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Bord  
Pleanála

## Inspector's Report ABP-316972-23

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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 Map
<b>Location</b>	Lands at Gurteenroe, Macroom, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	DRZLT470048469
<b>Appellant(s)</b>	Pat Healy
<b>Inspector</b>	John Duffy

## 1.0 Site Location and Description

- 1.1. Macroom is located on the N22 National Primary Route between Cork and Kerry approximately midway between Killarney and Cork City. The subject site comprises greenfield lands. The lands are bound by residential developments to the west, east and north-east and by greenfield lands to the north. Pat Healy Tractor Dealership is located to the south, while the R618 runs further south of the lands. Macroom Hospital lies to the south-east of the lands.
- 1.2. The subject lands comprise Land Parcel ID MM-R-03. The appellant indicates he owns the majority of these lands (with the exception of the western part of the lands) as indicated by green cross-hatching on the map within the appeal submission.

## 2.0 Zoning and Other Provisions

- 2.1. With effect from 6<sup>th</sup> June 2022 the Cork County Development Plan 2022 – 2028 replaced the 8 Municipal District Local Area Plans adopted in 2017, including the Blarney Macroom Municipal District LAP. Chapter 4 of Volume 4 of the Development Plan includes the Macroom Municipal District.
- 2.2. The lands are zoned 'Residential' in the Cork County Development Plan 2022 – 2028.
- 2.3. The site is subject to Objective MM-R-03 which states: *Medium B Density Residential Development, including provision of pedestrian and cycleway links to the adjoining sites.*
- 2.4. The lands are subject to Specific Development Objective MM-U-02 as follows: *Facilitate the phased delivery of the Masseytown Relief Road linking to Mill Road in conjunction with the construction of new housing developments over the plan period.*

### **3.0 Planning History**

There is no recent, relevant or valid planning applications relating to the subject land.

### **4.0 Submission to the Local Authority**

- 4.1. The appellant made a submission to the Local Authority seeking to have the subject land removed from the draft map on the basis that they are not serviced sufficiently in terms of sewers and access to support residential development. The proposed new road would provide access and other services to the lands.

### **5.0 Determination by the Local Authority**

- 5.1. The Local Authority determined that the site is in scope on the basis that it meets the criteria for inclusion on the RZLT map as set out in section 653B of the Taxes Consolidation Act 1997.

### **6.0 The Appeal**

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

The following points were made in support of the appeal:

- Relief road proposal negatively impacts on appellant's lands and pending more clarity and detail, prevents their development.
- The Local Authority misunderstood/misinterpreted the appellant's submission to it in relation to RZLT.
- Outline given of the history of the lands in terms of its zoning and inclusion within the development boundary.
- Draft Plan excluded most of the lands and imposed a burden in terms of the proposed relief road which would bisect appellant's farm and devalue land.
- Accepts the relief road if built would provide access/service to the subject lands.
- Proposed road is over-designed compared to a road which would serve appellant's lands only.
- Lands do not have access to a public road.

- More than 90% of the lands do not meet the required serviced criteria in relation to RZLT.
- Request that the lands, apart from the limited area at the eastern extremity, are removed from the map.
- The appeal also includes:
  - A copy of the decision to include the lands on the RZLT map from the Local Authority
  - A map showing appellant's land ownership and plot boundaries / zonings
  - Appendix 1 – Discussion re short-term potential of eastern end of plot.
  - Appendix 2 – Details of ownership of third-party lands on proposed relief road line and potential resultant difficulties

## **6.2. Planning Authority Response**

- Uisce Éireann has confirmed the site is serviced in terms of water infrastructure. Limited spare capacity exists in the Macroom WWTP. While capacity constraints exist in the Macroom Water Supply Zone connection applications are assessed on an individual basis. The site remains in scope until such time as the available capacity is utilised.
- In terms of road access to serve the lands, Development Plan Objectives MM-U-02 and MM-R-03 are referred to. The subject site appears to be part of a larger landholding at this location in the ownership of the subject landowner. In this regard, Landdirect.ie identifies the larger adjoining land parcel extending to the R618 public road to the south. The lands between the R618 and the subject site are zoned 'Existing Residential / Mixed Residential and Other Uses.' It is considered that the landowner has the capacity to provide vehicular and pedestrian access to the subject lands as part of the development of the site for housing.

## **7.0 Assessment**

- 7.1. The comments raised in the appeal are noted, as is the report and response of the Local Planning Authority. The site identified for inclusion on the RZLT map is zoned

for residential use and the Local Planning Authority determined that the site remain on the RZLT map.

7.2. Uisce Éireann provided a site-specific report to the Local Planning Authority, dated 31<sup>st</sup> January 2023, which is referred to in the Planning Authority's response to the appeal. Having reviewed the Wastewater Capacity Register published in June 2023, I note that the capacity of Macroom WWTP (Reg. No. D0126) is listed as 'Green' confirming that there is spare capacity available to serve new residential development in Macroom. Upon review of the Water Supply Capacity Register also published in June 2023 I note the capacity of Macroom Water Supply Zone is listed as having 'Capacity Available' to meet 2032 population targets. This demonstrates sufficient capacity to serve new residential development in Macroom and as such I accept the Local Authority's conclusions with respect to the ability to service the subject lands in terms of water and wastewater infrastructure.

7.3. The grounds of appeal raise the issue of lack of road access to the subject lands. Section 653B, of the Taxes Consolidation Act 1997 as amended, states lands to be included on the map should be serviced:

*“(b) it is reasonable to consider 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.”*

Page 23 of the RZLT Guidelines state the following:

*In assessing whether land or landbanks are able to connect to services, Planning Authorities should take into account the following: - In the first instance, where the infrastructure is located adjoining, intersecting, at a boundary or corner of a landbank, in a nearby public road, or is connected to an existing development adjoining the landbank, the lands should be considered to be 'connected' or 'able to connect' and therefore are in-scope.*

7.4. I note the appellant's comments that the lands do not have access to a public road. Notwithstanding the Specific Development Objective MM-U-02 relating to the phased delivery of the Masseytown Relief Road as set out in the Development Plan, I note the subject lands adjoin the Fairfield residential estate to the north-east which is serviced in terms of road access, footpaths and public lighting. Furthermore, having

regard to the map of the appellant's landholding submitted with the appeal, as denoted by the green line boundary on that map, lands to the south of the subject site extending to the Gurteenroe Road (R618) are in the appellant's control.

Having regard to the above I consider that the subject lands are serviceable with access for the purposes of inclusion on the RZLT map.

7.5. It is therefore my opinion that services are available, and no capacity or other reasons have been identified that would prevent the development of these lands for residential purposes. The site does satisfy the criteria for inclusion on the map set out in section 653B (c) of the Taxes Consolidation Act 1997, as amended.

7.6. The remaining Grounds of Appeal do not relate to any of the relevant qualifying criteria set out in Section 653B of the Act.

## **8.0 Recommendation**

8.1. I recommend that the board confirm the determination of the Local Authority and that the indicated site be retained on the map.

## **9.0 Reasons and Considerations**

9.1. The appellant requested that their lands be removed from the map on the basis that the majority of the lands are not serviced and also that the lands do not have access to a public road.

9.2. The site is within an area zoned for residential use that is serviced or has access to services necessary for dwellings to be developed and with sufficient service capacity available for such development. The site does satisfy the criteria for inclusion on the map set out in section 653B (c) of the Taxes Consolidation Act 1997, as amended.

I confirm that the report represents my professional 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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John Duffy  
Planning Inspector

19<sup>th</sup> September 2023