



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317021-23

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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>	Lands at Carrigaline, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	DRZLT473698919
<b>Appellant(s)</b>	Reside Investments Ltd.
<b>Inspector</b>	Rachel Gleave O'Connor

## 1.0 Site Location and Description

1.1. The site is located to the east of 'Pottery Road' (new inner relief road), south of River Owenabue and north of properties fronting the R611. To the east of the site there is a supermarket and its associated car park, as well as other commercial uses with associated warehouses and hardstanding areas. Parcel ID in the RZLT map is CL-ZLT-19.

## 2.0 Zoning and other provisions

2.1. The site is zoned 'Town Centre / Neighbourhood Centres' with parcel ID CL-T-01 under the Cork County Development Plan 2022-2027. Residential is listed as an appropriate use under this zoning in the Development Plan.

2.2. Objective CL-T-01 is described as follows in Volume 4 South Cork in the Development Plan:

*"This area denotes the built existing footprint of the town centre and any proposals for development within this core area should comply with the overall uses acceptable in town centre areas. The western inner relief road commenced construction in 2021 and the delivery of this road offers opportunities to deliver an updated public realm for the town including the introduction of new public spaces. These should be designed to accommodate a number of community functions including a market space, festival space, meeting place, seating area etc. The desirable location of these future public spaces are:*

- *The site of the existing car park adjoining the Main Street and River;*
- *Within the town centre expansion area west of the Main Street and should form part of a wider public realm strategy for the town.*

*Community uses which will be considered appropriate for this site include youth facilities, theatre, cinema, town hall/multi purpose building and town square. Within the site there will be opportunity for regeneration and town centre expansion. The road scheme will give priority to pedestrians and cyclists and will provide permeability to the rest of the town including the open space area directly adjacent to the site (CL-GR-02)."*

### **3.0 Planning History**

- 3.1. Current SHD Application Reg. Ref. ABP-313720-22 for 224 residential units, creche and associated site works. Decision outstanding.
- 3.2. Reg. Ref. 194642 – Planning Permission GRANTED on 17<sup>th</sup> July 2019 for construction of a wastewater pumping station and foul rising main including emergency storage tank, welfare kiosk, control kiosk, services, lighting and all ancillary site works.

### **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:
  - These lands require access to Main Street Carrigaline involving public realm improvements such as a pedestrian connectivity walk and Flood Mitigation Measures that are not currently present on the site and its surrounding area. These measures have not been provided by Cork County Council as part of the Carrigaline Transportation and Public Realm Enhancement Plan (TPREP) and have had to be provided by the landowner as part of a SHD application to ABP (ref.313720-22).
  - Under the land zoning, residential is considered one of the lesser uses that are deemed appropriate in principle for new proposals.

### **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:
  - SHD application pending decision from ABP.
  - Flooding mitigation can be addressed as part of the site consent / development process.
  - Access can be achieved to the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The decision taken by CCC did not provide a satisfactory infrastructural assessment of the landholding as required under the RZLT Guidelines.
- CCC have a responsibility to facilitate access to Main Street Carrigaline involving public realm improvements such as a pedestrian connectivity walk and Flood Mitigation Measures that are not currently present on the site and its surrounding area. These measures have not been provided by CCC as part of the Carrigaline Transportation and Public Realm Enhancement Plan (TPREP) and have had to be provided by the landowner as part of an SHD application (ref.ABP-313720-22), which has not yet been decided.
- No definitive timeframe available for the delivery of this infrastructure.
- The lands do not currently have footpath access.

## 7.0 Local Authority Response

- CCC had full regard to the infrastructural capacities relating to submissions received.
- Reference to page 25 of the RZLT Guidelines, which relate to ease of connection to existing footpath network, and that provision should not significant sections of new footpath across other landholdings.
- It is noted that there is an existing footpath on the R611 in close proximity to the southern boundary of the subject site to which the subject site can connect and which connects directly to Main Street.
- There is a SHD on the site (ref.313720-22) for 224 units, decision not yet made.
- The site meets the criteria for inclusion with the RZLT map.

## **8.0 Assessment**

- 8.1. The grounds of appeal assert that the site is not serviced with respect to necessary Flood Mitigation Measures. I concur with the Local Authority that the provision of flood mitigation can be resolved through the development management process.
- 8.2. The grounds of appeal also raise a lack of footpath provision to serve the site. I note that there is a current SHD application with ABP which the appellant states includes footpath connections, although I agree with the appellant that the criteria for consideration with respect to RZLT requires existing provision to facilitate connection to the wider pedestrian network.
- 8.3. The landholder extent over the subject site is detailed in maps submitted with the Local Authority Determination request. The landholding extends to Pottery Road to the west which is a new inner relief road opened in October 2022, extending from Ballea Road to Kilmoney Road. The site also connects to the R611 'Kilmoney Road Lower' to the south. As a result, the site has access to public roads which can facilitate access to the pedestrian network, and it is not necessary to cross third party lands. Similarly, access to other required utility connections can be achieved via these roads in public control.
- 8.4. As such, I am satisfied that the subject 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.

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Rachel Gleave O'Connor  
Senior Planning Inspector

06 September 2023