



An  
Bord  
Pleanála

## Inspector's Report ABP-306491-20

### Development

Phase 1 of a residential development consisting of the construction of 40 no. dwelling houses and all associated ancillary development works including the partial removal of an existing stone wall for the provision of vehicular and pedestrian access, footpaths, parking, cycle lanes, drainage, landscaping and amenity areas.

### Location

Tullaroan Road, Loughmacask,  
Lousybush (Townlands), Kilkenny.

### Planning Authority

Kilkenny County Council

### Planning Authority Reg. Ref.

19458

### Applicant(s)

Bluelime Homes Ltd.

### Type of Application

Permission

### Planning Authority Decision

Grant subject to conditions

### Type of Appeal

Third Party v. Decision

### Appellant(s)

Grassland Fertilisers Limited

### Observer(s)

None.

**Date of Site Inspection**

21<sup>st</sup> May, 2020

**Inspector**

Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located in the townlands of Loughmacask & Lousybush on the north-western fringe of Kilkenny City, approximately 1.5km northwest of the city centre, in an area predominantly characterised by undulating agricultural fields with the notable exceptions of the Grassland Fertilisers Ltd. industrial complex (a designated Seveso site), the adjacent D. Walsh & Sons Manufacturing Ltd. feedstuff plant, and Dicksboro GAA Club, all of which are located on the opposite side of Tullaroan Road. It forms part of a larger landbank (including the remainder of the applicant's wider landholding which extends north / north-westwards) sandwiched between Lousybush Lane to the northeast and Tullaroan Road / Bonnetstown Road to the southwest.
- 1.2. Both Lousybush Lane and Tullaroan Road / Bonnetstown Road are classified as local roads, however, the former is a very narrow cul-de-sac which serves approximately 5 No. dwellings and a farm complex in addition to surrounding agricultural lands. The entrance to Lousybush Lane from Tullaroan Road is located to the east where the carriageway is greatly restricted due to the presence of established housing fronting onto or abutting both sides of the laneway. There are limited opportunities for two cars to pass side-by-side in places, including at the eastern end of the lane. Tullaroan Road is of a considerably higher standard in terms of width and alignment and accommodates a significantly higher level of traffic, including that associated with the Grassland Fertilisers Ltd. facility. Access onwards to the city is via Lord Edward Street, which is, in parts, of unfavourable vertical and horizontal alignment with street-front dwellings. The most direct access to the national and regional road network is via Lord Edward Street and the city.
- 1.3. The site itself has a stated site area of 3.39 hectares, is irregularly shaped, and presently comprises a parcel of agricultural land set in pasture, with the exception of an elongated strip bounding Tullaroan Road which consists of a verge intended to accommodate a new shared footpath / cycleway. The lands are relatively level with a gradual fall from north to south whilst the perimeter site boundaries are broadly defined by mature hedgerow, save for a low stone wall in need for repair which fronts onto Tullaroan Road. The adjacent lands are generally in agricultural use with a seasonal lake / pond known as Loughmacask (a proposed Natural Heritage Area) to

the immediate northeast. There is a small scheme of 4 No. houses located to the north at the westernmost end of Lousybush Lane with a cluster of older dwellings at its eastern junction with Tullaroan Road. Further east on travelling towards the city, the prevailing pattern of development is dominated by conventional suburban housing construction.

## 2.0 Proposed Development

2.1. The proposed development, as initially submitted to the Planning Authority, is described as comprising 'Phase 1' of a larger residential development (totalling 184 No. units) and consists of the construction of 40 No. dwelling houses as follows:

- 4 No. 4-bedroom, 2-storey, detached houses (House Type: '*Skellig*': 177m<sup>2</sup>)
- 2 No. 4-bedroom, 2-storey, semi-detached houses (House Type: '*Lambay*': 144m<sup>2</sup>)
- 4 No. 4-bedroom, 2-storey, semi-detached houses (House Type: '*Valentia*': 128m<sup>2</sup>)
- 18 No. 3-bedroom, 2-storey, semi-detached houses (House Type: '*Achill*': 116m<sup>2</sup>)
- 4 No. 2/3-bedroom, 2-storey, semi-detached houses (House Type: '*Inisheer*': 100m<sup>2</sup>)
- 8 No. 3-bedroom, 2-storey, semi-detached houses (House Type: '*Aran*': 100m<sup>2</sup>)

2.2. Ancillary site development works include the partial removal of the existing roadside boundary wall to facilitate the provision of a new vehicular and pedestrian access onto Tullaroan Road, the construction of foul and surface water drainage infrastructure (including the installation of a foul sewerage pumping station and a rising main connecting to the public mains sewer), the provision of a shared footpath / cycleway extending from the site along Tullaroan Road to tie into the existing public footpath at Lord Edward Street, and the provision of new landscaping and amenity areas.

2.3. Amended proposals were subsequently submitted in response to a request for further information with the principle changes including the widening of the shared

footpath / cycleway along Tullaroan Road to 1.5m – 3.0m in width, the omission of visitor car parking from within the open space / amenity area, and alterations to the road markings & signage provision etc.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. Following the receipt of a response to a request for further information, on 18<sup>th</sup> December, 2019 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 19 No. conditions. These conditions are generally of a standardised format and relate to issues including Part V, waste management, construction works, infrastructural works / services, landscaping, archaeological monitoring, and development contributions, however, the following conditions are of note

Condition No. 10 – Requires the completion of a Stage 3 Road Safety Audit of the completed estate for approval by the Local Authority. The applicant is also required to implement the recommendations of the Stage 2 Road Safety Audit and to agree assorted issues, including the setting out of the proposed footpath / cycle track, with the Local Authority prior to the commencement of development.

Condition No. 11 – Refers to connections to the public water & wastewater services. It also requires the developer to enter into an agreement, prior to the commencement of development, with Irish Water regarding the upgrading of the public watermain and the extension of the public sewer (which are required to accommodate the proposed development). In addition, it is stated that the proposed foul water pumping station is to be of a temporary nature and is to be decommissioned once the extension of the foul sewer has been completed.

Condition No. 19 – Restricts the use of the open area to the east and west of Road No. 1 to use as an open space green area with no parking to be

provided within the open area or along the estate roadway which would allow the public to congregate for long periods of time.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports:

An initial report details the site context, planning history, and the applicable policy considerations before recommending that further information be sought with respect to the nature of the open space within Zone 1 of the risk contours associated with the nearby SEVESO II site, various traffic related considerations, and the need for an alternative to the paladin fencing proposed along the western site boundary.

Following the receipt of a response to a request for further information, a final report was prepared which recommended a grant of permission, subject to conditions.

#### 3.2.2. Other Technical Reports:

*Road Design:* An initial report noted the following by way of context:

- The proposal is based on an earlier scheme approved under PA Ref. No. 10/10 / ABP Ref. No. PL10.238383 and is also associated with an adjoining development permitted under PA Ref. No. 10/15 / ABP Ref. No. PL10.238542 (both of these grants of permission are due to expire in January, 2023).
- Phases 2 & 3 (the east-west link to the Western Environs & the Loughmacask Road) of the Kilkenny Central Access Scheme were not approved by the Board in its determination of ABP Ref. No. PL10.HA0014 which concluded that:

*‘ . . . those parts of the scheme identified as Phase 2 (east-west link to Western Environs) & Phase 3 (The Loughmacask Road) are premature pending progress on that part of the ring road between the Castlecomer Road and the Freshford Road (including a new River Nore bridge crossing) which would obviate the need for traffic arising from development of these areas to traverse the city centre’.*

- The Loughmacask Local Area Plan, 2008-2014 acknowledges that the development of the full (IRR) Central Access Scheme would be required if the committed development set out in that Plan is to be fully realised and,

therefore, the Board's decision in relation to Phases 2 & 3 of the CAS impacts on the development potential of the Raheenagun and Loughmacask area.

- Phase 1 of the CAS (the River Nore Crossing) has been completed and funding has been secured under the LIHAF scheme to construct the Western Environs infrastructure which is currently underway. In addition, the Local Authority is presently preparing to reactivate the statutory process for the implementation of Phases 2 & 3 of the Central Access Scheme.
- The Northern Ring Extension Scheme between the Castlecomer Road and the Freshford Road was the subject of judicial review and was subsequently refused. This project is also to be resubmitted to the statutory process.

The report proceeds to state that the Traffic Impact Assessments provided for PA Ref. Nos. 10/10 & 10/15 assumed that the residential development of the respective sites would be completed at a rate of 30% by 2011, 60% by 2014 and 100% by 2020. It is further noted that in the '*Do Minimum*' scenario of those TIAs capacity problems were identified during the PM peak at the Butts Green arm of the Butts Green Roundabout for 2020 in both the standalone and combined analyses. The figures also indicated that the Butts Green arm of the junction would be at practical capacity for the standalone and combined PM peaks by 2014. It was further noted that the vast majority of the traffic generated by the development would have to use the existing local road network (i.e. Lord Edward Street, Butts Green, Grange Road and Dominic Street) in the absence of the Central Access Scheme (IRR). These streets are generally of a residential nature with varying degrees of capacity, road width and non-vehicular road-user infrastructure and concerns were raised that the additional traffic generated by the development would have a negative impact on Lord Edward Street from the eastern boundary of PA Ref. No. 10/15 to the Butts Green Roundabout. Therefore, the applicant was invited by way of further information to submit plans to mitigate the aforementioned impacts which subsequently formed part of the planning proposals. It was also recommended that the TIA should be updated following completion of the initial phase of development. In light of the foregoing, and as no development had taken place in the intervening period since the previous grants of permission, it was recommended that the subject applicant should be required to submit the following by way of further information:

- A revised Traffic Impact Assessment updated to take into consideration current traffic volumes and patterns and any amendments to housing density from that approved under PA Ref. No. 10/10. Other developments constructed or planned in addition to completed / under-construction road infrastructure should also be taken into account.
- The reassessment and submission of details of the proposed mitigation works to Lord Edward Street and the Butts Green Roundabout (as previously identified in PA Ref. No. 10/10).
- Considering the rural nature of Tullaroan Road and the 80/60kph speed limit on the western approach to the development, the submission of a revised drawing showing sightlines based on the requirements of the Design Manual for Roads and Bridges (DMRB) rather than the Design Manual for Urban Roads and Streets (DMURS).
- A swept-path analysis (including refuse vehicles) of the proposed junction with Tullaroan Road and internal junctions within the scheme.
- An assessment of the existing street lighting to ensure that there will be adequate lighting of the proposed footpath on the opposite side of the road.
- The 1.5m wide footpath proposed along Tullaroan Road is insufficient as a shared space for cyclists and pedestrians. Revised proposals should be submitted for the provision of a cycle path facility to connect the development with Lord Edward Street / the Butts Green Roundabout.
- No allowance would appear to have been made for the existing commercial entrances opposite or the roadside parking in the vicinity of the ghost island right turn for the development access. The nature of the commercial traffic, the proposed cross-section of the road, and the edge definition along the roadside boundary of Grassland Fertilisers Ltd., should also be taken into consideration. These details should be reviewed and the layout referred to the Road Safety Audit Team for consideration.
- The layout of the junction of Road 05 Central Avenue and Road 04 Lake Court and the Lake Court Home Zone should be reviewed (the road has been designed at a 90-degree angle which will encourage traffic to cut the corner

while cars parked in House 01 will have to manoeuvre in and out of this location which is not ideal).

Following the receipt of a response to a request for further information, which included the submission of a revised Traffic Impact Assessment, a final report was prepared which stated the following:

- The submitted details have confirmed that there is already a capacity issue at the Butts Green Roundabout during the AM peak which is largely generated by school traffic to the nearby St. Canice's N.S. and the Loreto Secondary School, with the proposed traffic for the Phase 1 Development resulting in only a marginal increase in traffic volumes. The junction will require improvement works along with other adjoining traffic infrastructural works to manage traffic volumes arising from the full development of the lands subject to the Loughmacask Local Area Plan which is currently under review.
- The applicant has proposed a lighting scheme extending from the development to Lord Edward Street which includes for improvements to the existing street lighting between Lord Edward Street and Dicksboro GAA. It should be a condition of any grant of permission that the design and extent of the improvement works be agreed with the Road Design Office prior to the commencement of development. Consideration should also be given to the particular needs of the pedestrian crossing located at the junction with Dicksboro GAA.
- A combined cycle track is to be provided along the Tullaroan Road towards the Butts Green Roundabout terminating in the vicinity of the 30kph zone. This cycle track varies in width from 1.5m to 3.0m due to constraints with the existing road, verges and adjoining property boundaries. The provision of a full width footpath and cycle track is dependent on the delivery of development on the adjoining lands, however, in the interim it is proposed to provide signage and road markings to manage pedestrians and cyclists at pinch points. It should be a condition of any grant of permission that the layout of the proposed footpath / cycle track and kerbing be agreed with the Municipal District Office prior to installation of the final surfacing, markings and signage.

- Details of proposed kerb-lines on the public road are to be agreed and it should be demonstrated that existing drainage will not be adversely affected by the works (where impacts do arise positive drainage works should be carried out by the applicant at their own cost in consultation and agreement with the Local Authority prior to commencement of works).
- The applicant will be conditioned to carry out a Stage 3 Road Safety Audit of the constructed development and the public road on completion of the works for the approval of the Local Authority and shall carry out and cover the cost of all agreed recommendations contained in the Audit.
- Signage for a 30kph speed limit / slow zone should be provided on entry to the development with the public road speed limit shown on exiting the site to ensure consistency with the 30kph signage provided for residential developments in the city environs. All road markings and signage should accord with the Department of Transport, Traffic Sign Manual, 2019.
- A road opening licence will be required in respect of all works affecting the public road.

### 3.3. Prescribed Bodies

- 3.3.1. *Irish Water*: No objection, subject to conditions.
- 3.3.2. *An Taisce*: Notes that the application as referred to An Taisce was not accompanied by an ecological report. Furthermore, as Loughmacask is a proposed Natural Heritage Area, it will not be considered as part of the screening process for 'Appropriate Assessment' which only concerns those sites covered by EU Directives on Habitats and Birds. This is considered to be a significant omission.
- 3.3.3. *Department of Culture, Heritage and the Gaeltacht*: No objection, subject to the inclusion of a condition requiring the archaeological monitoring of all ground works associated with the proposal.
- 3.3.4. *Health and Safety Authority*: An initial report refers to the approach of the HSA to land-use planning as set out in '*Policy & Approach of the Health and Safety Authority to COMAH Risk-based Land-use Planning*' and states that the following points are of relevance in the context of the subject application:
- The application is covered by Regulation 24(2)(c) of S.I. 209 of 2015.

