



An
Bord
Pleanála

Inspector's Addendum Report

ABP-306289-19

Development	Housing Development of 25 houses.
Location	Dangan, Kilmacow, Co. Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	19/731
Applicant(s)	Dunkitt Properties Limited .
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party V. Refusal.
Appellant(s)	Dunkitt Properties.
Observer(s)	1.Owen Sheehan 2.Richard and Grace Myslinski & Others.
Date of Site Inspection	25 th March 2020.
Inspector	Susan McHugh

Contents

1.0 Introduction.....	3
2.0 The Appeal	3
2.1. Further Response from Applicant.....	3
2.2. Further Response from Planning Authority	7
2.3. Further Observations	12
3.0 Assessment.....	13
3.1. Principle of Development and Land Use Zoning	14
3.2. Density	18
3.3. Design Layout and Housing Mix.....	19
3.4. Traffic and Pedestrian Safety	21
3.5. Parking/Footpath Layout	26
3.6. Other Matters	30
3.7. Appropriate Assessment	32
4.0 Recommendation.....	32
5.0 Reasons and Considerations.....	32
6.0 Conditions.....	33

1.0 Introduction

- 1.1. This addendum report is prepared on foot of a request from the Board under section 131 of the Planning and Development Acts, 2000, (as amended).
- 1.2. This report should be read in conjunction with the previous report dated 28th April 2020.

2.0 The Appeal

2.1. Further Response from Applicant

- 2.1.1. A further response, to the PA response to the first party appeal, was submitted by MDP+Partners on behalf of the applicant Dunkitt Properties Limited dated 11th March 2020. The response included the following documents and drawings;

- Planning response - Peter Thomson Planning Solutions
- Technical response - MDP+Partners
- Technical response - DBFL
- Letter of undertaking in relation to proposed traffic calming works
- Outdoor Lighting Report – Veelite including Streetlight Specification
- Stage 1 Road Safety Audit – Bruton Consulting Engineers
- Proposed Site Plan, House Type B – Plans, and House Type B – Elevations and Sections – MDP+Partners
- Complete Engineers Set – Gerry Gallagher
- Lighting Layout – Veelite
- Road Design Drawing - DBFL

- 2.1.2. Planning related issues raised by Peter Thomson Planning Solutions can be summarised as follows;

- *Roads/Revised Layout Plan* – Addressed by MDP+Partners Drawing RFI-01.
- *Public Transport* – The village is well served by public transport which reduced the need for car usage.

- *Phase 2 Lands* – Conflict in the Development Plan in respect of Kilmacow, LAP expired in 2015.
- When the CDP was adopted in 2014 the Kilmacow LAP was extant. The zoning map for the village was enshrined into the County Development Plan.
- *Variation 3* - of the CDP acknowledged the expiration of local area plans for Fiddown, Gowran and Piltown. Settlement Plans for each of these villages were incorporated into the Development Plan and it was noted that previous zoning and other objectives (which included phasing) were no longer applicable and that development proposals within the settlement boundaries would be considered on their merits.
- Variation 3 also stated as follows: ‘The LAPs for Bennettsbridge, Kilmacow and New Ross Environs have also expired and the Development Plan includes a zoning and phasing map for these three settlements, see Figures 3.14-3.16.
- *‘The expired LAP’s are no longer statutory plans for their areas but the plans do contain a significant amount of information on natural and built heritage and other planning issues. The expired plans will be used as supplementary guidance documents for planning purposes’.*
- Therefore, while the LAP zoning map for Kilmacow remained in the CDP, from the LAP expiry date in 2015, it no longer had any statutory status and could only be used as supplementary guidance documents for planning purposes.
- Variation 3 incorporated the settlements of Fiddown (LAP expired 2017). Gowran (LAP expired 2016 and Piltown (LAP expired 2017) into the CDP and gave each of them a settlement boundary in lieu of the former zoning, the boundaries enclosed all former Phase 1 and Phase 2 zoned lands. The Variation provided that development proposals within the settlement boundaries would be considered on their merits.
- While Kilmacow has never been given a settlement boundary to replace the former zoning, there has never been a Variation to the CDP to re-introduce the zoning which was in force when the LAP expired.

