



An  
Bord  
Pleanála

## Inspector's Report ABP-320438-24

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### Type of Appeal

Appeal under section 653BJ(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax Map.

### Location

Former Blarney Park Hotel, The Square, Blarney, Cork.

### Local Authority

Cork City Council

### Planning Authority Reg. Ref.

CRK-C272-RZLT2-4

### Appellant(s)

The Blarney Woolen Mills Group Ltd.

### Inspector

Sinéad O'Connor

## **1.0 Site Location and Description**

The lands identified as the former Blarney Park Hotel, The Square, Blarney, Cork (Parcel ID CCLA00065547) are located in the west of Blarney. The lands are currently under grass and have an existing vehicular access from The Square to the east. To the north, south and west, the site adjoins agricultural lands under grass. To the east, the site immediately adjoins a surface level car park.

## **2.0 Zoning and Other Provisions**

The relevant plan is the Cork City Development Plan 2022-2028.

The site is zoned ZO 02-New Residential Neighbourhoods: To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.

Section 10.240 states that there is water supply available to serve Tier 1 zoned lands. Wastewater from Blarney is treated at the Tower WWTP, while in the longer term it is proposed to connect to a strategic network serving the towns north of Cork.

Section 10.251 states that the former Blarney Park Hotel site is of strategic importance to the town and its redevelopment is paramount to sustaining Blarney as one of the country's prime tourist attractions.

Section 10.265 notes that there are deficiencies in the road network serving the town, particularly in the Stoneview area in the east.

The site forms part of the Blarney Architectural Conservation Area. As per Section 10.238 of the Plan, the Blarney ACA includes the key buildings and groups of buildings of architectural, historical and cultural merit and public spaces around them in Blarney Town Centre.

Section 8.36 states the following: New development in Architectural Conservation Areas should have regard to existing patterns of development, the city's characteristic architectural forms and distinctive use of materials.

Objective 8.23 Development in Architectural Conservation Areas states the following: Development in Architectural Conservation Areas should have regard to the following:

- a) Works that impact negatively upon features within the public realm, such as stone setts, cobbles or other historic paving, railings, street furniture, stone kerbing etc. shall not be generally permitted;
- b) Design and detailing that responds respectfully to the historic environment in a way that contributes new values from our own time. This can be achieved by considering layout, scale, materials and finishes and patterns such as plot divisions in the surrounding area;
- c) Historic materials and methods of construction should be retained and repaired where this is reasonable, e.g. historic windows and doors, original roof coverings, metal rainwater goods should be retained along with original forms and locations of openings etc;
- d) Repairs or the addition of new materials should be appropriate and in keeping with the character of the original structures.

### **3.0 Planning History**

PA Ref: 125084: On the 22 August 2012, planning permission was granted for the completion of demolition works at the site and the construction of a single-storey discount food store.

PA Ref. 20/39597, ABP Ref. 309152-21: On the 19 December 2022 an Order of the High Court quashed the decision of ABP to grant planning permission for a mixed-use development at the subject site. This proposal included a hotel, supermarket, café, office block and commercial buildings.

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

The appellants made a submission to the local authority seeking to have their land removed from the final map on the basis that the site is zoned ZO 03 Long-term Strategic Regeneration for the long-term provision of development, the LA incorrectly indicate that the site is zoned ZO 02 in the RZLT map, and that the appellant has sought to develop the site over the past decade.

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

The local authority determined that:

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) of the Former Blarney Park Hotel, Blarney should be included on the final map for the following reasons:-

The land is included in the Cork City Development Plan 2022-2028, in accordance with Section 10(2)(a) of the Act of 2000 and is further zone (i) solely or primarily for residential use, or (ii) for a mixture of uses, including residential use.

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 capacity available for such development.

## **6.0 The Appeal**

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

The grounds of appeal are summarised as follows:

- The site was included on the RZLT map on the basis of an incorrect zoning. The site is zoned ZO 03 Long-term Strategic Regeneration however, the RZLT maps indicate that the site is zoned ZO 02 - New Residential Neighbourhoods.
- The appellant has sought to gain planning permission for development at the site. The most recent decision in respect of a mixed use development at the site was quashed by the High Court.
- The appellant is currently engaging with the LA to potentially provide social housing at the site.
- The LA did not undertake a detailed assessment of the site. The evaluation report is cursory and lacks in-depth assessment.

