



An
Bord
Pleanála

Inspector's Report ABP-316707-23

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	Former Mart Site, New Road, Kilkenny, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	KK-C205-24
Appellant(s)	Tesco Ireland
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The appeal site refers to an almost rectangular shaped site located to the south of New Road, north west of the Old Mart Road and west of the Castlecomer New Road to the east of central Kilkenny City. The lands are undeveloped with a mix of hardstanding and grass on site.
- 1.2. The site is located within the established urban area of Kilkenny and lands to the east contain the James Stephens Army Barracks and on the other sides the lands are in mixed residential/ commercial uses.

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. A Masterplan is also proposed for these lands.

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. The appellant made a submission to the Local Authority seeking to have their lands removed from the draft map. The lands cannot be developed in advance of the preparation of a masterplan and infrastructure provision will be dependent on this masterplan.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that part of the site was in scope. The site is zoned for General Business and there is no active business operating from the site, therefore the site can be considered to be vacant/ idle.
- 5.2. The site allows for development for residential use. The Planning Authority consider it reasonable to expect that services can be provided having regard to the location of the site and the availability of services in the area.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The site is zoned General Business, subject to a Masterplan. This may not be prepared at the discretion of the developer.
- In the absence of a masterplan, it is not certain as to what services need to be provided here.
- 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 note that the preparation of a masterplan may be undertaken by a developer or the Planning Authority. There is no reason why a format cannot be prepared that would allow the developer to prepare a masterplan and develop these lands.

- 7.3. I note the comments regarding the need for the masterplan in order to ascertain the availability/ provision of services here. I agree with the Planning Authority that it be reasonably expected that the site can be suitably serviced considering its location within the centre of Kilkenny.
- 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 there is a requirement for a masterplan on these lands, and that the masterplan would identify the need for services to facilitate the development of this land. No masterplan has been prepared to date.
- 9.2. The site zoning allows for the development of housing and as the masterplan can be prepared by the developer, the lack of a masterplan is not a reason for the exclusion of these lands from the RZLT maps. It can be reasonably expected that there are available services in the area that would allow for the development of these lands 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