- As a result of what might be an anomaly or oversight in either not designating a settlement boundary for Kilmacow or not going through a process to re-enact the zoning on the zoning map which was inserted into the CDP while the LAP remained in force, it seems logical that any development within the settlement limits of Kilmacow be considered on its merits.
- *Phase 1 Lands* - In terms of the three areas of land identified by the PA as former Phase 1 lands in Kilmacow which have not been developed, there have been no developments on these sites. One site was the subject of a proposal for 8 houses on 1.87ha of land which was granted but not implemented.
- *Sequencing* - If a view is taken that these 3 sites must be developed before any former phase 2 lands can be released for housing, based on past housing activity in Kilmacow, it is highly likely no more multiple housing development will be built in the village. Meanwhile, multiple housing development is permissible in every other former LAP settlement in the County that has been allocated a settlement boundary, regardless of previous phasing designations. It is noteworthy that most of these settlements are constrained by poor or lack of waste water infrastructure. Kilmacow on the other hand, has a modern waste water system designed with the capacity to accommodate the development of all of the former zoned lands.
- *Core Strategy* - It is the Strategic Aim of the CDP Core Strategy to target growth of Kilkenny City, Ferrybank/Belview, the District Towns, the other settlements in the hierarchy; Kilmacow being one such settlement. Refusing planning permission for housing development on this site within the settlement limits of Kilmacow based on outdated and no longer statutory zoning is not in accordance with the Strategic Aim and could be contrary to the proper planning and sustainable development of the area.

2.1.3. Technical issues raised are addressed by MDP+Partners and DBFL in two separate reports. The DBFL response includes email correspondence with KCC Local Area Engineer and Traffic Survey Data. To avoid unnecessary repetition, I have grouped similar issues and generic responses, which can be summarised as follows;

- *Revised Design* - House No.1 has been altered to ensure that it overlooks the parking area in order to provide passive surveillance, as indicated on Drawings RFI-02 and RFI-03. This includes the relocation of the front door to the western elevation and a no. of new window openings are provided at ground and first floor.
- *Parking to NW of House No. 1* Design of this parking area has been altered to incorporate a footpath as indicated on Drawing RFI-01.
- *Courtyard Area* - Drawing 190104-DBFL-TR-SP-DR-C-1001 indicates enlarged hard standing area to enhance ease of access to and from the courtyard area.
- *Car Parking Spaces 23/24/24/25/25* - Design of the road and car parking altered to ensure carparking space are workable, as indicated on Drawing RFI-01.
- *Perpendicular Parking in front of houses 1-16* – Car parking spaces are to be divided either by a landscaped buffer and/or pedestrian route.
- *Bin Storage and Parking Bay width in front of houses 1-16* – Refer to Drawing RFI-01, with minimum parking bay width of 2.5m and 5.0m in length in accordance with KCC development management standards.
- *Car Parking Requirement* - Refer to CDP requirement of 56.25 car parking spaces and provision of 58.
- *Road Width at entrance to and within the estate* – All road widths within the estate now 5.5m wide as indicated on Drawing RFI-01.
- *Swept Path Analysis* – Was carried out but did not accompany the planning application. Swept path analysis for refuse trucks and cars indicated on Drawing 190104-DBFL-TR-SP-DR-C-1001.
- *Road Safety Audit* – Stage 1/2 RSA completed by Bruton Consulting Engineers attached, identifies four items of concern to be addressed at detail design stage, and with these measures will not give rise to a traffic hazard.
- *Pedestrian Crossing Points*– Drawing 190104-DBFL-XX-XX-DR-C-1000 indicates crossing points where tactile paving will be provided.