## 7.0 Assessment

The grounds of appeal have been fully considered. Under section 653J of the Taxes Consolidation Act 1997 as amended, the Board's role in the current appeal is to review the determination of the local authority under section 653E which is based on the application of the relevant criteria set out in section 653B of the Act for inclusion on the RZLT map. This position is consistent with the Residential Zoned Land Tax-Guidelines for Planning Authorities June 2022 which clearly sets out in section 3.3.2 that:

*“in considering appeals, An Bord Pleanála is restricted to considering the grounds of appeal, the determination of the local authority on the submission made during public display period, and any additional information on the servicing or use of the land which the Board may seek from the landowner, Local Authority or stakeholders identified in article 28 of the 2001 regulations. In assessing any appeal, the Board is restricted to considering whether the lands meet the qualifying criteria set out in section 653B only”.*

The appeal submission has raised grounds that are outside of the scope of the Boards assessment including issues surrounding the LA's assessment of the subject site and financial implications of recent planning applications. As per section 653J of the Act, the Boards role is to review the LA determination, which is based solely on the criteria set out in Section 653B of the Act. The legislation does not give the Board any role in assessing quality of the LA's evaluation of the site or in the assessment on financial matters.

The subject site is zoned ZO 02-New Residential Neighbourhoods under the Cork City Development Plan 2022-2028. Further to this, Section 10.251 states that the redevelopment of the site is of strategic importance to the town. Based on the foregoing, I consider that the site meets the criteria for inclusion in the RZLT map under Section 653B(a). The appellant states that the site is zoned ZO 03 Long-term Strategic Regeneration however, with reference to MAP 11 Blarney and Hinterland, I do not consider that any part of Blarney is subject to a ZO 03 zoning objective. I note that areas in the north and east of the town are designated 'Long Term Strategic Development Lands' however, this designation does not apply to the subject site.

The site immediately adjoins the public road at St. Ann's road/The Square. On the basis that there is an existing entrance from the site onto the road, it is reasonable to

consider that the site can connect to road infrastructure. Section 10.265 of the Plan refers to existing deficiencies in the road network however, these appear to relate to lands in the east of the town and do not preclude the provision of dwellings at the site. On the basis that the site previously accommodated a hotel, it is reasonable to consider that there is capacity in the road network necessary to serve the site.

Given the urban character of the area surrounding St. Ann's Road and The Square, it is reasonable to consider that the water network serving this area is located at or in close proximity to the public road. On the basis that the site adjoins the public road and previously accommodated a hotel development, it is reasonable to consider that the site is able to connect to these existing water networks. Section 10.240 of the Plan states that there is sufficient capacity in the Cork Harbour and City Water Supply Scheme network and Tower WWTP to serve Tier 1 zoned lands. The Uisce Éireann (UE) Wastewater Treatment Capacity Register published June 2023 (accessed 20 September 2024) indicates that there is spare capacity available at the Blarney WWTP. The UE 10-Year Water Supply Capacity Register Published June 2023 (accessed 20 September 2024) indicates that there is capacity available at the Cork City Water Resource Zone however, Level of Service (LoS) improvements are required to meet 2032 population targets. Page 8 of the RZLT Guidelines sets out that a need for network upgrades is not considered to exclude lands, where sufficient treatment capacity is confirmed to exist. Drawing from the foregoing, I consider that the site can connect to public infrastructure and facilities and, therefore, meets the criteria under Section 653B(b) of the Act.

The subject site forms part of the Blarney Architectural Conservation Area. With reference to Section 8.36 and Objection 8.23 of the Plan, I do not consider that this designation would preclude the provision of dwellings at the site. The subject site does not contain any structures on the Sites and Monuments Records or Zones of Archaeological potential or any buildings on the National Inventory of Architectural Heritage or Record of Protected Structures, therefore, no exclusions from the RZLT map are required on this basis. Based on the foregoing, I consider that the site meets the criteria under Section 653B(c).

