

An  
Bord  
Pleanála

**Board Direction**  
**BD-017745-24**  
**ABP-320346-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/10/2024.

The Board decided:

- to confirm the determination of the local authority in relation to Site A, contrary to the Inspector's recommendation, and
- to confirm the determination of the local authority in relation to Site B in agreement with the Inspector's recommendation.

### **Reasons and Considerations**


The lands identified as lands at Leggettsrath West, Kilkenny are located on lands zoned Existing Residential and General Business, and are considered in scope of section 653B(a).

Site A, comprising the area outlined in red and not marked B in the map with the Local Authority Determination, is zoned Existing Residential and is considered in scope of section 653B(a). Site A immediately adjoins existing roads, footpaths and public lighting and the Board decided it reasonable to consider could also connect to wastewater services available at Shandon Park, an established residential development at the eastern boundary of the site. Based on the foregoing, it is considered that Site A does meet the criteria for inclusion in the Residential Zoned Land Tax Map under Section 653B(b). No 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.

Site B, comprising the area marked B in the map accompanying the Local Authority Determination, is zoned General Business and is considered in scope of section 653B(a), given Dwellings are a permissible use under this zoning. Site B immediately adjoins existing roads, footpaths and public lighting. The Uisce Eireann submission and capacity registers indicate that services are available and that there is sufficient capacity to serve the Site. Based on the foregoing, it is considered that Site B does meet the criteria for inclusion in the Residential Zoned Land Tax Map under Section 653B(b). No other reasons have been identified that would prevent the development of these lands in principle for residential purposes in accordance with the zoning objective that applies to these lands.

In deciding to confirm the determination of the local authority for Site A, contrary to the Inspector's recommendation, the Board had regard to the proximity of the site to Shandon Park, an established residential development at the eastern boundary of the site. The Board determined that it would be reasonable to consider that connection to wastewater services would be possible, notwithstanding the submission made by Uisce Eireann dated 20<sup>th</sup> day of June 2024 which referred to connection to the public sewer to the southwest of the site across third party lands. The Board, therefore, decided to confirm the determination of the local authority and include the site on the Residential Zoned Land Tax Map.

**Board Member**

  
Martina Hennessy

**Date:** 03/10/2024