefore should be excluded from the RZLT under exclusion criterion (iii) (I), (II) and (IV).
- Accordingly, and for the reasons outlined above, the appeal seeks to remove the lands from the RZLT Mapping published by Cork County Council.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted.
- 7.2. The Appeal submission refers to Cork City Council RZLT Reference CRK-RZLT-50.3, Land Parcel ID (s) CCLA00037729; CCLA00037836; CCLA00037835 & CCLA00037695 and includes map extracts and photos.

- 7.3. It is noted the Carrigrennan Wastewater Treatment Plant (Ref. D0033) has a Green Status on the current Uisce Eireann Wastewater Treatment Capacity Register. Green status is stated to mean 'spare capacity available.'
- 7.4. I am satisfied therefore that it is reasonable to consider that the lands may have access to foul sewer drainage.
- 7.5. Section 10.287 of the Cork City Development Plan, 2022 to 2028 relates to Water and Waste Water in Glanmire and states: *'There are no significant issues with network capability in Glanmire apart from local upgrades which will be needed for connections. Irish Water will work with relevant stakeholders to accommodate additional development.'*
- 7.6. The Glashaboy Water Treatment Plant serves Glanmire. This WTP is the subject of current upgrades which are due to be completed by mid-2025. With specific reference to this Water Treatment Plant and the associated upgrades, it is stated on the Uisce Eireann website that:
- 'The Glashaboy Water Supply is included on the Environmental Protection Agency's (EPA) Remedial Action List (RAL), which identifies water supplies that are in need of improvement. Currently, there is inadequate protection against microbiological failure.'*
- 7.7. As per recommendations contained in Section 3.1.1 of the Residential Zoned Land Tax Guidelines, 2022, I am satisfied that it is reasonable to consider, notwithstanding the need for a network upgrade, that the lands may have access to a water supply.
- 7.8. The lands are zoned 'ZO 02 New Residential' and are categorised as Tier 2 lands in the Growth Strategy Map 2022 to 2028 (Figure 2.21) of the Cork City Development Plan, 2022 to 2028.
- 7.9. Condition no. 4 of the consented Strategic Housing Development (SHD), reg. ref. no. ABP-300543-18, as quoted above in Section 3.0 of this Report, places a restriction on the number of dwelling units to 400 units which can be constructed, prior to completion of the Dunkettle Interchange upgrade works. It is noted from the initial submission that the Appellant states this number is currently not to exceed 489 residential units until such time as the said works are completed.

7.10. I am satisfied therefore that it is reasonable to consider that there is currently insufficient road service capacity available for residential development on the subject Tier 2 lands and that therefore the lands are not in scope as per the qualifying criteria set out in Section 653B b) of the Act.

8.0 Conclusion

8.1. The site does not satisfy the criterion for inclusion on the map set out in Section 653B(b) of the Taxes Consolidation Act 1997, as amended.

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-50.3 do not meet the qualifying criteria set out in Section 653B of the Taxes Consolidation Act 1997, as amended.

10.2. There is currently insufficient road service capacity for dwellings to be developed on the subject 'ZO 02 New Residential Neighbourhoods', Tier 2 lands.

10.3. *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

18th September 2023