

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 22/213

APPEAL by Kilkenny Walsh Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 28th day of April, 2023 by Kilkenny County Council to refuse permission.

Proposed Development: Construction of 97 number residential units comprising the following: a. eight number three-storey four bedroom detached dwellings (House Type A); b. eight number three-storey mid-entry four bedroom detached dwellings (House Type B); c. 24 number two-storey three bedroom semi-detached dwellings (House Type C); d. eight number three-storey three bedroom mid-terrace dwellings (House Type D1); e. four number three-storey three bedroom end-terrace dwellings (House Type D2); f. one number two-storey four bedroom detached dwellings (House Type E1); g. three number two-storey four bedroom semi-detached dwellings (House Type E2); h. three number two-storey four bedroom semi-detached dwellings (House Type F); i. one number four-storey apartment block comprising six number two bedroom apartments and six number one bedroom apartments (Apartment Block A); j. one number four-storey apartment block comprising four number two bedroom apartments and four number one bedroom apartments (Apartment Block B); k. one number three-storey apartment block comprising four number two bedroom apartments and four number one

bedroom apartments (Apartment Block C); I. one number three-storey apartment block comprising five number two bedroom apartments and five number one bedroom apartments (Apartment Block D). Permission is also sought for the demolition of one number existing dwelling addressed "Bakers, Mountsion, Mount Sion Road, Ferrybank, Waterford, County Kilkenny X91Y6W3" to allow for one number new vehicular road access, footpaths and cycle paths from Mount Sion Road together with proposed boundary treatments, landscaping, car parking, new foul and surface water drainage connections and associated infrastructure to include two number ESB Sub-Stations, new water mains with domestic connections and all associated site development works at Mountsion, Mount Sion Road, Ferrybank, County Kilkenny as amended by the revised site notice received by the planning authority on the 1st day of March, 2023 which included the following: Omission of six semi-detached houses, 12 terraced houses and 17 detached houses from the original layout and, in lieu, the provision of an aparthotel reception (Block C) and three number retail/food and beverage units (Blocks A, B and D) at ground floor level in each block and underground and surface parking. The application site red line boundary has also been extended to provide for service connections.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

Having regard to the policies and objectives of the Kilkenny City and County Development Plan 2021-2027, to the Regional Spatial and Economic Strategy for the Southern Region, and to the location and topography of the proposed development site, the Board is not satisfied that the proposed residential development would not, by reason of the extent of outstanding details regarding road design and parking, adversely impact adjacent and future residential amenity in a manner that would be inconsistent with Objective 6A of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Furthermore, by reason of the lack of details provided in relation to the drainage management system, the Board was not satisfied the details available demonstrated that the system of surface and storm water disposal would be adequate to service the construction and operation of the proposed development. As a consequence, it is therefore also considered that significant lacunae remain in the Natura Impact Statement that would not allow the Board at this time to conclude the proposed development, alone or in combination with other plans or projects, would not be likely to have a significant effect on the Lower River Suir Special Area of Conservation (Site Code: 002137) and River Barrow and River Nore Special Area of Conservation (Site Code: 002162), or any other European site, in view of the site's Conservation Objectives because of the uncertainty of the effectiveness of the mitigation measures proposed and the potential for run-off from the proposed development during construction and when operational.

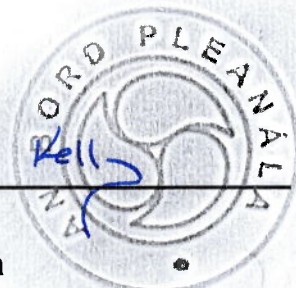
Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this *10th* day of *March*, 2025