



31<sup>st</sup> October 2023

Senior Planner,  
Kilkenny County Council,  
John Street,  
Kilkenny.

**Re: Proposed Variation No. 1 to the Kilkenny City and County Development Plan  
2021**

A chara,

Thank you for your authority's work in preparing the proposed Variation No. 1 to the Kilkenny City and County Development Plan 2021 (the proposed Variation).

The Office wishes to acknowledge the considerable and evident work your authority has put into the preparation of the proposed Variation.

A key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the proposed Variation under the provisions of sections 31AM(1) and (2) of the *Planning and Development Act 2000*, as amended (the Act), and this submission has been prepared accordingly.

**Overview**

The proposed Variation proposes to amend the land use zoning objectives for specific sites in Kilkenny City, from Existing Residential to Agriculture on the Freshford Road (site 1a.), and 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, on the Bleach Road (site 1b.), in response to the introduction of the Residential Zoned Land Tax (RZLT).

The Office notes that the proposed zoning amendments in relation to site 1a. (0.6ha) and site 1b. (0.2ha) relate to a small portion of the total New Residential (RN) lands zoned within the Kilkenny City and County Development Plan 2021–2027 (the Development Plan),



which included lands zoned New Residential (RN) in excess of the core strategy requirements.

Having reviewed the proposed Variation against the relevant criteria set out below, the Office is of the view that the proposed zoning amendments do not raise any concerns in relation to consistency with the legislative and policy requirements.

## **1. Compliance with statutory guidelines**

The *Residential Zoned Land Tax: Guidelines for Planning Authorities (2022)* (RZLT Guidelines) are the statutory section 28 guidelines in relation to the RZLT. Section 6 of the RZLT Guidelines sets out guidance on rezonings sought on foot of the RZLT process under the provisions of section 653(l) (a) and (b) of the *Taxes Consolidation Act, 1997*, as introduced in the *Finance Act 2021*.

The Office notes that the planning authority identified all lands within its functional area that are to be in scope as required by the provisions of the RZLT.

The Office notes that the Strategic Environmental Assessment Screening Report states that the proposed Variation would not be likely to result in significant environmental effects. The Office considers that the proposed Variation does not raise any issues in respect of compliance with section 28 guidelines.

## **2. Core strategy**

The *Development Plans, Guidelines for Planning Authorities (2022)* (the Development Plans Guidelines) advise that the impact of any proposed rezoning on the overall strategy for the proper planning and sustainable development of the area, including the core strategy and the housing targets for the county/city, must be considered.

The core strategy set out in the Development Plan includes a housing supply target of 4,649 homes over the plan period. In relation to Kilkenny City, the housing target is 1,627 units over the plan period. The Office understands there is in excess of 46 ha zoned New Residential (RN) in Kilkenny City for the plan period, and this would adequately provide for the core strategy housing target.

Having regard to the sufficient supply of zoned land in the Development Plan, the Office is satisfied that the proposed change of zoning to the relevant sites, from Existing Residential



to Agriculture on the Freshford Road, and Existing Residential to Amenity/Green Links/Biodiversity Conservation/Open Space and Recreation on the Bleach Road, would not adversely affect the capacity of the Development Plan to meet the housing and population targets for the settlement set out in the core strategy.

### **3. Compact growth**

The Office notes *Circular Letter NRUP 07/2022* refers to compact growth as a key planning principle and as a key planning criteria as part of the assessment of whether the zoning objective should be amended.

The overall delivery of new housing within the built up area of the settlement exceeds 30%, as such the de-zoning of the relevant RZLT sites will not have a material impact on Kilkenny City achieving compact growth consistent with NPO 3c of the *National Planning Framework*.

The proposed de-zoning would therefore not undermine the capability of the Development Plan to deliver compact growth in Kilkenny City consistent with the national planning policy objectives.

### **4. Sequential approach**

Section 6.2.3 of the Development Plans Guidelines, sets out specific guidance regarding the sequential approach, and it is a policy and objective of the Development Plans Guidelines that development plans adopt a sequential approach when zoning lands for development.

The Office acknowledges that site 1b (on the Bleach Road) offers relative proximity to the city centre and scope to consolidate development and provide for infill development and, as such, provides for compact growth and utilisation of existing infrastructure. Whereas site 1a (on the Freshford Road) is located on the edge of the city zoning extent and, as such, is less amenable to achieving urban consolidation and delivering on sequential development.

Notwithstanding, no alternative, more peripheral lands are proposed or are necessary for rezoning on foot of this potential amendment.

The Office concludes that the de-zoning of the subject RZLT sites would not undermine the overall approach to sequential development.



## 5. Flood risk management

The Office notes that the proposed Variation in relation to site 1b (on the Bleach Road) and where it is proposed to change the zoning from Existing Residential to Amenity/Green Links/Biodiversity Conservation/Open Space and Recreation, relates in part to the recommendations of the *Kilkenny City and County Development Plan – Consolidated Strategic Flood Risk Assessment 2021-2027*. The site on Bleach Road, is located within Flood Zone A and B. Therefore the Office welcomes the proposed zoning change to align with the Strategic Flood Risk Assessment recommendations for the site.

### Summary

Arising from the foregoing evaluation and assessment of the proposed Variation, the Office concludes that no recommendations or observations are warranted since the proposed Variation will not undermine the Development Plan in delivering on its core strategy in a compact and a sequential manner.

Your authority is however required to notify this Office within five working days of the making of the Variation, in accordance with section 31AM(6) of the Act.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through the undersigned or at [plans@opr.ie](mailto:plans@opr.ie).

Is mise le meas,

**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations