



An
Bord
Pleanála

Inspector's Report ABP-316575-23

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	Kilcreene Lodge, Kilcreene, Kilkenny, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	KK-C205-6
Appellant(s)	Shay Properties
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The appeal refers to a site with an area of approximately 2 hectares, located to the western edge of Kilkenny City Centre. The site is an irregular shape and is located to the south of Kilcreene Lodge, which is a large house and is listed on the Record of Protected Structures (RPS). The subject lands form part of a much larger landholding.
- 1.2. The surrounding lands are mostly in agricultural use and under grass.

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. The site is located within an area designated for the 'Loughmacask Masterplan'.
- 2.2. The subject site is located to the south of Kilcreene Lodge, which is listed on the Record of Protected Structures – RPS no B118 refers.

3.0 Planning History

- 3.1. PA Ref. 21/280 refers to a June 2021 decision to grant permission for the development of 9 houses and all associated site works, within the curtilage of a protected structure – Kilcreene Lodge.
- 3.2. PA Ref. 21/400 refers to a July 2021 decision to grant permission for alterations to the entrance to the development site.

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. The land is within the curtilage of a protected structure and should be excluded from inclusion on the map. Permission was granted for houses sought by the previous owner of these lands; however, the current owner of the site/ adjoining lands wishes to protect the character of Kilcreene Lodge and the

adjoining lands. There is extensive tree cover in the form of oak trees on site and it is desired that they be retained.

- 4.2. The site does not have suitable connections to services such as drainage, roads, footpaths, and public lighting. Significant works would be required to access this site including the provision of 130 m of roadway from the R695 and a bridge over a small lake.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that part of the site was in scope. The fact that the site is within the attendant grounds of a protected structure does not preclude the development of the site. Similarly, the presence of trees does not prevent the development of this site.
- 5.2. Uisce Éireann have reported that the site can be serviced by public water supply and foul drainage. The Planning Authority have reported that the site can be accessed from the R695 as roads, footpaths and public lighting are available up to the entrance to Kilcreene Lodge.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The development of this site for residential use would require, the clearing of an existing oak forest, the laying of 130 m of roadways and the provision of utility services, and the construction of a bridge over a lake with a span over 20 m.
- There are significant costs in the development of this site/ provision of services in order to develop these lands for residential uses.

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. This primarily comes down to cost of provision of necessary services/ viability of the development of this site.
- 7.3. Uisce Éireann have reported that the site can be serviced by water and foul drainage and Planning Authority report that roads/ footpaths and public lighting is available up to the entrance to Kilcreene Lodge. The provision of footpaths, services etc. within the site is a matter for the applicant/ developer and it has been identified that the site can be serviced up to the point of connection to the applicants lands.
- 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 would require significant works and would not be viable development. It has been identified that there are services available to enable the development of these lands. The presence of a protected structure and a forest of oak trees do not prevent the development of this site for residential uses.
- 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

27th June 2023