



An
Bord
Pleanála

Inspector's Report ABP-316561-23

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

Dalyshill, Kilkenny, Co. Kilkenny

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

KK-C205-7

Appellant(s)

Dalyshill

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The appeal refers to a small section of a site with an overall area of approximately 12.8 hectares, located to the western edge of Kilkenny City Centre. The site is an irregular shape. Road access is available to the north from the Kennyswell Road. The landholding, including the subject site is located to the east of the recently constructed Circular Road, though it does not directly adjoin this road, with a narrow area of land forming a buffer between the landholding and the 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 site is zoned for 'Mixed Use' and this zoning allows for the development of housing.
- 2.2. The mixed-use lands are within an area designated as Z1 and which 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 for the development of these lands.

3.0 Planning History

- 3.1. PA Ref. 19/887 refers to a July 2020 decision to grant permission for a mixed use development that included 266 units.

4.0 Submission to the Local Authority

- 4.1. A judicial review has been taken against the decision of Kilkenny County Council for inclusion of the lands on the vacant site register and secondly, permission approved for development will be commenced as soon as possible.

5.0 **Determination by the Local Authority**

- 5.1. The Local Authority determined that part of the site was in scope. The issue of inclusion on the vacant site register does not impact on the RZLT process and although the site has the benefit of planning permission, the only works to date are minor site clearances and the securing of the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The following points were made in support of the appeal:

- Accept that the land is suitably zoned and serviced for residential development.
- The site cannot be developed until Japanese Knotweed has been fully identified and managed on site. Details are provided as to what is required for the treatment of this plant.

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 presence of Japanese Knotweed on sites is not unusual and similarly the treatment of same has not been raised as a significant issue in the case of site development throughout the Country. I do not accept that this would present the development of this site for residential use.
- 7.3. 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 Japanese Knotweed, an invasive species, has been found on site and a treatment plan would have to be prepared for the removal of this plant.
- 9.2. The presence of Japanese Knotweed on undeveloped sites is not unusual and suitable measures have been developed for the removal of this plant. This would not prevent the development of this site for residential purposes.
- 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.

Paul O'Brien
Planning Inspector

29th June 2023