The appellant states that they have sought to develop the site for over a decade and have recently had a decision in respect of a proposed mixed-use development at the site quashed by the High Court. It is stated that this process took considerable time

and financial resources. The appellant states that they are engaging with the LA in respect of social housing at the site. I note that delays to gaining planning permission, whether due to Judicial Review or otherwise, and engagement with the local authority in respect of development are not listed as a criterion for exclusion from the RZLT map under Section 653B(i), (ii), (iii), (iv), or (v). In this way, the subject site does not meet the criteria for exclusion from the RZLT map under these parts.

Page 46 of the RZLT Guidelines states that there are provisions for the deferral of payment of the tax where a planning decision has been judicially reviewed however, these provisions do not occur under Section 653B and are, therefore, outside of the scope of the Board's assessment.

## **8.0 Recommendation**

Having regard to the foregoing, I consider that the lands identified as the former Blarney Park Hotel, The Square, Blarney, Cork (Parcel ID CCLA00065547) meet the qualifying criteria set out in section 653B of the Taxes Consolidation Act 1997, as amended. The grounds of appeal have not raised other matters under section 653B of the Taxes Consolidation Act 1997, as amended and there are no matters arising that warrant exclusion of the subject lands from the final map. I recommend that the determination of the local authority be confirmed, and the lands retained on the RZLT map.

## **9.0 REASONS AND CONSIDERATIONS**

The lands identified as the former Blarney Park Hotel, The Square, Blarney, Cork (Parcel ID CCLA00065547) are located on lands zoned ZO 02 - New Residential Neighbourhoods and are, therefore, considered in scope of section 653B(a). The site immediately adjoins the public road and has an existing entrance onto St. Ann's road/The Square. On the basis of proximity to the public road and existing development, it is reasonable to consider that the site is able to connect to public infrastructure and facilities. Section 10.240 of the Development Plan and the UE Capacity Registers published June 2023 (accessed 20 September 2024) indicate that there is capacity available in the water infrastructure to serve development at the site. The site forms part of the Blarney ACA however, with reference to the Development

Plan, this designation does not preclude the provisions of dwellings at the site. No physical or other reasons have been identified that would prevent the development of these lands in principle for residential purposes in accordance with the residential zoning objective that applies to these lands. The site does not meet the criterion for exclusion from the RZLT map under Sections 653B(i), (ii), (iii), (iv), or (v) of the Act.

## **10.0 Recommended Draft Board Order**

### **Taxes Consolidation Act 1997 as amended**

**Planning Authority:** Cork City Council

**Local Authority Reference Number:** CRK-C272-RZLT2-4

**Appeal by** The Blarney Woolen Mills Group Ltd. care of Patrick Ledwidge in accordance with section 653J of the Taxes Consolidation Act 1997 as amended, against the inclusion of the land on the Residential Zoned Land Tax Map by Cork City Council on the 27 day of June 2024 in respect of the site described below.

**Lands at:** Former Blarney Park Hotel, The Square, Blarney, Cork.

### **Decision**

The Board in accordance with section 653J of the Taxes Consolidation Act 1997 as amended, and based on the reasons and considerations set out below, hereby decided to:

The Board confirm the determination of the local authority and direct the local authority to retain the lands identified as the former Blarney Park Hotel, The Square, Blarney, Cork (Parcel ID CCLA00065547) on the final map.

### **Reasons and Considerations**

The lands identified as the former Blarney Park Hotel, The Square, Blarney, Cork (Parcel ID CCLA00065547) are located on lands zoned ZO 02 - New Residential Neighbourhoods and are, therefore, considered in scope of section 653B(a). The site immediately adjoins the public road and has an existing entrance onto St. Ann's road/The Square. On the basis of proximity to the public road and existing development, it is reasonable to consider that the site is able to connect to public infrastructure and facilities. Section 10.240 of the Development Plan and the UE



Capacity Registers published June 2023 (accessed 20 September 2024) indicate that there is capacity available in the water infrastructure to serve development at the site. The site forms part of the Blarney ACA however, with reference to the Development Plan, this designation does not preclude the provisions of dwellings at the site. No physical or other reasons have been identified that would prevent the development of these lands in principle for residential purposes in accordance with the residential zoning objective that applies to these lands. The site does not meet the criterion for exclusion from the RZLT map under Sections 653B(i), (ii), (iii), (iv), or (v) of the Act.

*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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Sinéad O'Connor

Planning Inspector

Date: 26 September 2024.