



An
Bord
Pleanála

Record of Meeting ABP-305012-19

Case Reference / Description	110 no. residential units (42 no. houses and 68 no. apartments) with associated site works. Sion House and adjoining lands, Sion Road, Co. Kilkenny.		
Case Type	Section 5 Pre-Application Consultation Request		
Date:	9 th September, 2019	Start Time	12.15 pm
Location	Offices of An Bord Pleanála	End Time	1.20 pm
Chairperson	Rachel Kenny	Executive Officer	Cora Cunningham

Representing An Bord Pleanála:

Rachel Kenny, Director of Planning
Joanna Kelly, Senior Planning Inspector
Cora Cunningham, Executive Officer

Representing Prospective Applicant:

Trevor Sadler, McGill Chartered Planners
James Kelly, BDO Architects
Brian Dunlop, BDO Architects
Oisín O'Connor, TORCA Homes Limited
John O'Connor, TORCA Homes Limited
Celia Harris, Mitchells + Landscape Associates
Dermot O'Shea, DKP Chartered Engineers
Ken Heggarty, Hegsons Engineering Consultancy

Representing Planning Authority

Denis Malone, Senior Planner
Arlene O'Connor, Senior Executive Planner (Area Planner)

Seamus Foley, Senior Engineer, Roads Design
Eimear Cody, Senior Executive Engineer, Housing Section
Brendan Sheahan, Executive Engineer (Area Engineer)
Nicholas Loew, Senior Executive Planner

Introduction

The representatives of An Bord Pleanála (ABP) welcomed the prospective applicant, Planning Authority (PA) and introductions were made. The procedural matters relating to the meeting were as follows:

- The written record will be placed on the pre-application consultation file and will be made public, along with that file, should an application arise following the conclusion of this consultation process,
- ABP received a submission from the PA on 26th August, 2019 providing the records of consultations held pursuant to section 247 and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's decision,
- The consultation meeting will not involve a merits-based assessment of the proposed development,
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted require further consideration and/or amendment in order to constitute a reasonable basis for an application.
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines where relevant,
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings.

The ABP representatives acknowledged the letter dated 30th July, 2019 formally requesting pre-application consultations with ABP. Prospective applicant advised of the need to comply with definition of SHD as set out in the Act of 2016, in relation to thresholds of development. It was also noted that the Inspector dealing with the pre-application consultation request would be different to who would deal with the application when it was submitted. Recording of the meeting is prohibited.

Agenda

1. **Development strategy for the site to include local policy provisions, core strategy, density, layout and urban design response**
2. **Connections and movement to include vehicular, cyclist and pedestrian movements**
3. **Visual and Ecological Impact to include landscaping, boundary treatment and open space provision**
4. **Water services to include surface water management and flood risk and AA considerations**
5. **Any other matters**

1. Development strategy for the site to include local policy provisions, core strategy, density, layout and urban design response

ABP sought further elaboration/discussion on:

- Zoning, zoning objective, proposed density and core strategy for the proposed site and whether the proposal represented a material contravention
- Layout and urban design response having regard to DMURS and Design Manual 12 criteria
- Phasing and timescale for delivering proposed development

Prospective Applicant's response:

- Looked at development potential of site with regard to local and national policy
- Acknowledged specific low-density objective for site
- Statement of Consistency addresses how ABP could grant proposed development even with Material Contravention
- Prospective applicant satisfied the proposed development does not Material Contravene zoning objective specifically, that the average 10 units per hectare for the area as a whole (to which the zoning relates) will be broadly maintained, and that any breach would be minor and based on s.11.4.1.
- Zoning on site dates back to 2014, significant employment in area since then
- Will address how proposed development complies with national policy
- Good location for proposed development due to proximity to employment areas
- With regard to phasing intended to provide units on site over 4 years
- Larger number of units had been considered in earlier stages of design
- Passive surveillance will be included in masterplan for landscaping

Planning Authority's comments:

- Proposed site not seen as significant development area, peripheral to City Centre area
- PA of view that proposed development materially contravenes the City Plan by reason of the density.
- Current Development Plan provides for increased densities where qualitative standards are met, ie. the 10 units to the hectare is not a definitive figure and may be exceeded to where not material and section 11.4.1 is demonstrated.
- Development Plan nearing end of life, delay due to RSES, propose to begin new draft plan process in November 2019
- Address impact on core strategy in relation to number of units proposed
- PA satisfied with proposed materials, consider more individuality of units at front of proposed site

Further ABP comments:

- The Board precluded from granting permission if the proposed site materially contravenes the zoning
- Need to justify and give rationale for proposed density having regard to local and national context
- Ensure clarity in relation to gross and net density calculations
- Consider layout having regard to passive surveillance of open space areas and streets

- Address level changes in relation to adjoining site and connection to River Nore walkway
- Proposed development car dominated need to consider principles of DMURS
- Consider parking arrangement in home zone area
- Provide phasing details including how open space and surface water management are phased.
- Need to demonstrate the qualitative nature of the development in the context of local and national policies in particularly having regard to section 11.4 of the Kilkenny City Plan.

2. Connections and movement to include vehicular, cyclist and pedestrian movements

ABP sought further elaboration/discussion on:

- PA Opinion in relation to the proposed development being premature pending road improvements
- Pedestrian movements in the immediate area having regard in particular to N10

Prospective Applicant's response:

- New bus route proposed, due to commence later this year
- Linear walkway suitable for connections from south of proposed site

Planning Authority's comments:

- Services are on other side of Dublin Road / N10
- No pedestrian crossing proposed
- Issues in relation to pedestrians accessing town centre
- Proposed bus stop close to shop, route to service employment and around ring road
- Discussions currently ongoing with TII in relation to pedestrian crossing

Further ABP comments:

- Application details should set out details of all proposed bus stops in proximity to the site
- Need to address lack of pedestrian connections across Dublin Road and N10
- Need to respond to all concerns raised in PA Opinion
- Extent of footpaths/cycle paths to be provided should be clear

3. Visual and Ecological Impact to include landscaping, boundary treatment and open space provision

ABP comments:

- PA raised concerns in relation to visual impact from Ossary bridge, need to address
- Consider ecological impacts in particularly to bats, a protected species.
- Open space discussed under Item 1 but should also consider landscaping and boundary treatments in this context and how passive surveillance can be maximised

Planning Authority's comments:

- Parks Department satisfied with proposals

ABP further comments:

- More details to be provided in relation to boundary treatments
- Have regard to open space provision and functional use of same given topography
- Consider hierarchy of open space area
- Ensure all proposals are finalised with Parks Department
- Have regard to open space and lighting impacts in relation to ecology
- Clearly show in application documentation open space areas to be taken in charge and those to be privately managed

4. Water services to include surface water management and flood risk and AA considerations**ABP sought further elaboration/discussion on:**

- PA included letter from Irish Water which states that there is no capacity in the network for the proposed development, ABP received Confirmation of Feasibility letter from Irish Water on foot of pre-application being received which states capacity in network but queried if applicant aware of any issue
- Address potential for displaced water in Flood Risk Assessment
- Screening Assessment for Appropriate Assessment submitted, PA Opinion states NIS required

Prospective Applicant's response:

- Irish Water have confirmed to prospective applicant that there is network capacity
- Soakways provided as prospective applicant preferred not to discharge directly to river
- No change in areas that may flood

Planning Authority's comments:

- Have regard to change in levels in areas that may flood

ABP further comments:

- Suggest the source-pathway-receptor model is referenced in the AA screening/NIS and effects of surface water management should also be considered
- Prospective applicant to ensure adequate information is contained within the Screening report and/or NIS to allow competent authority to undertake a determination/assessment

5. Any other matters

ABP comments:

- Childcare Assessment submitted to justify not providing crèche, prospective applicant may wish to consider providing crèche given the lack of sufficient spaces to cater for likely demand arising from the proposed development.
- Need to response PA concerns regarding noise given that the proposed development is within zone for Noise Action Plan
- Submit site specific Building Life Cycle Report in application
- Ensure consistency between documents/plans prepared by different professionals so as to avoid ambiguity

Applicants Comments

- Prospective Applicant will consider requirement for Noise Action Plan

Planning Authority's comments:

- PA would advise prospective applicant to provide crèche as there is current shortage
- Application to clearly show what Management Company will take in charge

Conclusions**The representatives of ABP emphasised the following:**

- There should be no delay in making the planning application once the public notice has been published
- Sample notices, application form and procedures are available on the ABP website
- Irish Water would like prospective applicants to contact Irish Water at cdsdesignqa@water.ie **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design.
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is spatialplanning@water.ie

Rachel Kenny
Director of Planning
September, 2019