



An
Bord
Pleanála

Inspector's Report ABP-316895-23

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

Jacobs Island, Cork

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

CRK-RZLT-53

Appellant(s)

Tom McCarthy

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains an irregular shaped area of land located to north of Jacobs Island road/ Longshore Avenue and to the south of the N40 to the south east of Cork City. The subject land is undeveloped and are covered in extensive tree/ shrub vegetation. The River Lee is as near as 200 m away from the site in certain locations.
- 1.2. The lands to the south are in residential use, a number of telecommunication structures are located to the west and a number of apartment blocks are located to the north east. Mahon Point Shopping Centre is approximately 120 m to the north of the subject site, on the northern side of the N40/ Cork South Ring Road.

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 04 – ‘Mixed Use Development’ with an objective ‘To provide and promote a mix of residential and other uses to ensure the creation of a vibrant and sustainable urban area’.
- 2.2. To the south, east and west of the site are indicated ‘Walkways & Cycleways’.

3.0 Planning History

- 3.1. **PA Ref. 22/40809/ ABP Ref. 314420-22** refers to an application for the construction of a hotel and office development. No decision has been made to date.

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 in use as a site compound for the construction of social housing. The site is therefore not vacant or idle.
- 4.2. An application has been made for upgrade works to road infrastructure in the area and there is no certainty that this proposed development will be permitted. Even if

permission is granted, there is no certainty that Transport Infrastructure Ireland (TII) will engage in the process.

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:

- There is currently a SHD application under ABP Ref. 313919-22 for 489 apartments in the area and for which road improvements are required, including an upgrade to the N40 Mahon Junction. A decision is awaited from An Bord Pleanála on this application.
- Concern was expressed during the assessment of a mixed-use development under PA Ref. 22/40809/ ABP Ref. 314420-22 regarding the impact of the development on the road network, including the N40.
- The subject site does not have a connection agreement with Uisce Éireann, and Cork City Council cannot be of the opinion that the site can be developed as at the 1st of October 2022.

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 need for road upgrades in the area. This is noted, however there is no suggestion that the lands cannot be developed for residential use. A lower density/ a different type of development may result in an acceptable scheme and one which does not impact on the existing road network. The applications on appeal with An Bord Pleanála may refer to specific issues of concern.
- 7.3. Development on Jacobs Island has consisted of a mix of low to medium density development. The type of acceptable development is a matter for the development management process, but there is nothing to suggest that the site cannot be developed for residential use.
- 7.4. I note the appeal comments regarding the lack of a suitable connection with Uisce Éireann services. There is no indication that there is a difficulty in making suitable connections or that there is a capacity issue in the area.

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 due to the need for road improvements in the area and that there was a requirement for a connection with Uisce Éireann services.
- 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. The lands should be retained on the map as the subject site may be developed for residential development.

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