



An  
Bord  
Pleanála

## Inspector's Report ABP-316383-23

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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>	Townland of Poulgour, Kilkenny, Co. Kilkenny
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	KK-C205-3
<b>Appellant(s)</b>	Cairn Homes Properties Limited
<b>Inspector</b>	Paul O'Brien

## **1.0 Site Location and Description**

- 1.1. The appeal refers to a site with an area of 6.5 hectares, of which 5.53 hectares can be developed for housing, located at William Robertson Way, Upper Whitebridge, Poulgour, Kilkenny. This site is located approximately 2 km to the south west of the centre of Kilkenny City. The lands are located to the west of the William Robertson Way distributor road. The site is undeveloped and is under grass.
- 1.2. The surrounding lands are mostly in agricultural use and under grass, though there is residential development to the south and south east of the site, and lands to the east are developed forming the urban edge of Kilkenny City.

## **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 site is zoned 'New Residential' in the development plan, and which allows for residential development.
- 2.2. The site is located within an area designated as the Breagagh Valley development area. Full details are provided in Volume 2 of the development plan and Table 2.3 outlines the development criteria for development in this area. The subject land is located within Parcel H and J, requiring the implementation of road schemes and a school campus.

## **3.0 Planning History**

- 3.1. PA Ref. 23/60037 refers to a June 2023 decision to grant permission for 211 units on these lands.

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

- 4.1. The appellant made a submission to the Local Authority seeking to have their lands removed from the draft map as the development of these lands is subject to criteria set out in development plan. These are phase 2 lands and the requirements in area relate to development on third party lands outside of Cairn's control.

4.2. It is not certain that infrastructure is available to enable the development of these lands.

4.3. There are potential archaeological constraints associated with these lands.

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

5.1. The Local Authority determined that the site was in scope. Adequate services and facilities have been provided in order to allow for the development of these lands.

5.2. Permission has been granted for the development of the school campus and it is confirmed that this is included in the Department of Education building programme.

## **6.0 The Appeal**

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

The following points were made in support of the appeal:

- The planning history of the site is provided, included are residential developments on this and adjoining sites and permission was also granted for the school campus site.
- The development of these parcels of lands is subject to compliance with the requirements of the Kilkenny City and County Development Plan 2021 – 2027, and in particular are to be developed in accordance with the requirements of development of the Breaghagh Valley. The subject lands are referred to as Parcels H and J of plan area. Table 2.3 sets out development criteria for these lands.
- Road infrastructure has been provided in the area; other works are on lands outside of Cairn's control.
- Uncertainty regarding archaeology in the area.

### **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 Planning Authority are satisfied that sufficient services/ facilities have been provided in order to allow for the development of these lands. I am satisfied that these lands can be developed for residential uses.
- 7.3. Permission has been granted for residential units on this site, therefore it is evident that it can be developed for such use.
- 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 development of the site was to be carried out in accordance with the requirement of the Kilkenny City and County Development Plan 2021 – 2027, that adequate services were not in place to allow for the development of these lands and concern was expressed about potential archaeology in the area.
- 9.2. Adequate services and facilities have been developed in this area that would allow for the development of residential units on these lands. Permission was granted for 211 residential units on these lands under PA Ref. 23/60037. There are no known restrictions as to why housing could not be provided on these lands.
- 9.3. 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.

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Paul O'Brien  
Planning Inspector

29<sup>th</sup> June 2023