



An
Bord
Pleanála

Inspector's Report ABP-316576-23

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

Lower New Street/ Walkin Street,
Kilkenny, Co. Kilkenny

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

KK-C205-9

Appellant(s)

Veridical Limited

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The appeal site refers to an irregular shaped area of land located to the south west of Kilkenny City Centre. The site a large warehouse building and associated car parking/ yard space with access from Lower New Street to the north east and also separate access from Walkin Street to the north west. The building/ site is described as a former Cast & Carry premises.
- 1.2. There is a terrace of two-storey mixed use building along the south eastern side of Walkin Street, which adjoin the subject site, but they do not form part of the overall site area. The lands to the south east of the subject site are in use as playing pitches and mixed-use development is provided to the north east, along Lower New Street.

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 'General Business' and this zoning allows for the development of residential units.

3.0 Planning History

- 3.1. ABP Ref. 311654-21/ PA Ref. 20/930 refers to an application for the demolition of a wholesale warehouse and the construction of hotel and short-let apartments on 4 levels (34 one- bedroom units and 2 two-bedroom units), the construction of a detached single-storey service building comprising electricity sub-station and plant room, reconfiguration of vehicular and pedestrian entrance from Lower New Street and the relocation of vehicular and pedestrian entrance from Walkin Street. No decision has been issued to date from An Bord Pleanála in relation to a third party appeal on this site for the listed development.

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 site was on the vacant site register, but it was removed following an appeal to An Bord Pleanála in 2018.
- 4.2. The site is zoned for General Business and permission has been sought to develop this site, with no decision issued to date.

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 was on the Vacant Site Register has no bearing on the RZLT process. The lands are zoned for general business and no business is in operation on this site at present. The lands can therefore be considered to be vacant and/ or idle.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The site was listed on the Vacant Sites Register but was removed by Order dated June 2018 by An Bord Pleanála.
- The site is located in the centre of Kilkenny and is zoned for General Business. The landowner has applied to develop these lands for a mixed-use scheme, and a decision is awaited on this.
- Therefore, the decision to include the site on the maps is premature.

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. I accept that definite efforts have been made to develop this site, however the site is located within the centre of Kilkenny, has been idle for some time and the land can be serviced in terms of water supply, foul drainage, road/ pedestrian access and public lighting is available here.
- 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 they had sought permission to develop this site and its inclusion on the maps was premature. The site is located in the centre of Kilkenny and it can be assumed that there are services available to enable the development of these lands.
- 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 professional 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