



An
Bord
Pleanála

Inspector's Report ABP-316313-23

Type of Appeal	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
Location	Robertshill, Kilkenny, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	KK-C205-28
Appellant(s)	John Michael De Loughry
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The appeal refers to a site with an area of approximately 0.42 hectares, located to the western edge of Kilkenny City Centre. The site is an irregular shape and forms part of a much larger landholding. Road access is available to the north from the Kennyswell Road. The site is located to the east of the recently constructed Circular Road, though it does not directly adjoin this road.
- 1.2. The surrounding lands to the west are mostly in agricultural use and those to the east and south are in residential use.

2.0 Zoning and Other Provisions

- 2.1. The subject site is located within the Kilkenny City Development Plan Boundary, which is part of the Kilkenny City and County Development Plan 2021 - 2027. The majority of the site is zoned 'Amenity/ Green Links/ Biodiversity Conservation/ Open Space/ Recreation' and a very small section to the north east corner is zoned for 'Mixed Use'. The mixed use zoning allows for the development of housing.
- 2.2. The mixed-use lands are designated as Z1 and form part of the 'Robertshill Mixed Use Zoning'. Objectives are listed in Section 2.9.17 of Volume 2 of the Kilkenny City and County Development Plan.

3.0 Planning History

- 3.1. There are no recent, relevant, valid applications on this site.

4.0 Submission to the Local Authority

- 4.1. Access is not available from the subject site to the public road. The site is located between two sets of traffic lights, which lead to a narrow bridge on a single-carriageway road.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that part of the site was in scope. The Planning Authority consider that a suitable access can be provided here and report that the land is suitably zoned to allow for residential development.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The land is mostly zoned for open space/ amenity uses and only a small section is zoned mixed use. It is considered that a drafting error occurred and that the site should not have been zoned for mixed-use.
- The area of the lands that are zoned for mixed-use are very small and measure only 8 m wide by 8 m deep and the provision of an entrance from the public road would result in insufficient land remaining to develop housing.

6.2. Planning Authority Response

- No further comment.

7.0 Assessment

7.1. The comments raised in the appeal are noted. The Planning Authority have determined that the lands are suitable for residential development.

7.2. I note the issues raised in the appeal and why it is considered that the lands should be excluded from the RZLT maps. The section of road to the front of the site is narrow and traffic is operated on a one-way basis by means of 'shuttle lights' that direct the flow of traffic.

7.3. I note that roads in the area have been upgraded in conjunction with the development of the new 'Circular Road' to the west of the site. It may be possible to upgrade the road along the front of the site in conjunction with the development of these lands. It is therefore possible to service these lands and as such they can provide for residential development.

7.4. I therefore consider that the site should remain for inclusion on the Residential Land Tax Maps as the site is suitably zoned for residential development and there is no reason as to why development cannot take place here.

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 site, be removed from the map due to the fact that the road to the front of the site was substandard for the development of these lands. It is possible to upgrade the road either by widening or revising the exiting traffic control system, such that the site can be developed for housing in accordance with the 'Mixed Use' zoning that applies to this site.

9.2. The site therefore satisfies the criterion 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 profession 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.

Paul O'Brien
Planning Inspector

29th June 2023