

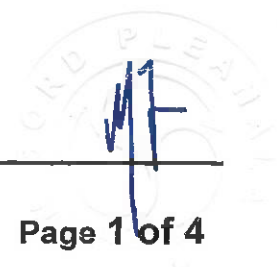
Planning and Development Acts 2000 to 2020

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 20/395

APPEAL by Riverside Estate Residents' Group care of David Mooney of 14 Old Farm Road, Cloughjordan, County Tipperary against the decision made on the 7th day of July 2021 by Kilkenny County Council to grant subject to conditions a permission to John Staunton care of Brian Dunlop Architects of 15 Patrick Street, Kilkenny.

Proposed Development: (1) Construction of 48 number residential units comprising of three number two-bedroom bungalows, one number two-bedroom mid-terrace unit, two number three bed end-terrace units, 28 number three bed semi-detached units, 12 number four bed semi-detached units, and two number four bed detached units, (2) vehicular access to the site will be provided as an extension to the existing Riverside Estate road, (3) pedestrian access route to be provided from Moate Road, and (4) all associated site development works and all associated landscaping works. Part of the site is located within the Ballyragget Architectural Conservation Area. All works to take place at the site accessed from the Riverside Estate/Bridge Street with pedestrian access route off Moate Road, all at Moate Road, Ballyragget, County Kilkenny.



The proposed development was revised by further information received by the planning authority on the 5th day of February, 2021 which included modifications to the application site boundary to allow for a new construction access off Moate Road and submission of a Natura Impact Statement. The proposed development was further revised by information received by the planning authority on the 14th day of May, 2021 which included the submission of a construction environmental management plan, updated details in relation to the proposed outfall of storm water and the submission of a Natura Impact Statement.

Decision

REFUSE permission for the above proposed development in accordance with 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

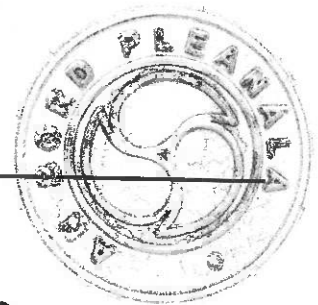
1. On the basis of the submissions made in connection with the application and the appeal, particularly in relation to the lack of details on the provision of a headwall and the assurance of the developer to be able to provide essential surface water drainage measures, the Board is not satisfied that the proposed development, either individually or in combination with other plans or projects, would not result in adverse effects on the integrity of the River Barrow and River Nore Special Area of Conservation (site code: 002162) in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.
2. The site of the proposed development is located upslope and to the east of Ballyragget public water supply source and within the 200-metre buffer zone for this supply. Having regard to the deficiencies in details provided in relation to surface water drainage, including the necessity to provide a headwall at the existing stormwater outfall, the need to acquire a wayleave over lands outside of the applicant's control, and the need to obtain other third party consents, it is considered that the proposed development would be premature in isolation of these surface water drainage arrangements necessary to serve the proposed development, would be prejudicial to public health due to the risk of pollution of a source of public water supply, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the proposed development in close proximity to the town centre, the policies and objectives of the Kilkenny City and County Development Plan 2021-2027, 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, the existing character of Ballyragget, and the design, character and layout of the proposed development, the Board considered that the proposed development would have a negative impact on the character of the small town of Ballyragget by reason of the generic suburban nature of the design and layout of the proposed development. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.



Michelle Fagan

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 6th day of December 2021.