- The development has been determined to be located within the inner zone.
- The category level of the development is determined to be residential.
- On the basis of the information supplied, the HSA advises against a grant of permission in the context of Major Accident Hazards. The inner zone for the Grassland Fertilisers site extends to a distance of between 170m to 230m from the site boundary and encumbrances part of the proposed Phase 1 development.
- Although the land-use planning advice of the HSA is risk-based, it is the policy of the Authority to advise planning bodies of the consequences of worst-case major accidents so that they may take account of this information in decision-making. In the subject case, the consequences relate to:
  - Overpressure / Thermal radiation
- The advice is only applicable to the specific circumstances of the subject proposal at this period of time.
- Future development around COMAH establishments has the potential to impact on the expansion of those establishments.

Subsequent correspondence advises that the proposed open green area should be restricted for use as an open space green area. No parking or other facilities should be provided at the open area or along the estate roadway which would allow the public to congregate and hence be present for long periods of time. In keeping with the Policy and Approach guidance document, the purpose of this open area is to provide distance between the residential development and the risk posed by a major accident hazard at Grassland Fertilisers.

### **3.4. Third Party Observations**

- 3.4.1. A total of 3 No. submissions were received from interested parties and the principle grounds of objection / areas of concern raised therein can be summarised as follows:
- Part of the application site and a length of the Bonnettstown / Tullaroan Road are within the extent of 'Zone 1' (limited to existing development) as agreed between the Planning Authority and the Health and Safety Authority in light of the SEVESO II designation of the Grassland Fertilisers facility.

- The proposal is premature pending the review of the Kilkenny City and Environs Development Plan, 2014 and the possible reprioritisation of lands for development.
- The Loughmacask Local Area Plan, 2008-2014, which was in force when previous developments in the area were approved, has expired with the focus for priority development having shifted to the western environs of the city.
- Whilst funding has been secured to deliver the necessary roads infrastructure to allow for the development of the western environs (with this infrastructure currently being put in place), no such funding has been obtained to open up the development of zoned lands at Loughmacask.
- In varying the Development Plan in 2017, the Planning Authority stated that the development of the lands at Loughmacask was unlikely during the lifetime of that Plan due to infrastructural deficits.
- There is no likelihood that PA Ref. No. 10/10 / ABP Ref. No. PL10.238383 or PA Ref. No. 10/15 / ABP Ref. No. PL10.238542 will be developed within the lifetime of those permissions and it is unlikely that the two parcels of land concerned will ever be developed as one (as was previously envisaged).
- It is unclear if there continues to be a working relationship between the owners of the subject site and the neighbouring lands (i.e. PA Ref. No. 10/15 / ABP Ref. No. PL10.238542) as regards shared access etc.
- Access options to the subject lands should be re-evaluated in light of progress with Phase 1 of the Central Access Scheme as part of the Development Plan review.
- The siting of the proposed access from Bonnettstown / Tullaroan Road opposite the Grassland Fertilisers plant should be rejected on the grounds of road safety and traffic hazard.
- The Grassland Fertilisers facility is a SEVESO II site and it is a specific objective of the Planning Authority to reduce the risk and limit the consequences of major industrial accidents by, where appropriate, taking into account the advice of the Health and Safety Authority. The proposed access road is in a location where the Loughmacask Local Area Plan, 2008-2014

provides that no new development is permissible. Notwithstanding previous grants of permission, the proposal to allow access to the housing through 'Zone 1' would be in clear contravention of the SEVESO II safety zone regulations.

- While the Loughmacask Local Area Plan, 2008-2014 may now automatically prohibit access from the Bonnettstown / Tullaroan Road, the proposal would contravene that Plan (and the Development Plan) by reference to the developmental restrictions necessitated by the requirements of the HSA.
- The proposed development fails to accord with the phasing requirements of the Local Area Plan and does not include for the necessary supporting infrastructure / amenities / facilities. This will result in a remote housing estate detached from the city without the necessary infrastructure etc.
- The proposal is dependent on road improvement works at the junction of Bonnettstown / Tullaroan Road / Lord Edward Street and the proposed link road north and south of that junction. These works have not been included in the application.
- The proposal will add significant traffic to Lord Edward Street and is not in the interest of orderly development.
- The location of the proposed access relative to the existing entrance serving the Grassland Fertilisers facility will give rise to conflicting traffic movements (which will be exacerbated by the current / established practice of cars parking along the roadside).
- In the absence of a working relationship between the applicant and the adjacent landowner (PA Ref. No. 10/15) permission should be refused.
- An alternative access should be considered off the Bonnettstown / Tullaroan Road pending the Central Access Scheme road line along Lousybush. This would avoid conflicting traffic movements with Grassland Fertilisers and could be linked back into the Central Access Scheme road line at a later date.
- Provision should be made for the future development of the adjacent lands to the west i.e. cul-de-sacs should be planned to allow for such development.

- The existing stone wall along Tullaroan Road should be preserved / enhanced in order to maintain the essential character of the area.
- The proposal should be assessed in the context of the broader development of the Loughmacask area and should also give consideration to the future development of the adjacent lands (18.25 hectares) subject to PA Ref. No. 10/15 / ABP Ref. No. PL10.238542 in the interests of orderly planning and urban development.

## 4.0 Planning History

### 4.1. *On Site:*

- 4.1.1. PA Ref. No. 03/681. Was refused on 24<sup>th</sup> June, 2003 refusing P.M. Cantwell Ltd. permission to carry out the following works on lands at Loughmacask, Tullaroan Road, Kilkenny. 1. to carry out site works to develop 14 no. individual residential sites; 2. to provide new access road from the Tullaroan Road; 3. to provide new sewage facilities with temporary pumped pressure line to public manhole located at Lord Edward Street/Tullaroan Road; 4. to close off existing temporary vehicular access from Lousybush Lane to existing private houses and to provide new access to same from proposed new road, together with full landscaping programme and other associated site works.
- 4.1.2. PA Ref. No. 10/10 / ABP Ref. No. PL10.238383. Was granted on appeal on 17<sup>th</sup> January, 2013 permitting PM Cantwell Limited permission for a development with a gross floor space of c. 23,612m<sup>2</sup> consisting of: 112 No. two-storey residential units (some with one storey garages) (including private open space) (comprising 55 No. five-bed detached houses, 17 No. four-bed detached houses, 28 No. four-bed semi-detached houses and 12 No. three-bed semi-detached houses); and an ESB substation (21m<sup>2</sup>). The proposed development will also consist of: the provision of 260 No. car parking spaces; vehicular and pedestrian access and egress via the Tullaroan Road/Bonnetstown Road; provision of internal routes for vehicles, cyclists and pedestrians; provision of a well for a temporary potable water supply including ancillary associated infrastructure; signage; hard and soft landscaping works (including changes in level, lighting and play areas); boundary treatments; diversion

of services; and all other site excavation and development works above and below ground; all on a site of 12.37 hectares.

#### 4.2. *On Adjacent Sites:*

- 4.2.1. PA Ref. No. 10/15 / ABP Ref. No. PL10.238542. Was determined on appeal on 17<sup>th</sup> January, 2013 whereby a split decision was issued to GMB Construction Limited in respect of a development consisting of: 267 no. residential units (including private open space, terraces and balconies) (comprising 46 No. four-bed detached houses, 66 No. four-bed semi-detached houses, 18 No. three-bed detached houses, 10 No. three-bed terraced houses, 26 No. three-bed end of terrace houses, 33 No. three-bed duplex units, 10 No. two-bed duplex units, 47 No. two-bed apartments and 11 No. one-bed apartments); 1 No. anchor retail unit (including ancillary off-licence sales) (2,620m<sup>2</sup> gross retail area); 5 No. office units (825m<sup>2</sup>); a crèche (640m<sup>2</sup>); a pharmacy (165m<sup>2</sup>); a gym/fitness centre (385m<sup>2</sup>); café/bar/restaurant (715m<sup>2</sup>) (with outdoor seating area including for the consumption of alcohol); 11 No. retail/commercial units (to accommodate Use Classes 1 and 2 such as retail, professional/financial services) (1,252m<sup>2</sup>); 2 No. ESB substations (41m<sup>2</sup>), residential circulation (1,058m<sup>2</sup>); and commercial circulation (116m<sup>2</sup>). The development will range in height from one to four storeys. The proposed development will also consist of: the provision of 685 No. car parking spaces at surface level and 148 No. spaces at undercroft level; vehicular and pedestrian access and egress via the Tullaroan Road/Bonnetstown Road; provision of internal routes for vehicles, cyclists and pedestrians; provision of a well for a temporary potable water supply including ancillary associated infrastructure; associated waste areas; signage; cycle parking; hard and soft landscaping works (including playground, playing pitch, changes in level, lighting and boundary treatments); diversion of services; and all other site excavation and development works above and below ground; all on a site of 18.25 hectares, approximately, principally bounded by the Tullaroan Road/Bonnetstown Road to the south; agricultural land to the west; Lousybush Lane and residential dwellings to the north; and a residential dwelling to the east, in the townlands of Raheenagun and Loughmacask, Kilkenny, Co. Kilkenny. The proposed development was revised by further public notice received by the planning authority on the 6<sup>th</sup> day of December, 2010.

- **GRANT** permission for Phases 1, 2 and 3 of the development indicated on the Figure 2 Phasing Drawing received by the planning authority on the 2<sup>nd</sup> day of December, 2010, comprising 223 No. residential units and all associated site works, including the amenity works to Loughmacask turlough.
- **REFUSE** permission for Phase 4 of the proposed development indicated on the Figure 2 Phasing Drawing received by the planning authority on the 2<sup>nd</sup> day of December, 2010, comprising 22 No. residential units, 1 No. crèche, 1 No. anchor store, 9 No. retail units, 1 No. gym, 5 No. office units and 4 No. commercial units:
  - Having regard to the design vision set out in the Loughmacask Local Area Plan 2008-2014 (Section 5.2.2) and the important role the village/neighbourhood centre would play in serving the Loughmacask area the Board is not satisfied that the proposed village centre, which is dominated by a large open sided, centrally located, car park, will deliver the pedestrian friendly intersection of streets and the square envisaged in the LAP. Furthermore, the proposed layout and the design would result in Lousybush Lane being poorly addressed by buildings and open spaces creating a poor quality pedestrian environment in that location, contrary to the provisions of the Loughmacask Local Area Plan 2008. The proposed village centre would, therefore, be contrary to the proper planning and sustainable development of the area.

#### 4.3. *Other Relevant Files:*

- 4.3.1. PA Ref. No. 07/2165. Was granted on 25<sup>th</sup> June, 2008 permitting GMB Construction & PM Cantwell permission for the development of a surface water pipeline and a foul sewer pipeline, respectively. These pipelines will run from the administrative boundary between Kilkenny County Council and Kilkenny Borough Council, under the Tullaroan Road, to lands at Loughmacask, where they will terminate at a point approximately 50m west of the junction between Lousybush Lane and the Tullaroan Road. These pipelines will be laid by way of open trench. A concurrent planning application will be lodged with Kilkenny Borough Council to connect the surface water pipeline and the foul sewer pipeline, respectively, from the Kilkenny County Council administrative boundary with: an outfall to the Breagh River at a point

immediately southeast of the Waterbarrack Roundabout (in the case of the surface water pipeline); and the Breaghagh Valley Relief Sewer on the southern side of the Breaghagh River, immediately north of Black Mills Street (in the case of the foul sewer pipeline). These pipelines will run under Lord Edward Street, Butts Green and the Waterbarrack Roundabout to their respective discharge points. All at Lousybush / Tullaroan Rd., Loughmacask, Kilkenny.

- 4.3.2. PA Ref. No. 07990148. Was granted on 27<sup>th</sup> June, 2008 permitting GMB Construction and PM Cantwell permission for the development of a surface water pipeline and a foul sewer pipeline respectively. These pipelines will run from the administrative boundary between Kilkenny Borough Council and Kilkenny County Council, under Lord Edward Street to its junction with Butts Green. From this junction the pipelines will then run southwards under Butts Green and the Waterbarrack Roundabout to their respective discharge points. The surface water pipeline will discharge to the Breaghagh River at a point immediately southeast of the Waterbarrack Roundabout, while the foul sewer pipeline will pass under the Breaghagh River and connect to the Breaghagh Valley Relief Sewer on the southern side of the Breaghagh River immediately north of Black Mills Street, The surface water and foul sewer pipelines will be laid by way of open trench under Lord Edward Street and by means of micro-tunnelling under Butts Green and the Waterbarrack Roundabout. A concurrent planning application will be lodged with Kilkenny County Council to connect the surface water pipeline and foul sewer pipeline, respectively, from Kilkenny Borough Council administrative boundary, under the Tullaroan Road (by open trench) to lands at Loughmacask, where they will terminate at a point approximately 50m west of the junction between Lousybush Lane and the Tullaroan Road. All at Lord Edward Street through Granges Roundabout, down Butts Green & under water barracks street roundabout.
- 4.3.3. ABP Ref. No. PL10.JA0011. Was determined on 6<sup>th</sup> September, 2011 whereby approval was issued to Kilkenny County Council for the upgrading of the existing Wastewater Treatment Plant together with the development of a Sludge Management Hub Centre at Purcellsinch, Kilkenny, Co. Kilkenny.
- 4.3.4. ABP Ref. No. PL10.HA0014. Was determined on 12<sup>th</sup> December, 2011 whereby approval was issued to Kilkenny County Council for the construction of a bridge crossing over the River Nore, a new central access street and a new distributor

roadway in the western environs of the city. The Bridge together with the new street and distributor roadway will form a new central access in the city linking residential areas to the west of the city to the core central business district and providing increased connectivity to urban areas to the east of the River Nore, Kilkenny City, Co. Kilkenny, as modified by the additional information and revised environmental impact statement which provide for an altered scheme consisting of an urban street approximately 700m in length, which will link Saint Canice's Place in Kilkenny City to the Castlecomer Road on the east of the city. The proposed urban street will incorporate a bridge crossing the River Nore. The street will accommodate two lanes 3.5m wide for traffic in either direction and two parallel cycle lanes 1.5m wide at road level. Footways will be provided on both sides of the street. In general, these footways will be two metres wide and will be raised behind the roadside kerbs. On the River Nore Bridge, the footways will be widened to three metres. The bridge will also support a further widened observation platform above the river bank on the southeast side of the crossing.

- Phases 2 and 3 of this road development, as originally proposed (May 2008), were not to be carried out on foot of the order as the Board was not satisfied that the scheme would be in the interest of the longer term proper planning of Kilkenny, including protecting its unique mediaeval character. The Board considered that the Central Access Scheme proper (Phase 1) would not be appropriate as a major artery for longer distance traffic, because additional such traffic traversing the historic centre of Kilkenny City would have an unduly negative effect on the city centre environment and would lead to increased north-south severance. Accordingly, the Board agreed with the Inspector that Phases 2 and 3 of the scheme, as originally proposed, - the link to the Western Environs and the Loughmacask Road – would be premature pending progress on that part of the Kilkenny outer ring road between the Castlecomer Road and the Freshford Road (including a new river Nore crossing) which would alleviate traffic pressure on the city centre, especially from heavy goods vehicles.
- The design of the bridge, as originally proposed (May, 2008), was also not considered appropriate in terms of its visual impact. The revised design (January, 2011) was deemed acceptable.

