

# Board Order ABP-307012-20

## Planning and Development Acts 2000 to 2019

**Planning Authority: Kilkenny County Council** 

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 27<sup>th</sup> day of March 2020 by Torca Developments Limited care of McGill Planning Limited, 45 Herbert Lane, Dublin 2.

### **Proposed Development:**

A planning permission for a strategic housing development at this site comprising the former Sion Hermitage lands, Sion Road, Kilkenny, Co. Kilkenny.

The development will consist of the following:

- Demolition of existing buildings (total gross floor area circa 3,031 square metres).
- Construction of a residential development of 120 number units (36 number one-bedrooms, 17 number two-bedrooms, and 67 number three plus bedrooms) comprising:
  - 36 number houses and
  - 84 number duplexes/apartments
     arranged within seven number blocks. Buildings range in height from two to four storeys.
- Provision of a community childcare facility.
- 154 number car parking spaces and 104 number secure bike parking spaces. Bin stores, pumping station compound and Electricity Supply Board kiosk.

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- Landscaping proposals to include a new public park (to be taken in charge by Kilkenny County Council) providing access to/from the River Nore Valley Walk which runs through the southern portion of the application site.
- Vehicular access from Sion Road to the north. Upgrade of footpath along Sion Road as far as the junction with the Dublin Road and provision of cycle lanes.
- All other site works, landscaping, boundary treatments and services provision to facilitate development.

#### **Decision**

Refuse permission for the above proposed development based on the reasons and considerations set out below.

#### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **Reasons and Considerations**

1. Having regard to the deficiencies in the information provided in the submitted Natura Impact Statement, in particular having regard to the lack of information in relation to potential increased anthropogenic pressures, with potential impacts on Qualifying Species, otter and kingfisher; to potential impacts on Qualifying Habitat 'Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels'; to the omission of key information within the Natura Impact Statement, as relates to the Qualifying Habitat 'Petrifying springs with tufa formation (Cratoneurion)', the Board is not satisfied that the proposed development would not adversely affect the integrity of the River Barrow and Nore Special Area of Conservation (site code 002162) and the

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River Nore Special Protection Area (site code 004233), in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.

2. It is considered that, having regard to the location of the site on the periphery of Kilkenny City, on the eastern side of the N10 ring road, the deficiencies in the pedestrian and cycle infrastructure and safety concerns in relation to same, the creation of a significant number of additional accesses/egresses along the Sion Road, the location of these access points relative to a point in the road where the horizontal alignment is sub-standard, the need for reversing movements for vehicles exiting a number of these egresses, and the safety concerns raised by the proposals for pedestrians and cyclists, the proposed development would endanger public safety by reason of traffic hazard.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this day of 2020

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