

Proposed Variation No. 1 of the Kilkenny City & County Development Plan 2021



Introduction

This proposed Variation is intended to change the zoning on two sites, as part of the implementation of the Residential Zoned Land Tax, in Kilkenny City as follows:

- a) An area of approx. 0.6 hectares at Aut Even Farm, Freshford Road, Kilkenny City from 'Existing Residential' to 'Agriculture', to reflect the existing use, and align the zoning with the remainder of the agricultural enterprise. See Figure 1a.
- b) An area of approx. 0.2 hectares at Bleach Road, Kilkenny City from 'Existing Residential' to 'Amenity/Green Links/Biodiversity conservation/open space and recreation' to align with the Strategic Flood Risk Assessment recommendations for the site. See Figure 1b.

Background to the Variation

The Residential Zoned Land Tax is a new tax to activate land for residential purposes, which was introduced by the Department of Finance and the Revenue Commissioners in conjunction with the Department of Housing, Local Government and Heritage as Section 80 of the Finance Act 2021. The tax measure is aimed at incentivising residential development rather than generating revenue for the State. This tax will in time replace the Vacant Site Levy.

The legislation governing the application of the Residential Zoned Land Tax is Section 80 of the Finance Act, 2021, which amends Part 22A of the Taxes Consolidation Act, 1997. As part of the implementation of the Residential Zoned Land Tax, Kilkenny County Council prepared a Draft map of lands in scope for the tax in November 2022. Under Section 653C4(f), where land is identified on the draft map as being subject to the residential zoned land tax, a person may, in respect of land that such a person owns, make a submission to the local authority requesting a variation of the zoning of that land. As part of that process, two sites were identified which were in scope on the Draft map, but which should be subject to more appropriate land use zoning.

Purpose of the Variation

This Variation proposes to change the zoning of two sites, as set out below.

1a. This site, located at Aut Even Farm, Freshford Road, Kilkenny, is currently zoned as 'Existing Residential', however there is no residential use currently on this portion of the holding. The site comprises a mix of farm and commercial grain storage and open yards, and is in active use by the businesses at this location. This site is the subject of current planning application reference PP23/10, for retention of change of use of pre-1963 commercial store to agri-retail hardware store, along with a number of associated developments, on a site of 5.04 hectares. Further information on a number of points was requested on the 14th March 2023. This building is denoted as an existing

farm shed on the site layout, and it is proposed to add four grain stores in this area, along with extending the existing shed. The area of land subject to the rezoning request is approx. 0.6 hectares.

Having regard to: the *Development Plan Guidelines for Planning Authorities*, the Planning and Development Act, the Kilkenny City and County Development Plan, the site area, and the nature of the commercial and agricultural activity on this site, it is considered that this site should not fall within scope for the RZLT, which is intended to activate land for residential use. A more appropriate zoning for this site is 'Agriculture'.

1b. This site, located at Bleach Road, Kilkenny City, is currently zoned as 'Existing Residential'. As part of the examination of the submission received in relation to this site, an examination of the Strategic Flood Risk Assessment (SFRA) of the City and County Development Plan 2021 was carried out. It was apparent that the zoning on this site does not align with the recommendations of the SFRA. Having regard to: the *Development Plan Guidelines for Planning Authorities*, the Planning and Development Act, the Kilkenny City and County Development Plan and its Strategic Flood Risk Assessment (SFRA), it is considered that this site should not fall within scope for the RZLT, which is intended to activate land for residential use. It is important that the SFRA and the Development Plan zoning are aligned, and therefore a more appropriate zoning for this portion of the site is 'Amenity/Green Links/Biodiversity conservation/open space and recreation'. A site specific zoning objective, Z17, will be included, to state that any application for residential development at this location can include consideration for the provision of private, or semi-private, open space in the open space zoning, subject to a Site Specific Flood Risk Assessment.

Proposed Variation

The proposed variation is outlined below and should be read in conjunction with the Kilkenny City and County Development Plan 2021.

The proposal is to vary Figure CS4 of the City and County Development Plan 2021 to reflect the following:

Change of zoning of two sites, see Figure CS4, attached.

- a) An area of approx. 0.6 hectares at Aut Even Farm, Freshford Road, Kilkenny City from 'Existing Residential' to 'Agriculture'.
- b) An area of approx. 0.2 hectares at Bleach Road, Kilkenny City from 'Existing Residential' to 'Amenity/Green Links/Biodiversity conservation/open space'. A site-specific objective, Z17, will be included on the zoning map (and inserted in Section 2.9.17 City Zoning Map Objectives) as follows:

Z17 Any application for residential development at this location can include consideration for the provision of the private, or semi-private, open space in the open space zoning, subject to a Site Specific Flood Risk Assessment.

Site 1a Aut Even Farm – currently zoned Existing Residential – proposed change to Agriculture



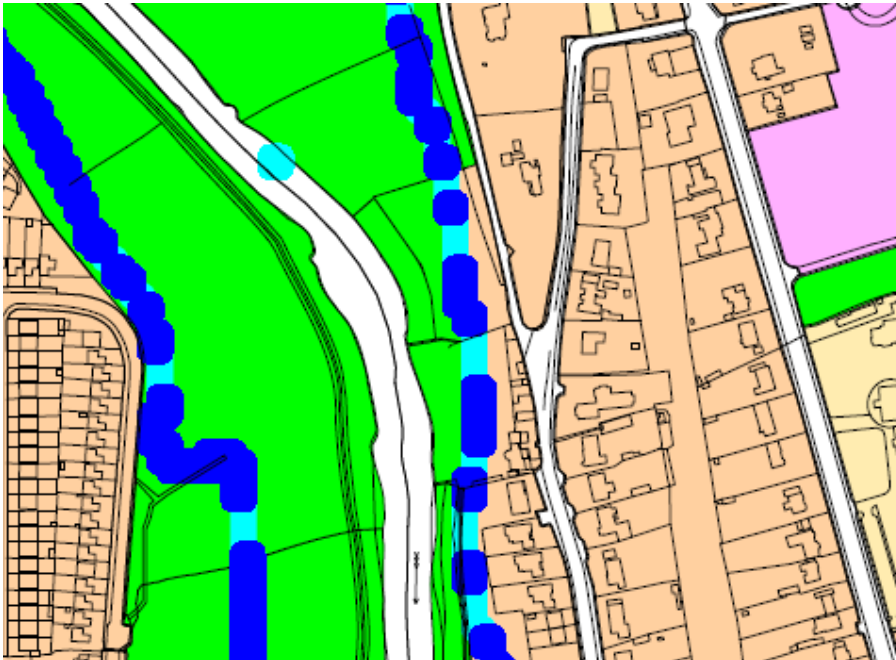
Source: Figure CS4 Kilkenny City and County Development Plan 2021

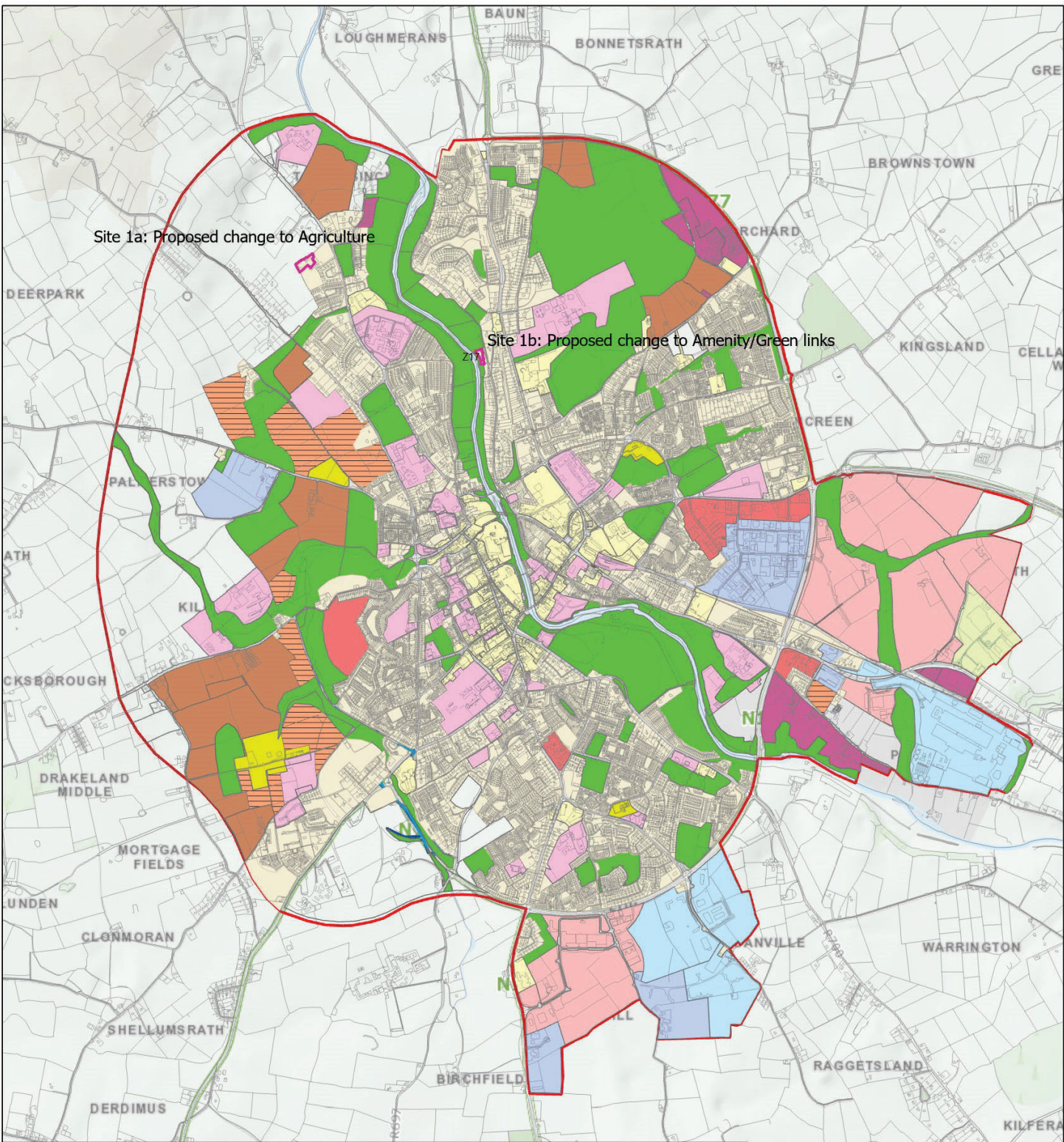
Site 1b Bleach Road, Kilkenny, currently zoned Existing Residential - change to Amenity/Green Links/Biodiversity conservation/open space and recreation



Source: Figure CS4 Kilkenny City and County Development Plan 2021

Extract from Figure 23b of the Strategic Flood Risk Assessment of the Draft Kilkenny City and County Development Plan, dated December 2020, showing Flood Zone A and B.





Kilkenny City and County Development Plan 2021-2027

Date: August 2023
 Based on Ordnance Survey of Ireland Map License No. "2019/27/
 CCMA/KilkennyCountyCouncil"

Variation 1 - Figure CS4 Kilkenny City Zoning

- Kilkenny City Development Plan Boundary
- ZONE_ORIG**
- Agricultural Trade
- Agriculture
- Amenity / Green links/Biodiversity conservation/ Open Space/Recreation
- Business Park
- Community Facilities
- Existing Residential
- Existing low density residential
- General Business
- Industrial/Technology Park
- Industrial/Warehousing
- Mixed Use Zoning
- Neighbourhood Centre
- New Residential
- Strategic Reserve
- <all other values>
- Variation1CDP2021