PA Ref. No. 19/546. Was refused on 10<sup>th</sup> June, 2020 refusing Kevin Moore Building Contractor Ltd. permission for the construction of 73 no. residential dwellings, vehicular site entrance from Granges Road, individual entrances to proposed houses fronting Granges Road, boundary treatments, public open space, provision of foul and surface water connections/disposal, and all associated site works, all at Ayrfield, Granges Road, Kilkenny.

## 5.0 Policy and Context

### 5.1. National and Regional Policy

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations. In general, appropriate locations for such increased densities include city and town centres, 'brownfield' sites (within city or town centres), sites within public transport corridors (with particular reference to those identified in the Transport 21 programme), inner suburban / infill sites, institutional lands and outer suburban / 'greenfield' sites. The proposed development site is located on lands that can be categorised as 'greenfield' and the Guidelines define such areas as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers, and ancillary social and commercial facilities such as schools, shops, employment and community facilities. Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.
- 5.1.2. The '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*' are intended to set out national planning policy guidance on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework.

They aim to put into practice key National Policy Objectives contained in the NPF in order to move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building heights and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels. In this regard, the Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels. Moreover, Specific Planning Policy Requirement 4 states the following:

*‘It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:*

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;*
- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more’.*

## **5.2. Development Plan**

### **5.2.1. Kilkenny City & Environs Development Plan, 2014-2020:**

*Land Use Zoning:*

The northern / north-western extent of the site is zoned as ‘Phase 1 Residential’ with the stated land use zoning objective ‘To protect, provide and improve residential

*amenities*'. The remainder of the site in the vicinity of the Tullaroan Road is zoned as '*Amenity / Green Links / Biodiversity Conservation / Open Space / Recreation*' with the stated land use zoning objective '*To allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space*'.

*Other Relevant Sections / Policies:*

*Chapter 3: Core Strategy & Zoning:*

*Section 3.4.2: Loughmacask:*

The Loughmacask LAP was adopted in 2008. This LAP divided the area into ten parcels, from A through J, and set out a strict programme for the delivery of key infrastructure in conjunction with the development of each parcel. The life of the plan will continue until 2018 when progress on its implementation will be reviewed.

*Chapter 5: Housing and Community:*

*Section 5.2: Residential Development:*

The Council will have regard to and apply the Sustainable Residential Development in Urban Areas and its companion document Urban Design Manual: A best practice guide, in assessing and dealing with housing developments.

*Chapter 7: Heritage:*

*Section 7.2: Natural Heritage*

(The application site is located c. 50m from the Lough Macask Proposed Natural Heritage Area).

*Objectives:*

- 7B:** To protect and, where possible, enhance the natural heritage sites designated under EU Legislation and National Legislation (Habitats Directive, Birds Directive, European Communities (Birds and Natural Habitats) Regulations 2011 and Wildlife Acts). This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan.
- 7C:** To protect and, where possible, enhance the plant and animal species and their habitats that have been identified under European legislation (Habitats and Birds Directive) and protected under national Legislation (European

Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011), Wildlife Acts 1976-2010 and the Flora Protection Order (SI94 of 1999).

*Chapter 8: Infrastructure and Environment:*

*Section 8.2.7: Control of Major Accident Hazards Directive (Seveso II Directive):*

The Major Accidents Directive (known as the Seveso II Directive), seeks to reduce the risk and to limit the consequences to both man and the environment, of accidents at manufacturing and storage facilities involving dangerous substances.

There is one Seveso (Control of Major Accident Hazards Directive) site in the city; Grassland Fertilisers (Kilkenny) Ltd. Palmerstown on the Tullaroan Road. It should be noted that this is the only site currently identified and that there may be additional sites designated in the future. Article 12 of the Directive provides that appropriate consultation procedures must be put in place so as to ensure that, before decisions are taken, technical advice is available to Planning Authorities in respect of relevant establishments. The Health and Safety Authority (or the National Authority for Occupational Health and Safety NAOSH) provides such advice where appropriate in respect of planning applications within a certain distance of the perimeter of these sites.

*Seveso Objective:*

**8J:** To control the following for the purposes of reducing the risk or limiting the consequences of a major accident:

- The siting of Major Accident Hazard sites
- The modification of an existing Major Accident Hazard site
- Development in the vicinity of a Major Accident Hazard site

*Chapter 10 Transport:*

*Section 10.4: Roads:*

*Section 10.4.2.1: The Central Access Scheme:*

The original inner relief road for the City (proposed first in 1978) was intended to connect the Callan Road (N76) to the Freshford Road (R693). In 2004, the scheme was enlarged to include a connection from the Waterbarrack through to the

Castlecomer Road (N77) incorporating a river crossing. This scheme then became known as the Central Access Scheme.

In 2008 Kilkenny Local Authorities applied to An Bord Pleanála for permission for the Central Access Scheme. The scheme comprised three phases:

- Phase 1: From Castlecomer Road to Dean Street, including the River Nore crossing
- Phase 2: The east-west link connecting the western environs road system to the existing road network at Waterbarrack roundabout and East-West Link Road from Waterbarrack Roundabout to the Circular Road.
- Phase 3: From the proposed Kenny's Well Roundabout to the Freshford Road Roundabout (the Loughmacask North Link Road/Loughmacask Road connecting the proposed Phase 2 East-West Link Road to the Freshford Road roundabout).

#### Section 10.4.2.2: *Western Bypass:*

The Western Bypass would complete the ring road of Kilkenny city, from the existing roundabout at the Castlecomer Road (N78) to the Callan Road (N76) and connect onwards to the Waterford Road roundabout. The length of this proposed road is approximately 7km and a line has been reserved for the future delivery of same.

Phase 1 of the Western Bypass, the Kilkenny Northern Ring Road Extension, will connect the Castlecomer Road at Junction 10 to the R693 Freshford Road, approximately 2.5km north of Kilkenny City Centre. The length of the proposed scheme is approximately 1.5km. The project will include for the provision of a bridge crossing over the River Nore and pedestrian and cyclist facilities will be incorporated along the City side of the scheme.

#### *Road Objective:*

*10K:* Reserve the line of Phase 2 and Phase 3 of proposed Central Access Scheme free from development and to complete Phase 1 of the Central Access Scheme within the plan period.

#### *Chapter 11: Requirements for Developments*

## 5.2.2. **Loughmacask Local Area Plan, 2008-2014 (extended until 2018):**

*Chapter 3.0: A Vision for Loughmacask*

*Chapter 4.0: Policies and Context*

*Chapter 5.0: Urban Design Guidance:*

*Section 5.2.3: Neighbourhoods: Lousybush:*

An access road runs along the centre of the neighbourhood in the valley created by the low contours 'floating' between the Breaghagh valley and Loughmacask Lake and thus connecting the village centre to the lake. The access road will have the character of a street, fronted with housing and private gardens on both sides. The Lousybush neighbourhood will be criss-crossed by a number of pedestrian, cycle greenlinks which are important in providing interconnections between all of the neighbourhoods.

Low density housing is proposed in the area situated west of the green spine. This should be a woodland landscape connecting to the landscape in the woodland areas around Grasslands Fertilisers. The landscaping of streets, public and private spaces should be in keeping and blend in with the surrounding landscape creating green and open spaces with the buildings set within this.

*Section 5.6: Parks and Green Links:*

*Loughmacask Park: Area 6:* Woodland Area. The Seveso Areas should be planted with dense woodland planting. The Main Path runs along the edge of this area and makes it an area to look into rather than an area to enter. The planting should be designed to accommodate this.

*Chapter 6.0: Implementation:*

*Section 6.1: Phasing:*

Phase 1 is concerned with the development of the Loughmacask core, including primary movement networks, recreation and leisure facilities, and the development of the village centre (see figure 38). Within Phase 1, five development parcels have been identified (parcels A, B, and C, D, and I - see figure 38), each requiring the

development of mixed density residential living areas with an average of 29 to 40 units per hectare. In conjunction with residential development, the following community development will also be required to be undertaken during phase 1 (inter alia):

- Small local scale retail services and facilities constituting the village centre (Parcel A only);
- Open space and recreation facilities;
- Community facilities inclusive of healthcare, social and civic facilities;
- Sports related Community facility;
- A public pedestrian and cycle access way running through the Ayresfield House site and adjacent lands between Grange Road and the Loughmacask village centre (as indicated on Map 2, Appendix A).
- Adult Education facility;
- Provision of defined pedestrian and cyclist paths, including enhanced access towards the city centre;
- Partial completion of the Inner Relief Road and upgrade of Tullaroan Road;
- Upgrade of water supply and waste water services; and
- Layout of sustainable urban drainage systems.

*Section 6.2: Parcels – Infrastructure, Community Facilities and Density of Housing:*

The development of infrastructure and community facilities is integral to achieving the Councils' vision for the Loughmacask area. Accordingly, each development parcel will play an active role in delivering infrastructure and community facilities, as well as residential living areas. To ensure an integrated outcome is achieved, the Infrastructure and Use Matrix Table outlines the required development within each parcel. In essence, each parcel holder is required to undertake or make available installation and upgrades to local services, establish defined community infrastructure and facilities (such as pedestrian and cycle paths), and residential development living areas at prescribed densities.

The requirement for infrastructure and community facilities has been balanced with residential densities within each development parcel to assist in ensuring an overall sustainable development of the area

*Section 6.2.1: Infrastructure and Use Matrix:*

*Parcel I: Development Character: Low Density Residential & Passive Open Space*

*Required infrastructure to be delivered in tandem with development in the parcel:*

- Inner Relief Road complete, including from point 1 to Point 10 and from Point 1 to Point 17
- Upgrade of Tullaroan Road from Inner Relief Road (Point 3) to Point 14.
- Access Roads from Point 6 to Point 23, Point 22 to Point 24, Point 24 to point 25 and looped Access Road from Point 25.
- Local connector road from Parcel I to Cantwell Lane, as shown on Map 1 & 2, Appendix A.
- Connection to Breagagh Valley Sewer at Point 17 via a new trunk sewer on Inner Relief Road or alternative route by agreement with Kilkenny Borough Council.
- Connection to 400mm diameter trunk public water main at point 16 or alternative potable water supply (from wells) and storage.
- Upgrade of Water Main on Tullaroan Road from Point 3 to Point 14
- Findings of Hydrological study of Loughmacask to be taken into account.
- Access to Inner Relief Road at Point 6 and Point 8.
- Layout of Surface Water drainage network and outfall subject to results of hydrological study of Loughmacask.

**5.2.3. *Loughmacask Masterplan: Issues Paper for Pre-Draft Consultation (closed on 20<sup>th</sup> February, 2020):***

The Loughmacask Local Area Plan, 2008-2014 (extended until 2018) has now expired. Since the adoption of the LAP, a number of significant changes which may impact on the future development of the area include, namely, the establishment of Irish Water, the acquisition of lands for the provision of a new secondary school for

CBS Kilkenny, the implementation of the Local Infrastructure Housing Activation Fund (LIHAF) project in the Western Environs of the City, the granting of permissions for in excess of 300 houses on lands within the LAP plan area, the adoption of Project Ireland 2040: National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region.

In addition, the Council has commenced the preparation of a new County and City Development Plan for the period 2020 -2026. As part of that review it is intended to prepare a Masterplan for the Loughmacask area for incorporation into the forthcoming County & City plan by way of appropriate policy and objectives. The Masterplan will effectively replace the LAP as the principal guiding document for the area within the overall framework set out in the overarching County & City Plan. The area involved in the preparation of the Loughmacask Masterplan will amend the original LAP area extents to incorporate the Breagagh Valley Park and existing housing along Lord Edward Street, Butt's Green and the Water Barrack.

The Loughmacask Masterplan will establish the vision and principles for the long-term development of the area and will be the guiding document for the area within the overall framework set out in the KCCDP.

*5.2.4. Land-Use Planning Advice for Kilkenny County Council in relation to Grassland Fertilisers (Kilkenny) Ltd. at Palmerstown, 20<sup>th</sup> October 2006: Health and Safety Authority*

### **5.3. Natural Heritage Designations**

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Lough Macask Proposed Natural Heritage Area (Site Code: 001914), approximately 50m east of the site.
- The River Barrow and River Nore Special Area of Conservation (Site Code: 002162), approximately 1km northeast of the site.
- The River Nore Special Protection Area (Site Code: 004233), approximately 1.2km northeast of the site.

- The Dunmore Complex Proposed Natural Heritage Area (Site Code: 001859), approximately 1.6km northeast of the site.
- The Newpark Marsh Proposed Natural Heritage Area (Site Code: 000845), approximately 1.8km east of the site.
- The Archersgrove Proposed Natural Heritage Area (Site Code: 002051), approximately 3.7km of the site.

#### **5.4. EIA Screening**

5.4.1. Having regard to the nature and scale of the development proposed (which is significantly sub-threshold), the site location outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and noting the Board's previous determination of PA Ref No. P10/15 / ABP Ref. No. PL10.238542 wherein it was held that the cumulative impacts of a significantly larger development on site and the development then proposed on adjacent lands were adequately addressed in the EIS submitted with the latter application and appeal, there is no real likelihood of significant effects on the environment arising from the proposed development and the issue of project splitting does not arise. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

- The subject application is described as seeking a 10-year permission for 'Phase 1' of a larger development, however, it is not an amendment or part alternative layout to the development previously approved on site under PA Ref. No. 10/10 / ABP Ref. No. PL10.238383 which expires on 16<sup>th</sup> January, 2023. It should also be noted that the grant of permission issued for PA Ref. No. 10/15 / ABP Ref. No. PL10.238542 for a mixed-use development on those lands between the subject site and the existing built-up area of Kilkenny will similarly expire on 16<sup>th</sup> January, 2023. Moreover, it is of relevance to note

that the Loughmacask Local Area Plan, 2008 (under which the aforementioned applications were approved) has expired and that the Planning Authority is presently engaged in public consultation as regards the preparation of a new masterplan for Loughmacask that will serve to replace the Local Area Plan and inform the impending review of the City and County Development Plans.

Accordingly, given the background of change in local planning policy, and having regard to advancements in public infrastructure, including the acquisition of lands by the Local Authority with a view towards the delivery of further infrastructural works, with particular reference to road improvements, which will all strongly influence how the lands at Loughmacask will develop into the future, it is inconceivable that the duration of PA Ref. No. 10/10 / ABP Ref. No. PL10.238383 & PA Ref. No. 10/15 / ABP Ref. No. PL10.238542 will be extended. Nevertheless, the Planning Authority has sought to grant permission for a standalone development of 40 No. dwelling houses located at a remove (over 700m away) from the city development boundary.

