



An
Bord
Pleanála

Board Order
ABP-316823-23

Taxes Consolidation Act 1997, as amended

Planning Authority: Kerry County Council

Planning Authority Reference Number: KE-C6-RZLT-39

Appeal by Denis Lyne care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Cork in accordance with section 653J of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the map of the Residential Zoned Land Tax by Kerry County Council on the 23rd day of March, 2023 in respect of the site described below.

Lands at: Deenagh Farm, Cleeny, Killarney, County Kerry.

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 confirm the determination of the local authority in part and set aside the determination of the local authority and allow the appeal in part as follows:

That portion of the lands zoned R4 shall be excluded from the map and the remainder of the lands shall be included on the map.

Reasons and Considerations

The lands zoned R2 meet the qualifying criteria set out in section 653B of the Taxes Consolidation Act 1997, as amended, and there are no matters arising that warrant their exclusion from the map.

The lands zoned R4 do not meet the qualifying criteria set out in section 653B of the Taxes Consolidation Act 1997, as amended, as they are zoned Strategic Residential Reserve and, therefore, should be excluded from the map.

In deciding not to accept the Inspector's recommendation, the Board determined that the prompt activation of the land for residential development was not supported by the strategic residential reserve zoning pertaining to the lands zoned R4 where the Kerry County Development Plan 2022-2028 (Section 2.2.2 Volume 2) states that development on lands zoned R4 are prohibited until 80% of the residential zoned lands (R1) have been developed.



Una Crosse

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board**

Dated this 16th day of August 2023.