Therefore, notwithstanding the extant grant of permission for PA Ref. No. 10/10 / ABP Ref. No. PL10.238383 and the relevant zoning provisions under the current Development Plan, it is submitted that the subject proposal constitutes piecemeal and haphazard development and fails to conform with the framework set out in the previous Local Area Plan, which remains a relevant consideration. That Local Area Plan required the Loughmacask area to be developed sequentially and comprehensively in accordance with the principles of proper planning and sustainable development, not in a piecemeal and haphazard manner.

- The proposed development is premature pending the review of the City and County Development Plans as well as the provision of a revised development framework for the Loughmacask area, particularly in light of the progress made by the Local Authority in terms of land acquisition and the provision of new roads infrastructure which will benefit the Loughmacask area and potentially result in the delivery of alternative access options for the subject lands. Furthermore, on 20<sup>th</sup> January, 2020 the Planning Authority held a public meeting and workshop as regards the provision of a new framework for

the medium to long term development of the Loughmacask area. Therefore, to grant permission for a standalone development on the outermost edge of the proposed masterplan area would be premature and would undermine both the public consultation exercise and the development plan process.

With regard to the progression of roads infrastructure serving the area, although it had been recommended by the reporting inspector in their assessment of ABP Ref. Nos. PL10.238383 & PL10.238542 that permission be refused in the absence of any approval for Phase 1 of the Central Access Scheme (which would benefit the development of the Loughmacask area), that road scheme was approved on 12<sup>th</sup> December, 2012 and thus the Board decided to grant permission for those developments in 2013. That phase of the CAS roads infrastructure has since been implemented and is operational.

In terms of land acquisition, it is understood that the Local Authority has made significant headway in the acquisition of lands to realise the road proposals which were previously identified in the Loughmacask Local Area Plan and would provide road connections to the appeal site.

Therefore, any grant of permission for the subject proposal would be premature pending the completion of the Loughmacask Masterplan and the review of Development Plan.

- The development of a standalone scheme of 40 No. houses in excess of 700m from the built-up area and remote from any community facilities / services is contrary to the principles of proper planning and sustainable development.

In planning for the development of the Loughmacask area, the now expired Local Area Plan included for a village centre (to provide appropriately scaled retail and community facilities etc.) that would serve the day-to-day needs of the new community. While this aspect of the development was excluded from the grant of permission issued for ABP Ref. No. PL10.238542 (PA Ref. No. 10/15) for reasons of design and layout, it was clearly anticipated that an alternative village centre would follow given the volume of housing permitted at the time and the viability of such uses. However, as the housing development did not proceed, alternative village centre proposals have not

and will not be planned until such time as the scale of housing initially envisaged is once again permitted.

Therefore, in light of the foregoing, the proposed housing will not be served by any of the community facilities which formed an essential element of the new community planned for Loughmacask under the Local Area Plan.

- The existing sewerage infrastructure only has capacity for 40 No. residential units at this time and the timeframe for the provision of additional capacity is both vague and uncertain.

Furthermore, from a sequential perspective, the development of residentially zoned lands located closer to the existing built-up area, community facilities / services, and public transport links thereby reducing car-dependency, should be given priority as regards connection to public mains services.

- The junction of Bonnetstown / Tullaroan Road & Lord Edward Street is substandard in terms of width and alignment and is unsuited to any intensification of traffic. Whilst major road improvements were planned at this junction in conjunction with PA Ref. No. 10/10 / ABP Ref. No. PL10.238383 & PA Ref. No. 10/15 / ABP Ref. No. PL10.238542, those works were not carried out as the developments themselves did not proceed. Therefore, the proposed development and its associated traffic generation will serve to exacerbate the traffic hazard at this junction.

In determining that junction improvements would not have to be carried out as part of the subject proposal, the report of the case planner states that *'the revised proposal is a short term solution to serve the 40 No. proposed units, in the medium term and in line with existing permissions under P.10/10 and P.10/15 which included this site, dedicated footpaths and cycleways will be provided linking the site to the existing facilities within the 30kph city zone'*.

The decision to exonerate the developer from carrying out these junction improvements fails to have regard to the fact that ABP Ref. Nos.

PL10.238383 & PL10.238542 will expire in less than 3 No. years and that the approved housing will clearly not be realised under those permissions.

Therefore, the junction improvement works, which the Planning Authority has

accepted are necessary, may never be developed unless undertaken as public works some time in the future.

- A significant number of trucks enter and exit the Grassland Fertilisers Ltd. facility on a daily basis, particularly during November to May. The adjacent grain storage / drying facility, feed mill and farm shop operated by 'D. Walsh & Sons' also generates a substantial volume of traffic, particularly from July to September when local farmers deliver their harvest.

The positioning of the proposed access between the entrances serving Grassland Fertilisers Ltd. and 'D. Walsh & Sons' will give rise to conflicting traffic movements as the vehicle types entering and exiting those businesses are dominated by large articulated lorries and heavy farm machinery with many of the turning manoeuvres necessitating vehicles to cross the centreline of the carriageway. Such an arrangement would pose a serious traffic hazard to all road users.

In its request for further information, the Planning Authority advised the applicant that the development did not appear to have made any allowance for the commercial entrances positioned opposite or the existing roadside parking in the vicinity of the ghost island / right-turn lane serving the proposed site access. It was further stated that consideration should be given to the nature of the commercial traffic, the proposed cross-section of the road, and the edge definition along the roadside boundary of the Grassland Fertilisers Ltd. facility, with the revised details to be reviewed by the Road Safety Audit Team.

Whilst the applicant responded by submitting amended road marking proposals, these revisions do not address the conflict between the high daily volume of HGVs entering / exiting the existing premises and the vehicular & pedestrian traffic arising from the proposed development.

At present, articulated vehicles approaching the Grassland Fertilisers Ltd. facility from the city have to cross into oncoming east-bound traffic in order to enter the premises whilst vehicles exiting the site and turning westwards also have to cross onto the far side of the carriageway. This is the same side of the

carriageway that will be used by traffic exiting the proposed development and travelling towards Kilkenny.

The situation is equally dangerous when account is taken of the HGV movements associated with the adjacent D. Walsh & Sons premises which must also cross into oncoming traffic at the mouth of the proposed housing entrance.

Notwithstanding the proposed road markings, it is considered that a major conflict remains between the existing commercial / industrial premises and the proposed housing which will introduce a serious traffic hazard for all road users outside of the site.

- The Grassland Fertilisers Ltd. facility is a SEVESO site and it is a specific objective of the Planning Authority to reduce the risk and to limit the consequences of any major industrial accidents by, where appropriate, taking into account the advice of the Health & Safety Authority when proposals for development are considered. In this respect, concerns were previously raised as regards the location of the proposed site entrance and the public open space within 'Zone 1' of the SEVESO protection zone where only existing development would be permissible.

In response to a request for further information, the applicant subsequently submitted a letter from the Health & Safety Authority which recommended that the green area close to the site entrance should not be used as an open space or for parking or other facilities which would allow the public to congregate. The site layout was thus amended with the visitor parking originally proposed in the area removed and no other buildings, other than a temporary pumping station, located within the open space.

While it is acknowledged that the proposed entrance arrangement and open space provision is broadly similar to that approved under PA Ref. No. 10/10 / ABP Ref. No. PL10.238383 which tied into the scheme permitted on the adjacent lands pursuant to PA Ref. No. 10/15 / ABP Ref. No. PL10.238542, it should be noted that an alternative means of exiting the subject site was available as part of the neighbouring development. Therefore, should a hazardous incident occur at the Grassland Fertilisers Ltd. facility which

necessitates the imposition of access restrictions within 'Zone 1', residents and emergency services would have no alternative means of gaining vehicular access to or from the proposed housing.

Accordingly, in light of the isolated nature of the proposal and its singular means of access via 'Zone 1' of the SEVESO designation, the proposed development is in material contravention of the Development Plan which restricts development within such areas in the interest of public safety.

## 6.2. Applicant Response

- The grounds of appeal are almost identical to matters raised by the appellant during the planning application process and have little or no regard to the assessment of same carried out by the Planning Authority.
- It is important to highlight that there is an extant grant of permission (PA Ref. No. 10/10 / ABP Ref. No. PL10.238383) on site which does not expire until January, 2023.
- In its determination of ABP Ref. No. PL10.238383 the Board stated that the proposed development:

*'would not compromise traffic safety and convenience, would not be prejudicial to public health, would be in accordance with the provisions of the Kilkenny City and Environs Development Plan 2008 – 2014 and the development phasing set out in the Core Strategy (July 2011), and would deliver the reasonable density provisions specified in the Loughmacask Local Area Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area'.*

There has been no change in circumstances since that decision and the Board is again asked to grant permission for the development proposed.

- The proposed development is entirely sustainable and has been designed in accordance with the relevant development plans. In this regard, the application site occupies a prime location on residentially zoned lands within a convenient walking and cycling distance of Kilkenny city centre. Whilst the

Loughmacask Local Area Plan has expired, the City Development Plan remains in effect and has zoned the site as '*Phase 1: Residential*' where development '*will be permitted in principle on all Phase 1 lands during the period of the Plan*'. The proposed development also complies with the policies and objectives set out in the previous Loughmacask Local Area Plan.

- The report of the case planner dated 18<sup>th</sup> December, 2019 notes that:

*'The majority of the site is located in an area zoned 'Phase 1 Residential' in the Kilkenny City and Environs Development Plan 2014-2020, the objective of which is to protect, provide and improve residential amenities. The front section of the site, being open space, is zoned as 'Amenity, Green Links, Biodiversity, Conservation' thus this is being kept free from buildings and the space used as an open space upon entering the site.'*

- The site location and the availability of sustainable modes of transport, which will be provided as part of the proposed development, with particular reference to walking and cycling facilities, lends itself towards highly sustainable transport options. The quality of pedestrian and cycle facilities coupled with the level of public transport available (the closest bus stop is c. 1.3km away outside St. Canice's Church) means that achieving an appropriate modal share is entirely achievable.
- The Transport Assessment Report submitted with the application has put forward a number of measures to encourage and support sustainable travel patterns amongst the users of the proposed development with the aim of reducing reliance on the private car and facilitating the use of alternative modes of transport.
- Kilkenny County Council has already invested significantly in the Northern Ring Extension Scheme and the Central Access Scheme promoting sustainable transport infrastructure in the area, including pedestrian links and cycleways. The proposed development will promote and encourage these sustainable patterns and is envisaged to form part of a wider masterplan for the area.
- The proposed development has been designed with due regard to the SEVESO consultation zones and accords with the guidance set by the Health

& Safety Authority. In this regard, the proposed development has responded to the applicable zones by providing a large open space within 'Zone 2' and residential units within 'Zone 3'.

- It is acknowledged that the Planning Authority raised concerns as regards the location of the open space and the risks associated with the Grassland Fertilisers SEVESO site. It also queried whether the proposed open space represented a departure from the permitted use of this part of the site as a wooded area in conjunction with the development approved under PA Ref. No. 10/15 / ABP Ref. No. PL10.238542.

Therefore, in response to the request for further information, a revised submission from the Health & Safety Authority was provided which advised that the green area should be restricted to use as an open space and that no parking or other facilities should be located within that area or along the estate roadway which would allow the public to congregate and hence be present for extended periods of time. Accordingly, the visitor parking was removed and no buildings or other structures, save for a temporary pumping station, are located within the open space (the development of pumping stations within 'Zone 2' of the SEVESO designation is allowed by the relevant guidance).

- The use of the front of the site as a 'tree nursery' as opposed to open space was previously criticised by the reporting inspector in their assessment of ABP Ref. No. PL10.238383 and, therefore, in light of that decision and assessment, it is submitted that the provision of open space in that area alongside Tullaroan Road is wholly appropriate.
- The application site has been carefully considered and will be provided with the necessary infrastructure and facilities to meet the needs of residents once the population begins to develop.
- The proposed development provides for significant infrastructure, including the provision of cycleways and footpaths as well as a public lighting scheme i.e. a 1.5m - 3.0m wide footway / cycle track will be provided along the northern side of the Tullaroan Road linking the site to an existing footway that continues eastwards from Lousybush Lane. In addition, a new 'zebra'-type crossing will be provided on Tullaroan Road to facilitate safe crossing

movements to Dicksboro GAA Club and the existing footway that runs along the south side of the road from the club grounds towards Kilkenny.

Once within the Kilkenny built-up area there are a range of walking routes that can be used to connect to local services and facilities available within the City Centre area. Furthermore, as part of the masterplan for the wider lands, pedestrian links will be created via the Loughmacask lake area onward to the new Loughmacask link road and ultimately via surrounding developments to give pedestrians access and permeability to facilitate walking to nearby schools, shops and the hospital.

- The applicant has had detailed discussions with landowners as regards a new foul sewer network across the Breaghagh Valley and third-party lands. While these negotiations are not necessary for the subject development, the applicant has considered the long-term solution for the site in order to start development immediately and to provide long-term connections to facilitate the masterplan area and the envisioned Loughmacask development.
- While it is acknowledged that a neighbourhood centre was previously refused permission on the adjacent lands under ABP Ref. No. PL10.238542, it remains evident by reference to the Loughmacask Local Area Plan, the extant grant of permission for ABP Ref. No. PL10.238542, and the current Kilkenny City and Environs Development Plan, 2014-2020, that the adjoining lands will ideally provide a neighbourhood centre in due course.
- The proposed development will not add significant traffic to Lord Edward Street as has been demonstrated by the Traffic and Transportation Report and no evidence has been submitted to support the claim that the junction of Bonnetstown / Tullaroan Road and Lord Edward Street *'is unsuited to any intensification of traffic'* or that the development will *'exacerbate the existing traffic hazard at this junction'*.
- In considering the traffic impact of the proposal, the Board is referred to the Traffic Assessment Report prepared by Martin Peters and Associates which takes into consideration current traffic volumes and patterns and any amendments to housing density from the scheme as originally permitted under PA Ref. No. 10/10 / ABP Ref. No. PL10.238383. Cognisance has also

been taken of other developments both proposed and permitted in the area as well as road and water infrastructure.

- It has been demonstrated that the traffic flows associated with the proposed development can be safely accommodated on the road network with the operational performance of the junctions assessed remaining within appropriate limits during both the year of opening and the future design year. It should also be noted that the assessment is based on the AM peak traffic which is significantly influenced by school trips and that any queueing at the roundabout is short term with free flowing traffic conditions typical of the area.
- There will be no significant traffic or transportation disruption to existing infrastructure as a result of the development and this is reflected in the report of the Local Authority Engineer which states:

*‘the applicant has submitted information which confirms that there is already a capacity issue at the Butts Green Roundabout in the AM peak which is largely generated from school traffic to the nearby St. Canice’s National School and Loreto Secondary School with the proposed traffic from the Phase 1 Development creating only a marginal increase in traffic volumes’.*

- With respect to the concerns raised in relation to HGV movements to / from the appellant’s site and the impact of same on the existing road network and the proposed development, revised arrangements are shown on Drg. Nos. 191005/C/002 – 191005/C/0002.4 to facilitate the existing entrances and roadside parking serving Grassland Fertilisers Ltd. These amended proposals include for the provision for a 0.5m wide hatched strip along the existing road edge where parking occurs and the breaking of the ghost island hatching at the existing entrance locations (the works do not encroach onto the Grassland Fertilisers site and will be carried out within the public road only). These revised arrangements were reviewed by a Road Safety Audit Team which did not identify any road safety concerns whilst the Local Authority concluded that *‘there are no outstanding issues that need to be clarified as part of this application and all issues can be dealt with by means of a planning condition’.*
- It should be noted that any future development proposals will need to undertake a separate Traffic Impact Assessment.

- The issues raised by the appellant as regards sewerage infrastructure and sequential development in addition to access to adjoining lands are irrelevant to the consideration of this appeal. It is apparent from a review of the application that the development has been limited to 40 No. dwelling houses in consultation with Irish Water and that discussions have been advanced with a number of landowners to secure a connection to the Breagagh Valley sewer which will provide a long term servicing solution for this part of Kilkenny.
- The suggestion that the proposal is premature is rejected and it is important to note that there is an extant grant of permission on site which does not expire until January, 2023 whilst the adjacent lands also have permission for 223 No. units. The primary aim of the proposed development is to create a living environment that responds to market demands and supplies well-built quality housing at a reasonable cost that will meet the future needs of Loughmacask and Kilkenny. Similarly, the application has been designed to form part of an overall masterplan for the wider lands.

### 6.3. **Planning Authority Response**

No further comments.

### 6.4. **Observations**

None.

### 6.5. **Further Responses**

None.

## 7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and layout

- Traffic considerations
- Infrastructural / servicing issues
- Appropriate assessment

These are assessed as follows:

## 7.2. The Principle of the Proposed Development:

- 7.2.1. From a review of the available information, in my opinion, the pertinent issue in assessing the overall principle of the proposed development derives from its location relative to the built-up area of Kilkenny and, more specifically, the need to ensure that the city develops in a sequential and co-ordinated manner. In this regard, cognisance must be had not only to the applicable land use zoning, but also to the strategic plans for the future development of the wider Loughmacask area, particularly in light of the fact that these lands were previously the subject of the Loughmacask Local Area Plan, 2008-2014 (extended until 2018) and as pre-draft consultations have commenced on the preparation of a new Loughmacask Masterplan that will effectively replace the LAP as the principal guiding document for the area set within the framework of the overarching County & City Development Plan. Moreover, the Kilkenny City and Environs Development Plan is currently under review (the process for the preparation of a single, consolidated County Development Plan for the period 2021-2027 having been suspended pending the adoption of the Regional Spatial and Economic Strategy (RSES) for the Southern Region by the Regional Assembly) whilst there have been considerable policy developments at both national and regional level through the publication of 'Project Ireland 2040: National Planning Framework', the Implementation Roadmap for the National Planning Framework, the Regional Spatial and Economic Strategy (RSES) for the Southern Region, and Specific Planning Policy Requirement 4 of the '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*' which obliges planning authorities and the Board to secure the minimum densities set out in the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' in the future development of greenfield or edge of city/town locations for housing purposes.
- 7.2.2. At the outset, it is of relevance to note that the northern / north-western extent of the site area whereupon the proposed housing will be sited is zoned as '*Phase 1*

*Residential*' in the Kilkenny City & Environs Development Plan, 2014-2020 with the stated land use zoning objective '*To protect, provide and improve residential amenities*'. Within such areas, the construction of dwellings is permissible in accordance with Section 3.4.5.3a of the Development Plan. The remainder of the site in the vicinity of Tullaroan Road is zoned as '*Amenity / Green Links / Biodiversity Conservation / Open Space / Recreation*' with the stated land use zoning objective '*To allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space*' and is proposed to be utilised as 'public' open space, although it will also accommodate a foul water pumping station (in accordance with Section 3.4.5.6 of the Development Plan, the provision of '*public service installations*' is permitted on such lands and I would suggest that the proposed pumping station can reasonably be compared to such infrastructure).

- 7.2.3. Within the Core Strategy of the Development Plan, it is stated that the development of 'Phase 1 lands' will be permitted in principle given that these areas are intended to accommodate the major expansion of greenfield residential development over the lifetime of the plan. The subject lands are also identified as forming part of the future neighbourhood of 'Loughmacask', although it has been acknowledged that the development of a significant proportion of the zoned lands in this area will be linked to the capacity of existing infrastructure and the delivery of new essential infrastructure (including roads and water services).
- 7.2.4. In support of the subject application, the case has been put forward that the proposed development is located on suitably zoned and serviceable lands which have been earmarked for development and are within a convenient walking and cycling distance of the city centre and local public transport. Reference is also made to the proposal forming the initial phase of a wider masterplan for the development of the remainder of the lands with further credence being lent by the extant grants of permission issued under ABP Ref. Nos. PL10.238383 & PL10.238542.
- 7.2.5. In assessing the subject proposal, whilst I would acknowledge the applicable land use zoning provisions, it should be noted that a key principle of the core strategy set out in Section 3.3 of the Development Plan is the need to apply the sequential approach to development with those lands closest to the urban core and public transport routes being prioritised for development purposes. This is in line with national policy and at this point I would draw the Board's attention to Chapter 2:

*'Role of development plans and local area plans'* of the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* which emphasises the need to adopt a co-ordinated and sequential approach to the zoning of residential lands, extending outwards from the centre of an urban area, as recommended by the *'Development Plans, Guidelines for Planning Authorities, 2007'* (this latter guidance advocates a logical sequential approach to the zoning of land for development with undeveloped lands closest to the core and public transport routes being given preference over more remote areas thereby avoiding 'leapfrogging' and scenarios whereby housing estates are constructed beyond the outer edges of existing built-up areas while intervening lands lie undeveloped resulting in deficiencies in terms of footpaths, lighting, drainage or adequate roads infrastructure. It also states that areas to be zoned should be contiguous to existing zoned development lands with any exception to be clearly justified in the written statement of the development plan). The National Planning Framework further emphasises the need to secure the compact and sustainable growth of urban centres with the preferred approach comprising compact development that focuses on reusing previously developed, 'brownfield' land, building up infill sites which may not have been built on before, and either reusing or redeveloping existing sites and buildings.

7.2.6. The subject site is located at a considerable remove from the built-up area of Kilkenny where it occupies a position on the western periphery of the city alongside the development boundary in an area characterised by the gradual transition to the surrounding rural / agricultural hinterland. The somewhat remote and isolated nature of the development site and its physical separation from the built-up area of the town is further evidenced by the lack of services in the area, including schools, shops and general amenities etc., as well as the limited availability of public transport. From an infrastructural perspective, the proposed development will also be reliant on the upgrading of the public watermain, the interim use of a foul water pumping station and rising main to connect to the mains sewer, and the provision of a new shared footpath / cycleway to link the scheme into the city.

7.2.7. Notwithstanding the applicable land use zoning, in my opinion, it is clear that the orderly development of the new 'Loughmacask' neighbourhood was always intended to be undertaken within the regulatory framework of an overall masterplan or local area plan and that this remains the case. Such an approach would ensure that any

development of the lands would be carried out in tandem with the provision of the necessary physical and social infrastructure. This is readily apparent from the phasing provisions set out in the Loughmacask Local Area Plan, 2008-2014 and, to a lesser extent, is also evident from the phasing arrangements put in place in respect of ABP Ref. Nos. PL10.238383 & PL10.238542. In this regard, it is of particular note that the development of the subject lands, which are identified as Parcel 'I' in the Local Area Plan, was contingent on the following infrastructure being delivered (please refer to Figure 41: '*Infrastructure and Use Matrix Diagram*') of the LAP):

- The completion of the Inner Relief Road, including from Point 1 to Point 10 and from Point 1 to Point 17.
- The upgrading of Tullaroan Road from the Inner Relief Road (Point 3) to Point 14.
- The construction of the access roads from Point 6 to Point 23, Point 22 to Point 24, Point 24 to point 25 and the looped access road from Point 25.
- The provision of the local connector road from Parcel I to Cantwell Lane.
- Connection to the Breaghagh Valley sewer at Point 17 via a new trunk sewer on the Inner Relief Road or via alternative route agreed with Kilkenny Borough Council.
- Connection to the 400mm diameter trunk public watermain at Point 16 or an alternative potable water supply (from wells) and storage.
- The upgrading of the watermain on Tullaroan Road from Point 3 to Point 14.
- The findings of a hydrological study of Loughmacask to be taken into account.
- The provision of access to the Inner Relief Road at Point 6 and Point 8.
- The layout of the surface water drainage network and outfall subject to results of hydrological study of Loughmacask.

7.2.8. None of the key infrastructure required to facilitate the development of Parcel 'I' in accordance with the former LAP has been constructed to date nor is it proposed to provide same as part of the subject application. Accordingly, I would have serious reservations as regards the appropriateness of the development as proposed.

- 7.2.9. The subject proposal involves the 'standalone' development of an isolated parcel of greenfield land detached from the existing built-up confines of Kilkenny City. It does not involve the amendment of any extant grant of permission nor is it directly related to or reliant on any previous approval and thus the application must be considered on its merits. Accordingly, should the development proceed as proposed, it could potentially give rise to a scenario whereby a significant housing scheme will have been constructed beyond the outer edge of the existing built-up area (and away from local services) whilst the intervening lands remain undeveloped. Such a 'leapfrogging' pattern of development is to be avoided and cannot be construed as being conducive to the orderly and sequential expansion of the urban form.
- 7.2.10. By way of further comment, in addition to more recent policy developments at a national and regional level, I would suggest that concerns also arise as regards the appropriateness of permitting the subject proposal pending the adoption of the new 'masterplan' envisaged for Loughmacask, particularly in light of the on-going review of the current Kilkenny City & Environs Development Plan. In this regard, I would advise the Board that there have been certain changes in circumstances since the previous LAP which may have implications for the development of the wider Loughmacask area. For example, it is apparent from the information made available during the pre-draft consultation for the preparation of the upcoming Loughmacask Masterplan that the CBS has acquired alternative lands for a new school when compared to those previously identified in the LAP. Any future designation of these 'Phase 1: Residential' lands for school / educational purposes will reduce the overall availability of residentially zoned lands within the city development boundary and may require consideration in the context of the Core Strategy of the Development Plan with potential implications for the wider development of the Loughmacask neighbourhood.
- 7.2.11. Therefore, having considered the foregoing, in my opinion, the proposed development is contrary to current planning policy and good practice as regards the order of priority for development. The application site is remote from the built-up area of the city and, in my opinion, the construction of housing as proposed in such a location would amount to piecemeal, uncoordinated and disorderly development. Furthermore, given the implications arising from recent policy developments both at national and regional level, the expiration of the Loughmacask Local Area Plan, and

the need for a clear strategic framework to underpin the development of the wider Loughmacask neighbourhood, I am of the opinion that the subject proposal is premature pending the adoption of the Loughmacask Masterplan.

### **7.3. Overall Design and Layout:**

#### **7.3.1. Proposed Housing Density:**

By way of context, I would advise the Board that Kilkenny City has been identified as a 'Hub' in the county settlement hierarchy (as derived from the former National Spatial Strategy) in that it serves as the principal urban settlement within the county and functions as the driver of growth for the County at a sub-regional level whilst also supporting Waterford City in its role as a Gateway. Within the Regional Spatial & Economic Strategy for the Southern Region, Kilkenny has been identified as a strategically important 'Key Town' with accessibility and significant influence in a sub-regional context. It is considered to have a comparable structure to the regional growth centres identified in the National Planning Framework and the aim is to strengthen its function as a self-sustaining regional economic driver. Furthermore, given its considerable scope for growth, it is envisaged that the town should plan for population growth of more than 30% by 2040.

7.3.2. The proposed development site is located on greenfield lands on the north-western periphery of the city and includes lands which are zoned for 'Phase 1' residential purposes where public services are available (subject to certain infrastructural improvements). In this regard, I would advise the Board that whilst the Kilkenny City and Environs Development Plan, 2014-2020 does not prescribe any maximum residential density standards and asserts that appropriate residential densities for any particular location will be determined having regard to certain criteria (e.g. the specifics of the site context; the extent to which the design and layout follows a coherent design brief; compliance with qualitative and quantitative criteria, the proximity of public transport; and the capacity of infrastructure, including social and community facilities, to absorb the demands created by the development), Section 11.4 of the Plan does state that regard will be had to the provisions of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' and the accompanying Urban Design Manual in the assessment of applications for housing development.

- 7.3.3. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' generally encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations. Given the site location and its zoning as '*Phase 1 Residential*', in my opinion, it is clear that the subject lands can be categorised as outer suburban / 'greenfield' as defined by the Guidelines where the greatest efficiency in land usage is to be achieved by providing net residential densities in the general range of 35-50 No. dwellings per hectare and that such densities (involving a variety of housing types where possible) are to be encouraged generally. Moreover, within such areas development at net densities of less than 30 No. dwellings per hectare is generally to be discouraged in the interest of land efficiency.
- 7.3.4. At this point, I would also draw the Board's attention to Specific Planning Policy Requirement 4 of the '*Urban Development and Building Height, Guidelines for Planning Authorities, 2018*' which expressly states that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure '*the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines*'.
- 7.3.5. On initial inspection, the subject proposal would appear to consist of the development of 40 No. dwelling houses on a site of 3.39 hectares which would equate to a density of c. 12 No. units per hectare, however, this calculation does not take into account that a sizeable proportion of the site is not developable on the grounds that it has been zoned as '*Amenity / Green Links / Biodiversity Conservation / Open Space / Recreation*' and / or is located within the protection / exclusion zones / risk contours associated with the nearby SEVESO II site (Grassland Fertilisers Ltd.). Instead, I would refer the Board to the '*Design Statement*' (prepared by GM Architects) and the '*Planning and Design Statement*' (prepared by McCutcheon Halley) provided with the application documentation wherein it is stated that the overall density of the proposal is actually c. 27 No. units per hectare having been calculated on the basis of a net developable area of 1.4926 hectares that excludes all non-developable space. In this regard, it has also been submitted that the proposed density is greater than that previously approved on site (under ABP Ref.

No. PL10.238383) and that as subsequent phases of the overall development masterplan are completed, the density of the finished scheme will be in the range of 35-50 No. dwellings per hectare. Moreover, it is notable that the proposed development would accord with the designation of Parcel 'I' for 'low density' residential development (at a rate of no less than 15 No. units / hectare) as per the Loughmacask Local Area Plan, 2008-2014 (since expired).

- 7.3.6. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' recognise that where non-residential uses, such as main roads, retail, employment and major open spaces, are planned in conjunction with housing, an allowance needs to be made in the density assumption for those lands that will be occupied by such uses which may be upwards of 25% at the neighbourhood or district scale. It advises that the density standard must be related to the area accommodating the development and that overall densities can be refined down to the residential component of an individual site, with the consequence that the residential density assumption in terms of number of dwellings per hectare will rise as the focus narrows to that of the individual site and the area becomes smaller. It subsequently recommends that gross densities be applied to overall land areas for mixed-use developments in Local Area Plans and that net densities be applied in allocating housing land within LAPs.
- 7.3.7. Whilst I would acknowledge that Section 5.12 of Guidelines allows for limited provision to be made for lower density schemes provided that, within a neighbourhood or district as a whole, average densities achieve the recommended minimum standards, and although the applicant has asserted that the overall density of the wider development as shown on the masterplan will be in the range of 35-50 No. dwellings / hectare, I would have a number of concerns as regards the low density of development presently under consideration. In the first instance, I am not satisfied that the low density of the subject proposal will be compensated to any significant extent in the context of the submitted masterplan given that the remainder of the applicant's residentially zoned lands have also been earmarked for 'low density' development in the Loughmacask LAP. In effect, the applicant is relying in part on increased 'compensatory' densities on development lands outside of his control.

- 7.3.8. It is also questionable whether it is appropriate to place any overt reliance on the 'low density' provisions of the LAP given that said Plan has expired and thus the requirements of the Kilkenny City and Environs Development Plan, 2014-2020 take precedence. In this respect, it is only reasonable to note that the provisions of the Loughmacask LAP are increasingly outdated with public consultations having already take place with a view to preparing a new 'Loughmacask Masterplan' whilst the Kilkenny City and Environs Development Plan is also under review (the review process for the preparation of a single, consolidated County Development Plan for the period 2021-2027 to replace both the current County and City & Environs Development Plans was suspended pending the making of the Regional Spatial and Economic Strategy (RSES) for the Southern Region by the Regional Assembly which has since been adopted).
- 7.3.9. Moreover, it is clear that there are wider difficulties in reconciling the density proposed with recent changes in national and regional policy, namely, the publication of *'Project Ireland 2040: National Planning Framework'*, the Implementation Roadmap for the National Planning Framework, the Regional Spatial and Economic Strategy (RSES) for the Southern Region, and Specific Planning Policy Requirement 4 of the *'Urban Development and Building Heights, Guidelines for Planning Authorities, 2018'* which obliges planning authorities and the Board to secure the minimum densities set out in the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* in the future development of greenfield or edge of city/town locations. Current policy emphasises the need to secure the compact and sustainable growth of urban centres which would seem to undermine the merits of the comparatively low density of development proposed.
- 7.3.10. In my opinion, the density of the development proposed is unacceptably low and cannot be considered to represent an efficient or economic use of land or services. The proposal would, therefore, be contrary to local planning policy and national guidance as well as the proper planning and sustainable development of the area.
- 7.3.11. *Proposed Design, Layout & Housing Mix:*
- The proposed development involves the construction of 40 No. dwelling houses, a significant majority of which (i.e. 30 No.) will comprise 3-bedroom, two-storey, semi-detached units (inclusive of House Type 'Inisheer' which provides for a third

bedroom / study) set around a series of cul-de-sacs with the overall design and layout of the scheme being somewhat conventional in appearance and typical of a suburban format of development with each dwelling having been provided with front and rear garden areas and dedicated off-street car parking (with the exception of 8 No. units).

- 7.3.12. In terms of the mix of housing designs / types / sizes and the variety of building typologies, whilst I am cognisant that later phases of the wider masterplan may serve to break up the monotony of the proposed two-storey construction, given my comments as regards the relatively low density of development proposed and the site context, including the considerable expanse of the lands available for development, I would have reservations that the opportunity for the inclusion of a greater variety of building heights has not been given more consideration. In this regard, I note that the *'Urban Development and Building Height, Guidelines for Planning Authorities, 2018'* advocate a move away from unsustainable "business as usual" development patterns towards a more compact and sustainable model of urban development and refer to the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, including suburban areas. Indeed, Specific Planning Policy Requirement 4 refers to the need to ensure a greater mix of building heights and typologies in planning for the future development of suburban locations and the avoidance of mono-type building typologies.
- 7.3.13. The *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* and the Urban Design Manual further state that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature houses of varying sizes etc. in order to achieve a balanced mix of house design, mix and tenure. Indeed, the National Planning Framework notes that the current average of 2.75 No. persons per household is likely to fall to 2.5 No. persons. In this regard, I would suggest that the predominance of 3-bedroom, two-storey housing would merit reconsideration.
- 7.3.14. With respect to the wider design merits of the submitted scheme, it should be noted that the primary objective of the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities'* (together with the accompanying *'Urban*

*Design Manual: A Best Practice Guide*) is to produce high quality and sustainable developments. In this respect, I would have some concerns as regards the somewhat conventional suburban design and layout of the development (particularly when viewed in the context of the wider masterplan) and its lack of a clear distinctiveness / sense of place. The subject proposal effectively serves to replicate the suburban character of similar schemes, and although I would acknowledge that the development as proposed is broadly similar to that previously approved on site under ABP Ref. No. PL10.23838, there is nevertheless the potential to create a greater degree of distinctiveness and sense of place within the scheme / masterplan as a whole through improvements to the streetscape and the creation of focal points by way of an amended layout, variations in density, and the inclusion of a greater variety of building heights and unit types in accordance with the Guidelines.

#### 7.3.15. *Open Space Provision:*

Pending the development of the wider Loughmacask lands, with particular reference to the substantial swathe of land extending between Lousybush Lane and Tullaroan Road which has been zoned as '*Amenity / Green Links / Biodiversity Conservation / Open Space / Recreation*' in the Kilkenny City & Environs Development Plan, 2014-2020, and noting that it would appear to be the intention to develop Lough Macask as a public park or open space central to the Loughmacask Local Area Plan, future occupants of the proposed development (i.e. Phase 1 of the applicant's masterplan) will be reliant on the provision of amenity areas / public open space in the guise of a series of open spaces identified as 'A', 'B' & 'C' on the submitted site layout plan. In this regard, I would advise the Board that the proposed open space will be located within the innermost 'risk zone / contour' associated with the nearby Grassland Fertilisers Ltd. upper tier SEVESO site and that Section 5 of the '*Land-Use Planning Advice for Kilkenny County Council in relation to Grassland Fertilisers (Kilkenny) Ltd. at Palmerstown*' issued by the Health and Safety Authority in 2006 advises against the siting of residential, office and retail development within such areas (although occasionally occupied developments e.g. pump houses & transformer stations may be permissible). Therefore, in order to determine whether or not the proposed open space provision is acceptable, the question arises as to whether or not such a use is permissible within the applicable risk contour.

7.3.16. In its submission to the Planning Authority, the Health and Safety Authority initially referred to its approach to land-use planning as set out in '*Policy & Approach of the Health and Safety Authority to COMAH Risk-based Land-use Planning*' and noted that the subject application was covered by Regulation 24(2)(c) of S.I. 209 of 2015 and involved the carrying out of residential development within the inner 'risk' zone. It subsequently advised against a grant of permission in the context of Major Accident Hazards given that the inner zone for the Grassland Fertilisers site extended to a distance of 170m to 230m from the site boundary and included part of the proposed Phase 1 development. The Planning Authority thus raised concerns by way of a request for further information as regards the proposed open space provision given that the areas in question could be actively used by residents contrary to the original proposal as approved under ABP Ref. No. PL10.23838 which sought to develop a tree nursery within the southern part of the application site within the inner risk contour associated with the SEVESO site. However, in further correspondence, the HSA advised that it would be amenable to the proposed open green area provided it was restricted to use as an open space with no parking or other facilities (either at the open area or along the estate roadway) which would allow the public to congregate and hence be present for long periods of time. It is this later submission which has informed the applicant's response to the request for further information and, more specifically, the omission of the visitors parking previously proposed alongside Open Space 'A'.

7.3.17. The subject development differs notably from that previously approved under ABP Ref. No. PL10.23838 in that the earlier proposal provided for a tree nursery within the area presently proposed as 'open space'. Furthermore, that tree nursery was not proposed to form part of the hierarchy of public open space serving the wider housing scheme. In this regard, whilst I note the position adopted by the HSA in its latest advisory, I would have concerns that should the remainder of the applicant's masterplan, or the development of the wider Loughmacask lands (including the provision of the Lough Macask parkland) not proceed in the short to medium term, then a scenario could arise whereby residents of the proposed housing would be reliant on an area of open space located within the innermost risk contour of a SEVESO site. Such a situation could perhaps be avoided were the subject housing to be developed in tandem with the provision of the wider parkland area.

#### **7.4. Traffic Considerations:**

- 7.4.1. The proposed development site is presently only accessible from Tullaroan Road which connects with Lord Edward Street to the east before allowing access to Kilkenny City and onwards to the wider national and / or regional road network. Whilst this is a local county roadway, it has a reasonable carriageway width and alignment with clearly defined road markings in addition to a footpath and street lighting along its southern side extending from Lord Edward Street to the junction of the minor road serving Dicksboro GAA (to the immediate east of Grassland Fertilisers Ltd.). However, the overall horizontal and vertical alignment of Lord Edward Street is less favourable with the presence of roadside housing and multiple instances of on-street parking serving to narrow the available carriageway width and restricting the free-flow of traffic. In the absence of any less circuitous route (such as would arise through the development of the Central Access Scheme and the Western Bypass), the likelihood is that traffic to / from the site will choose to traverse this route in order to access the city and beyond.
- 7.4.2. It has previously been recognised that the local road network is incapable of accommodating any significant development of those lands to the northwest of the city and, in this regard, it is apparent that the development of the wider landbank of which the subject site forms part is contingent on the delivery of a new Inner Relief Road (referred to as the Central Access Scheme) which will act as a distributor road for the area and a relief road for the city. Accordingly, it is a specific roads objective (10K) of the current Kilkenny City and Environs Development Plan, 2014-2020 to reserve the line of Phases 2 & 3 of the proposed Central Access Scheme (CAS) free from development (noting that Phase 1 of the CAS i.e. the construction of an urban street and a new bridge crossing over the River Nore to link Saint Canice's Place to the west of the city with the Castlecomer Road to the east, was approved under ABP Ref. No. PL10.HA0014 and is now complete).
- 7.4.3. More specifically, Phase 3 of the proposed Central Access Scheme (CAS) will extend from the proposed Kenny's Well Roundabout to the Freshford Road Roundabout and comprises the construction of the Loughmacask North Link Road / Loughmacask Road connecting the proposed Phase 2 East-West Link Road to the Freshford Road roundabout. This new link road will provide the main roads infrastructure to and through the proposed Loughmacask neighbourhood and will

broadly follow the line of Lousybush Lane to the east / northeast of the application site to link Freshford Road with a new roundabout on Tullaroan Road. It will also link into Phase 2 of the CAS (i.e. the proposed east-west link connecting the western environs road system to the existing road network at Waterbarrack roundabout and the east-west link road from Waterbarrack roundabout to the Circular Road) which will in turn connect with a separate road scheme to the southwest (the Western Environs Road Network) thereby effectively providing an inner western by-pass of the city and opening up a substantial area of zoned lands to the west of the city for development.

7.4.4. The Loughmacask Local Area Plan, 2008-2014 indicated that the CAS would be necessary to facilitate the development of the plan area and that access would be predominantly provided for by that route. Therefore, in setting a framework for the development of the Loughmacask lands, the Plan area was split into two phases encompassing 10 No. development parcels which would be linked to the provision of the requisite infrastructure and services. Section 6 of the LAP detailed the infrastructure required to be delivered in tandem with specific land parcels and in this respect it should be noted that the subject site forms part of Parcel 'I', the development of which was to have been included in Phase 1. In accordance with the *'Infrastructure and Use Matrix'* and Fig. 41. *'Infrastructure and Use Matrix Diagram'* of the LAP, a considerable amount of key infrastructure would have been required to be delivered in tandem with any development of Parcel 'I'. In this regard, it is of particular relevance to note that it was a requirement for the Inner Relief Road to have been completed, including the Loughmacask link road between Tullaroan Road (Point 3) and Freshford Road (Point 10) and the southwards link between Tullaroan Road (Point 3) and the Water Barracks Roundabout (Point 17). This would essentially entail the completion of Phases 2 & 3 of the Central Access Scheme. In addition, the upgrading of Tullaroan Road from its junction with the Inner Relief Road (Point 3) to a position at the edge of the Plan area (Point 14) was also required whilst assorted specific access roads on lands throughout the LAP outside of Parcel 'I' were to be completed in tandem with the development of Parcel 'I' as well as a local connector road from Parcel 'I' to Cantwell Lane.

7.4.5. Phases 2 & 3 of the Inner Relief Road / Central Access Scheme as they relate to the development of lands at Loughmacask were rejected by the Board in its

determination of ABP Ref. No. PL10.HA0014 on the basis that the link to the Western Environs and the Loughmacask Road would be premature pending progress on that part of the Kilkenny outer ring road between the Castlecomer Road and the Freshford Road (including a new river Nore crossing) which would alleviate traffic pressure on the city centre, especially from heavy goods vehicles. In my opinion, this has a fundamental impact on the deliverability of the wider development of the Loughmacask lands. However, notwithstanding its refusal of Phases 2 & 3 of the Central Access Scheme, and concerns that the development of the LAP lands would be premature in the absence of a timeframe for the implementation of the IRR / CAS and progress on the ring road between Castlecomer Road and the Freshford Road (including a new River Nore crossing), the Board opted to grant permission for ABP Ref. Nos. PL10.238383 & PL10.238542 on the Loughmacask lands (including the subject site) on the basis that the potential impact of traffic arising from those residential developments on the local road network was considered to be acceptable having regard to the phasing of the development, the associated road improvement works proposed, and the strategic role of the Loughmacask area in the growth of Kilkenny City and its environs.

7.4.6. In my opinion, the phased development of the Loughmacask lands as set out in the former LAP was reasonable and sought to prevent lands located more distant from the built-up area from being developed in advance of those lands which were sequentially closer / preferable. It would also have ensured that essential social infrastructure would be provided in the village / neighbourhood centre in advance of solely residential development.

7.4.7. At this point, I would emphasise that the subject proposal can be distinguished in part from ABP Ref. Nos. PL10.238383 & PL10.238542 in that it forms a standalone scheme which is not directly linked to the development of the remainder of the LAP / Loughmacask lands. In effect, whilst the proposed development has been shown to form part of a wider 'masterplan', it could potentially be developed independent of adjacent lands and in the absence of any associated infrastructure provision. This would result in the development of housing on the most peripheral lands of the planned Loughmacask neighbourhood in contravention of the previous LAP phasing provisions. In my opinion, such a scenario would be contrary to the orderly and sequential development of the Kilkenny environs.

- 7.4.8. Furthermore, it should be noted that the grant of permission issued for ABP Ref. Nos. PL10.238383 & PL10.238542 would appear to have been reliant on the completion of specified mitigation measures along Lord Edward Street in addition to the upgrading of Tullaroan Road bounding the site. In this regard, I would draw the Board's attention to Condition No. 28 of ABP Ref. No. PL10.238383 which required the traffic mitigation measures proposed for Lord Edward Street to be put in place prior to the occupation of the first residential unit in addition to the payment of a special development contribution towards the expenditure to be incurred by the Local Authority in respect of those works. Condition No. 29 of that grant of permission also required a special development contribution towards the future signalisation of the Butts Green roundabout and the associated junction alterations. Similar conditions were imposed in respect of ABP Ref. No. PL10.238542.
- 7.4.9. Having considered the foregoing, whilst I would acknowledge that the Local Authority is presently preparing to resubmit Phases 2 & 3 of the Central Access Scheme for approval, as well as that section of the Northern Ring Extension Scheme between Castlecomer Road & Freshford Road, in the absence of any clear timeframe for the completion of either of these projects (noting that the Board's determination of ABP Ref. No. PL10.HA0014 stated that the link to the Western Environs and the Loughmacask Road would be premature 'pending progress' on the outer ring road between the Castlecomer Road and the Freshford Road), I would be cautious in placing any overt reliance on the development of same in the short-term.
- 7.4.10. Accordingly, it is necessary to consider whether the existing road network can accommodate the increased traffic consequent on the proposed development. In this respect, I would advise the Board at the outset that the reporting inspector in their assessment of ABP Ref. No. PL10.238383 concluded that the development of 40 No. dwellings (comprising Phase 1 of ABP Ref. No. PL10.238383 and Phase 1 of ABP Ref. No. PL10.238542 as amended) would not have a significant impact on the capacity of Butt's Roundabout or other existing or proposed junctions in the vicinity.
- 7.4.11. From a review of ABP Ref. Nos. PL10.238383 & PL10.238542, it would appear to have been accepted that the traffic generated by the combined total of 40 No. dwellings arising from the initial phases of both developments could be accommodated by the existing road network with minimal impact. However, in order to cater for the increased traffic volumes consequent on the development of Phase 2

of the combined schemes, it was considered necessary to undertake certain traffic mitigation works along Lord Edward Street i.e. the relocation of the road centreline, the delineation of parking areas, and the provision of two ramped pedestrian crossing points at locations to be agreed with the Local Authority (these works would only be required by Phase 3 of the development approved under ABP Ref. No. PL10.238383 if taken in isolation). This stage of the combined developments would also require the extension of the 50kph speed limit along Tullaroan Road to a position west of the site entrance. The standalone development of the final phase of ABP Ref. No. PL10.238383 would also require the extension of the speed limit whereas the further combined development of the remainder of the two schemes would necessitate improvements to the Butt's Green roundabout junction i.e. the signalisation of this junction.

7.4.12. The '*Engineering Services Design Report*' initially submitted with the subject application does not include an assessment of the traffic impact of the proposed development and instead focuses on issues such as the proposed entrance geometry, the sightlines available, and the estate road infrastructure, however, an updated *Transport Impact Assessment* was provided in response to a request for further information issued by the Planning Authority which has analysed the potential traffic impact of the trip generation attributable to the proposed development and other committed development on the surrounding road network, with particular reference to the Lord Edward Street / Butts Green Roundabout, for design years of 2021 (the anticipated year of completion) and 2036 (15 No. years after). Cognisance has also been taken of the impacts attributable to the likely distribution of traffic (as derived from the survey of existing traffic movements) and background traffic growth forecasts (pursuant to TII guidance).

7.4.13. In reference to 'committed development', it should be clarified that although a total of 379 No. units (and a local centre) were originally proposed on the wider Loughmacask lands under ABP Ref. Nos. PL10.238383 & PL10.238542, only 335 No. units were approved whilst the local centre was refused permission. Furthermore, the subject proposal forms part of a new masterplan for the construction of up to 184 No. units on the applicant's landholding (which equates to 72 No. additional units over that approved under ABP Ref. No. PL10.238383). Therefore, the site access junction has been assessed on the assumption that the 40

No. units presently proposed will be completed by the opening year of 2021 and that a full development of 451 No. units will be in place by 2036 (although the combined total of the applicant's new masterplan and the 223 No. units approved under ABP Ref. No. PL10.238542 equates to 407 No units).

7.4.14. In contrast, the assessment of the 'off site' Lord Edward Street / Butts Green Roundabout has been limited to the subject development and an opening year of 2021 on the basis that Irish Water has only issued a Confirmation of Feasibility for 40 No. units and as other consents (e.g. ABP Ref. No. PL10.238542) cannot proceed without significant improvements in water services infrastructure (the timeline for which is unknown). It has also been submitted that whilst the Traffic Impact Assessments prepared in respect of ABP Ref. Nos. PL10.238383 & PL10.238542 identified a need in the longer term for the signalisation of the Lord Edward Street / Butts Green Roundabout, it will be possible to test the need or otherwise for any such works as part of future planning applications for the remaining 144 No. (unapproved) units planned for the applicant's lands. In addition, as the development of the wider Loughmacask area will include for new link roads etc. (i.e. Phases 2 & 3 of the CAS) that will offer new high capacity urban streets that could fundamentally change traffic flows, the TIA considers it to be appropriate to restrict the assessment of the 'off-site' road network to the 40 No. units with an opening year of 2021 given that longer term assessments can be undertaken as part of future planning applications once more certainty on infrastructure provision is known.

(Although the TIA has taken cognisance of the 73 No. residential units proposed under PA Ref. No. 19/546 which were to be accessed via Granges Road and, more specifically, the first phase of 20 No. units which was to be completed by 2021, the Board is advised that said application was refused permission by the Planning Authority on 10<sup>th</sup> June, 2020).

7.4.15. Section 3.0 of the TIA provides an audit of the existing transport conditions on the surrounding road network and is supplemented by the results of traffic counts undertaken in the vicinity of the proposed site access on 1<sup>st</sup> – 7<sup>th</sup> October, 2019 as well as at the Lord Edward Street / Butts Green Roundabout on 1<sup>st</sup> October 2019 (with the AM & PM peak hours abstracted from the surveyed data). In terms of trip generation and distribution, I would refer the Board to Section 4 of the TIA which details the traffic volumes and flows consequent on the proposed development by

reference to the TRICS database (and existing distribution patterns) as well as those attributable to the 451 No. units envisaged for completion on the wider lands by 2036 (whilst also taking account of the applicable growth factors in background traffic levels).

- 7.4.16. Section 5.0 of the TIA proceeds to detail how the junction of the proposed site access with Tullaroan Road will operate well within capacity in both the 2021 opening year and the 2036 design year given the calculated Ratios of Flow to Capacity and queueing times.
- 7.4.17. With respect to the Lord Edward Street / Butts Green Roundabout, it has been predicted that this junction will be broadly operating at its theoretical practical reserve capacity in the opening year of 2021 for a base 'Without Development' scenario, although the Granges Road arm would exceed practical capacity during the AM peak (RFC: 0.88). Queue lengths are predicted to be up to 7 & 5 vehicles in the AM and PM peaks respectively. These results are considered to be reflective of the current situation on the ground taking account of restricted demand i.e. the fact that ARCADY is based on the vehicles that actually managed to turn at the junction during the count and were therefore recorded in the turning count surveys and the actual number of vehicles that want to use the junction during the AM peak may be greater due to school traffic.
- 7.4.18. In the 2021 Opening Year 'With Development' scenario (i.e. inclusive of the proposed development), it has been submitted that the junction will continue to operate broadly at its theoretical capacity with the Granges Road arm predicted to experience a maximum RFC of 0.89 for the AM peak and the Butts Green arm recording an RFC of 0.85 during the PM peak. The case has thus been put forward that the RFC will not increase significantly consequent on the proposed development and that queue lengths will remain comparable to those expected for the 'Without Development' scenario. It has also been submitted that as the proposed development will only increase overall traffic flows through the roundabout by a maximum of 1.81%, it is unlikely to result in any significant or noticeable impact on the operation of the roundabout or the local road network. These findings would seem to tally with the assessment by the previous reporting inspector that a combined total of 40 No. dwellings from the initial phases of the developments

permitted under ABP Ref. Nos. PL10.238383 & PL10.238542 could be accommodated by the existing road network with minimal impact.

7.4.19. With respect to the 2021 Opening Year assessment 'With Development + Committed Development' (i.e. inclusive of the 20 No. units anticipated to comprise the first phase of the development proposed under PA Ref. No. 19/546), the modelling has determined that the operation of the roundabout will see an overall increase in RFCs with the maximums increasing to 0.90 in the AM peak for the Granges Road arm and 0.85 in the PM peak for the Butts Green arm whilst the maximum queue length will remain at 7 No. vehicles in the AM peak (the PM queues length will be broadly unchanged to those predicted for the 'With Development' scenario). It has therefore been submitted that these figures similarly represent only a marginal increase in traffic flows which are unlikely to have any significant impact on the operation of the roundabout. Moreover, it has been suggested that the AM peak traffic levels are significantly influenced by school trips and that any queuing at the roundabout is short term with free-flowing traffic conditions being more typical. At this point, it is worth reiterating that PA Ref. No. 19/546 has recently been refused permission by the Planning Authority and thus that 'committed' development may not be completed by 2021.

7.4.20. Accordingly, having considered the foregoing, the fact that the Road Design Section of the Local Authority would appear to be amenable to the TIA's modelling predictions, and the decision of the Board to grant permission for ABP Ref. Nos. PL10.238383 & PL10.238542 (including its acceptance in so doing that the traffic generation attributable to 40 No. dwelling units could be accommodated with minimal impact), I am satisfied that the proposed development will not have a significant impact on the capacity of the local road network, with particular reference to the Lord Edward Street / Butts Green Roundabout. By way of further comment, whilst PA Ref. No. 19/546 has been refused permission and thus the traffic generation consequent on its initial phase of 20 No. housing units can be discounted from the current analysis, it is worth noting that Phase 1 (i.e. 28 No. units) of ABP Ref. No. PL10.238542 on those lands immediately adjacent to the subject site could theoretically proceed (subject to the resolution of water services constraints) in tandem with the proposed development. This could potentially result in increased traffic along the existing local road network in the absence of any mitigation,

although I would suggest that the traffic impact of 8 No. additional houses over that calculated for the 2021 – Opening Year Assessment ‘With Development + Committed Development’ in the TIA would likely be minimal.

7.4.21. Having established that the traffic impact of the proposed development is within acceptable limits and can be accommodated by the existing road network, I would suggest that it is nevertheless prudent to consider the need for future road improvement / upgrading / mitigation measures in the context of the wider plans for the development of the Loughmacask neighbourhood. Therefore, in the event of a grant of permission, I would recommend that consideration be given to the imposition of special development contributions towards such measures (including the future signalisation of the Lord Edward Street / Butts Green roundabout and the associated junction alterations) as were attached to ABP Ref. Nos. PL10.238383 & PL10.238542.

7.4.22. With respect to the proposed site access, including its positioning relative to the existing Grassland Fertilisers complex opposite, whilst I would acknowledge the concerns raised in the grounds of appeal as regards the potential for conflicting traffic movements given the high proportion of HGVs entering / exiting that premises and other agri-business premises via Tullaroan Road, cognisance must be taken of the fact that the Board has already approved a similar entrance arrangement at this location under ABP Ref. No. PL10.238383. Although certain specific design details such as the dimensions of the new access junction with Tullaroan Road differ from those previously permitted on site, its overall layout, including the widening of the roadway along the northern side of Tullaroan Road to accommodate the provision of a ghost island right-hand turning lane, its siting relative to the Grassland Fertilisers complex, and the adequacy of the sightlines available, are all directly comparable to the junction arrangement approved under ABP Ref. No. PL10.238383 (which remains an extant grant of permission). Further support is lent to the subject proposal by the submitted Road Safety Audit, the recommendations of which have all been incorporated into the final junction design as submitted. Therefore, in my opinion, it is only reasonable to conclude that the Board would continue to be satisfied that the site access as proposed would not serve to endanger public safety by reason of traffic hazard (subject to the requirements to Condition No. 8 as attached to ABP Ref. No. PL10.238383 which included a requirement that a detailed

design for the ghost island junction, including a detailed pavement construction specification, be agreed in writing with the Planning Authority prior to commencement of development).

## **7.5. Infrastructural / Servicing Issues:**

### **7.5.1. Foul Water:**

From a review of the available information, it is apparent that whilst the subject lands are technically 'serviceable' they are not presently 'serviced' with the Loughmacask Local Area Plan, 2008-2014 having previously acknowledged that the development of a significant proportion of the zoned lands in the Loughmacask area will be linked to the capacity of existing infrastructure and the delivery of new essential infrastructure, including public mains wastewater drainage services.

7.5.2. In this regard, and by way of background, I would refer the Board to its previous assessment of ABP Ref. Nos. PL10.238383 & PL10.238542 wherein it was noted by the reporting inspector that the existing drainage infrastructure for the area comprised a combined foul and surface water sewer on Lord Edward Street which was subject to surcharging with consequential flooding with a duration of between 3-8 hours. Accordingly, it was initially proposed that both those developments would discharge to a new foul sewer pipeline previously approved under PA Ref. Nos. 07990148 & 07/2165 which was to be constructed within the public road (along Lord Edward Street, Butts Green and the Waterbarrack Roundabout from a point c. 50m west of the junction between Lousybush Lane and the Tullaroan Road to connect to the Breagagh Valley Relief Sewer on the southern side of the Breagagh River, immediately north of Black Mills Street). However, the reporting inspector noted that no works had commenced on the aforementioned foul sewer at the time of his report with the relevant permissions due to expire in May, 2012 (on a point of clarity, it would appear that the grants of permission actually expired in June, 2013) whilst the Water Services Section of the Local Authority was of the opinion that the proposed developments were premature pending the completion of the drainage works (including a new surface water sewer). In response to the foregoing concerns, the applicants subsequently submitted revised proposals seeking to install a temporary wastewater pumping station and rising main with discharge to the combined sewer pending the construction of the foul sewers approved under PA Ref. Nos. 07990148

& 07/2165. This would have entailed the provision of a balancing tank for the storage of foul water with intermittent pumped discharge to the combined sewer timed to avoid peak effluent discharge periods and linked to a monitoring system on the existing sewer which would automatically cut off pumping when the flow in the mains sewer exceeded a certain level thereby preventing effluent from (Phase 1) of the development from exacerbating flood events on Lord Edward Street. Notably, notwithstanding the proposed inclusion of back-up monitors and the supervision of the systems, the reporting inspector did not consider such a technically complicated solution to be desirable given the potential for failure / maintenance problems and he sought to emphasise that the flooding problems occurred on a combined sewer and thus the surcharging of raw effluent onto the public road would present a serious public health issue. Furthermore, in the absence of any definitive commitment by the developer to provide the necessary wastewater sewerage infrastructure (i.e. the foul sewer permitted under PA Ref. Nos. 07990148 & 07/2165) in tandem with the wider development / masterplan proposed and the lack of a definite timeframe for the provision of appropriate permanent sewerage infrastructure necessary to accommodate a development of the scale proposed, the inspector was not satisfied that the proposal would not be prejudicial to public health and would not constitute an unsustainable form of development which would set an undesirable precedent for similar development.

7.5.3. In its determination of ABP Ref. Nos. PL10.238383 & PL10.238542, the Board noted the technical feasibility of servicing the lands as evidenced by the new foul and storm sewer pipelines permitted under PA Ref. Nos. 07990148 & 07/2165 and concluded that the inspector's concerns regarding sanitary infrastructure could be addressed by making the developments proposed contingent on connection to upgraded surface and foul water infrastructure. Accordingly, conditions were attached to those grants of permission which required all phases of the developments to be connected to the foul and storm water sewers granted under PA Ref. Nos. 07990148 & 07/2165 (or to be connected to upgraded public networks as otherwise agreed in writing with the relevant planning authorities) and which also prohibited the temporary storage or pumping of foul sewage.

7.5.4. Having regard to the foregoing, it is now necessary to review the subject proposal in the context of any extant infrastructural constraints within the surrounding foul water

sewerage network. In this respect, it can be confirmed that the grants of permission issued under PA Ref. Nos. 07990148 & 07/2165 have both expired and that the foul sewer approved as part of same would not appear to have been constructed. This is supported by reference to the submission received from Irish Water which requires the developer to enter into an agreement as regards the upgrading of the public sewer in the vicinity of the site required to accommodate the proposed development (noting that the capacity requirements and connection to Irish Water infrastructure are subject to the constraints of the Irish Water Capital Investment Programme). It also states that the proposed foul pumping station is to be of a temporary nature and is to be decommissioned once the foul sewer extension works have been satisfactorily completed. Moreover, I would draw the Board's attention to the '*Irish Water Confirmation of Feasibility*' included in Appendix 'A' of the Engineering Services Design Report provided with the subject application wherein it is stated that a new gravity sewer will be required to connect the proposed (160 No. unit) development to the Breagh Valley Sewer, the construction of which will be carried out by Irish Water and the costs borne by the developer (the Board is advised that the subject proposal forms part of a larger planned development / masterplan for the construction of 184 No. dwelling units on the applicant's lands and that cognisance should also be taken of the development potential of those zoned lands to the immediate east which are the subject of the extant grant of permission for 223 No. units approved under ABP Ref. No. PL10.238542). Notably, whilst a connection offer has seemingly been issued for the 40 No. dwelling houses proposed in the subject application on the basis of the developer constructing a temporary pumping station and rising main, the continued use of such an arrangement to service the entire '160 No.' house development is stated to be contingent on the developer entering into a connection agreement as regards the delivery of the final gravity sewer. Regrettably, no timeframe has been given for the completion of the new gravity sewer and I have been unable to source any information in this regard.

- 7.5.5. With respect to the aforementioned connection offer whereby 40 No. dwelling houses (i.e. the entirety of the subject development) will be allowed to connect to the public mains sewerage system, this would seem to be in reference to the existing combined sewer along Lord Edward Street and would tally with the combined total of Phase 1 (22 No. units) of PA Ref. No. 10/10 (ABP Ref. No. PL10.238383) and Phase

1 (18 No. units) of PA Ref. No. 10/15 (ABP Ref. No. PL10.238542) as originally permitted by the Planning Authority in its assessment of those applications (the remaining phases of those developments would have necessitated connection to the new foul sewer approved by PA Ref. Nos. 07990148 & 07/2165). However, it is unclear what remedial works (if any) have been undertaken to the mains network in the intervening period since the approval of ABP Ref. Nos. PL10.238383 & PL10.238542 which would provide the additional capacity necessary to allow for the connection of up to 160 No. dwelling units (i.e. quadruple that previously deemed permissible by the Local Authority) to the existing combined sewer.

- 7.5.6. Chapter 4.0 of the Engineering Services Design Report submitted with the subject application details that foul water from the housing will drain by gravity to a proposed pumping station located in the southwestern corner of the site from where it will be pumped via a new rising main to be laid along Tullaroan / Bonnettstown Road to the existing foul sewer on Lord Edward Street. It has also been stated (as further elaborated in response to the grounds of appeal) that whilst a second option is being progressed with Irish Water and third-party landowners to connect the overall 'masterplan' lands (and the wider development envisioned for Loughmacask) by way of a new gravity sewer across the Breaghagh Valley to the south, with the future alignment of this pipe to follow the route of the Loughmacask link road, these works do not form part of the subject application.
- 7.5.7. Having considered the available information, in my opinion, there are a number of issues arising as regards servicing of the subject lands.
- 7.5.8. In the first instance, although both Irish Water and the Planning Authority are amenable to the use of a pumping station and rising mains as a means by which to connect the 40 No. dwelling houses proposed to the existing public mains sewer on Lord Edward Street, and whilst such an arrangement would appear to be permissible from a capacity perspective, the Board has previously rejected the temporary storage or pumping of foul sewage from these lands (albeit the system then proposed was more technically complicated).
- 7.5.9. Secondly, whilst the connection offer has been made, it is unclear what (if any) remedial works have been undertaken to the existing sewer on Lord Edward Street that would obviate the need for the technically complicated solution previously

proposed under PA Ref. No. 10/10 (ABP Ref. No. PL10.238383) and PA Ref. No. 10/15 (ABP Ref. No. PL10.238542) which was then deemed necessary to accommodate the combined total of 40 No. units arising from the first phases of those developments in order to avoid the additional effluent loadings exacerbating flood events and surcharging of the public sewer on Lord Edward Street.

- 7.5.10. Thirdly, it would appear that Irish Water is amenable to allowing up to 160 No. units to connect to the sewer on Lord Edward Street despite concerns having previously been raised in this regard and no details having been provided of any remedial works which would ensure that the existing sewer can accommodate the additional loadings. In this respect, I would have concerns that up 160 No. residential units could potentially be allowed to connect to the mains sewer by way of a foul water pumping system pending the completion of a future gravity connection to the Breaghagh Valley sewerage network (which may be reliant on the Loughmacask Road and contributions from further development). In my opinion, such an arrangement would be contrary to the position previously adopted by the Board in its determination of ABP Ref. Nos. PL10.238383 & PL10.238542 whereby the pumping of effluent from such large scale residential development was not considered desirable, particularly as the technical feasibility of servicing the lands by gravity sewer had been established (in reference to PA Ref. Nos. 07990148 & 07/2165). Furthermore, there is no timeline available as regards the construction or commissioning of this future connection to the Breaghagh Valley sewer, the design of which has yet to be made available or approved.
- 7.5.11. Fourthly, whilst the proposed pumping station and rising main are stated to have sufficient capacity to cater for the additional demands arising from the future development of the applicant's wider landholding (as shown in the accompanying masterplan layouts) i.e. a total of 184 No. units, questions arise as regards the servicing of adjacent (and sequentially preferable) development lands to the east e.g. is it envisaged that the pumping station etc. would also accommodate the development of those lands or would there be a necessity for a second rising main or some other alternative arrangement? The key issue is the need to ensure that the development envisaged in the Loughmacask LAP / masterplan is both orderly and coordinated.

7.5.12. Therefore, on balance, whilst Irish Water has indicated that it is amenable to the proposed development connecting to the public sewer on Lord Edward Street, in my opinion, further clarity is required as regards the capacity of same in light of previous incidences of flooding and surcharging. Concerns also arise as regards the appropriateness of allowing a pumped sewerage system to service both the subject proposal and future development in light of the planning history of this landbank and the need for a more coordinated approach to the servicing of the Loughmacask lands.

7.5.13. *Surface Water:*

The stormwater management system detailed in Chapter 5 of the Engineering Services Design Report provided with the application (as prepared by Martin Peters Associates) proposes a combination of direct infiltration to ground via permeable paving, the use of soakaways within the curtilage of each individual dwelling house, and the construction of a formal piped gravity system to collect runoff from roads and hardstanding areas with discharge to ground via infiltration devices located within the open areas of the site.

7.5.14. By way of further detail, the proposed Sustainable Urban Drainage System will involve the provision of a permeable paved driveway at each dwelling with stormwater runoff from hardstanding areas within that curtilage to be collected by a channel drain / aco drain network and discharged to the permeable paving via a distribution box for ultimate disposal to ground. This will be supplemented by small-scale soakaways situated within the rear garden areas of each individual dwelling which will be designed as per BRE Digest 365 in order to infiltrate stormwater runoff from roof areas to ground.

7.5.15. With respect to stormwater runoff from roads, footpaths and paved areas, this will be collected via a new gravity-fed surface water drainage system and directed to a Type 'A' engineered infiltration system (the broad specifications of which are set out in Table 5.2 of the Engineering Services Design Report) to be located within the open space sited alongside Tullaroan Road. This particular infiltration device will serve an effective catchment of 10,659m<sup>2</sup> made up of the extent of roads and hardstanding areas both within the subject proposal as well as considerable proportion of that proposed within the future phases of the masterplan development. It is intended to

function in conjunction with two smaller engineered infiltration systems to be provided in later phases of the overall scheme with the wider drainage arrangements having been designed to take account of all the stormwater management requirements for the overall site.

- 7.5.16. Notably, unlike the proposal previously approved on site under ABP Ref. No. PL10.238383, the sustainable urban drainage strategy proposed in the subject application does not include for any rainwater harvesting. This would seem to be in response to the concerns previously raised by the reporting inspector in their assessment of ABP Ref. No. PL10.238383 that the inclusion of rainwater harvesting and the recovery of grey water as part of that development would result in a significant proportion of surface water runoff being directed away from ground infiltration within the defined catchment of Lough Macask (and towards the public foul sewer) and thus could potentially adversely impact on recharge levels in the lake. It is of further relevance to note that the subject proposal will connect to the public watermain whereas ABP Ref. No. PL10.238383 included for a bored well on site in the event there was insufficient capacity within the public water supply to serve the development.
- 7.5.17. Accordingly, given that the Board was previously satisfied in its determination of ABP Ref. No. PL10.238383 as regards the potential impact on the hydrology of the lake in terms of the net balance in ground water/surface water recharge and that any such concerns could be further addressed by way of condition (by requiring all phases of the development to connect to the public watermain, curtailing the use of the bored well then proposed to purposes associated with fire-fighting, and through the implementation of a suitable surface water drainage system whereby surface water recharge would reflect current greenfield levels), in my opinion, it would be reasonable to suggest that the surface water drainage arrangements as presently proposed are acceptable, subject to conditions, including the agreement of a plan for the construction, implementation and management of a sustainable surface water drainage system which will ensure that surface water recharge to Loughmacask reflects current greenfield levels.

#### 7.5.18. *Water Supply:*

The proposed development will connect to the existing public watermain which ends at the entrance to the Grassland Fertilisers site, however, given the inadequate capacity available, the connection offer issued by Irish Water is contingent on the upgrading of the existing 100mm diameter watermain along Tullaroan Road / Bonnetstown Road for a distance of c. 500m at a cost to be borne by the applicant / developer.

#### 7.6. **Appropriate Assessment:**

- 7.6.1. From a review of the available mapping, including the data maps from the website of the National Parks and Wildlife Service, it is apparent that although the proposed development site is not located within any Natura 2000 designation, there are a number of Natura 2000 sites within the wider area with the closest such sites being the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) and the River Nore Special Protection Area (Site Code: 004233), approximately 1.3km east of the site proper. In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Chapter 7 of the Kilkenny City and Environs Development Plan, 2014-2020, to conserve, enhance and manage the city's natural heritage including its biodiversity, landscapes and geological heritage and to promote understanding of and sustainable access to it. More specifically, Objective 7B of the Plan aims '*to protect and, where possible, enhance the natural heritage sites designated under EU Legislation and National Legislation (Habitats Directive, Birds Directive, European Communities (Birds and Natural Habitats) Regulations 2011 and Wildlife Acts)*' whilst Objective 7C also seeks '*to protect and, where possible, enhance the plant and animal species and their habitats that have been identified under European legislation (Habitats and Birds Directive) and protected under national Legislation (European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011), Wildlife Acts 1976-2010 and the Flora Protection Order (SI94 of 1999)*'. By way of further clarity, Section 7.2.1.1 of the Plan states that the Planning Authority will ensure that an Appropriate Assessment, in accordance with Articles 6(3) and Article 6(4) is carried out in respect of any plan or project not directly connected with or necessary to the management of the site, but likely to have a significant effect on a Natura 2000 site(s), either individually or in combination with other plans or projects, in view of the site's conservation objectives.

- 7.6.2. In effect, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive. Accordingly, it is necessary to screen the subject proposal for the purposes of ‘appropriate assessment’.
- 7.6.3. Having reviewed the available information, including the ‘*Appropriate Assessment Screening*’ submitted with the application documentation, and following consideration of the ‘source-pathway-receptor’ model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any protected site, the limited ecological value of the lands in question, the absence of any pollution pathways between the development and any Natura 2000 sites, the separation distances involved between the project site and nearby Natura 2000 designations, the built-up nature of the intervening lands, and the availability of public services, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of any Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.
- 7.6.4. Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

## 8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

## 9.0 Reasons and Considerations

1. The "Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in May, 2009, recommend a sequential and co-ordinated approach to residential development, whereby zoned lands should be developed so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure and where undeveloped lands closest to the core and public transport routes should be given preference.

Notwithstanding the residential zoning objective for the area as set out in the development plan for the area, it is considered that the proposed development would result in the non-sequential development of the zoned lands and the provision of an isolated low-density suburban residential development without essential services and facilities for an indefinite period. Furthermore, having regard to the site location and its relationship with adjoining undeveloped lands, and noting the need to address roads and water services infrastructural constraints in order to accommodate the future development of the wider area, it is considered that the proposed development would constitute an uncoordinated and piecemeal developmental approach to the subject site and those lands, would result in an unplanned and disorderly approach to the expansion of Kilkenny City, would be premature pending the preparation of a new 'Loughmacask Masterplan' for the co-ordinated development of the area and would, therefore, be contrary to the Guidelines and to the proper planning and sustainable development of the area.

2. Having regard to the provisions of the "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)" issued by the Department of the Environment, Heritage and Local Government in May 2009 and the "Urban Development and Building Heights, Guidelines for Planning Authorities" issued by the Department of Housing, Planning and Local Government in August 2018 in relation to housing density in outer suburban/greenfield sites in cities and larger towns, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the site location within the development boundary of Kilkenny City, which has

been designated as a strategically important 'Key Town' in the Regional Spatial & Economic Strategy for the Southern Region, in an area that has been earmarked for residential development as part of the planned 'Loughmacask' neighbourhood in the Kilkenny City and Environs Development Plan, 2014-2020. It is considered that the low density proposed would be contrary to the aforementioned Ministerial Guidelines, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

22<sup>nd</sup> July, 2020