- *Shared surface* – Proposed ‘home zones’ rather than footpaths along the access to/from the rear car parking courtyard area optimum design solution. However, a dedicated footpath now proposed to the rear of the courtyard.
- *Pedestrian Crossing Point to south of Proposed Entrance* - Refer to attached letter of undertaking from the applicant confirming the provision of the pedestrian crossing subject to the grant of a road opening licence.
- *Proposed Road, Footpath and Parking Areas* – Construction specification details and Drawing 2018-26-P05 A submitted.
- *Meetings with P.A. Road Design Engineer* – Two meetings were held with the applicants design team, refer to attached email correspondence in Appendix A.
- *Lighting Design* – Refer to revised lighting design drawings and lighting report RL-19-12-25-01B. Proposed use of 14no. Metro Streetlights 28w LED mounted on 13x6m columns.

2.2. Further Response from Planning Authority

2.2.1. A further response to the first party appeal was submitted by the PA dated 16th June 2020. Issues raised can be summarised as follows;

Phase 2 Lands

- Strongly refute assertion that there is a conflict between the County Development Plan and the expired Kilmacow LAP without any formal adoption of the phased zoning map in the statutory development plan.
- Applicant is incorrect in stating that there was no variation to incorporate Kilmacow into the County Development Plan. KCC prepared a variation for the 2008 - 2014 County – Core Strategy – Variation No. 2 to the KCDP 2008 – 2014 adopted by the Council 19th September 2011. For that variation, the action for Kilmacow was to introduce ‘phasing of zoning’ copy attached.
- Therefore, the phased zoning was incorporated into the 2008-2014 CDP. In the preparation of the CDP 2014-2020 the extant adopted phased zoning map was transposed into the new CDP.

- Applicant is factually incorrect in stating that 'there is a conflict in the in the CDP in respect of Kilmacow, as the CDP takes precedence.
- Disagrees with assertion that there has never been a variation to the CDP while the LAP remained in force, and not logical that 'any development within Kilmacow be considered on its own merits' unless it is against the backdrop of the phased zoning map and other policies and objectives of the CDP.
- The residential development is located in Phase 2 zoned lands identified in Figure 3.15 Kilmacow of the KCDP 2014-2020.
- Having reviewed planning applications in Kilmacow village, residential construction underway and/or committed to and the provisions of the CDP 2014-2020, the criteria for development on Phase 2 lands have not been met, map attached detailing planning applications on Phase 1 lands and their locations in Kilmacow village.
- Current zoning on this site prohibits new residential development of Phase 2 lands during the lifetime of the KCDP unless the policy criteria are met.
- Permission recently granted in Kilmacow Lower under P17658/ABP-301975-18 for 16 no. residential units, in the centre of Kilmacow lower on lands zoned 'General Development'. Permission also granted under P19/160 for 7 dwellings on 'Phase 1' zoned lands in close proximity to the appeal site, giving a total of 23 residential units permitted in Kilmacow village.
- The current proposal for 25 residential units represents a higher number than the two recent permissions combined and does not follow a sequential orderly phased approach to residential development in the village.
- Notes extent of central and Phase 1 zoned land availability including the two developments outlined above, it is important that Kilmacow village follows a proportionate growth as referenced in the NPF for smaller town and village settlements which is consistent with phased zoning objectives as set out in the KCDD 2014-2020. This is necessary for reason of orderly sustainable development for the village.

- Proposed development contravenes this approach and Phase 2 policy zoning objectives in the KCDP for Kilmacow village and is therefore contrary to the proper planning and sustainability of the area.

Public Transport

- Take serious issue with statement that the Board is also requested to note that the village is well served by public transport which reduced the need for car usage.
- Proposed scheme is designed around a car centric approach to development.
- There is extremely limited public transport, with Bus Eireann serving Kilmacow one day a week, with the 365 service between Waterford and Thomastown.
- Ring a Link has 2 routes that include Kilmacow, on a 'demand responsive service'. The first service, the 501 from Mooncoin is on a Wednesday and Friday and the second the 487 from Piltown on Monday and Saturday. This does not constitute the village being 'well served by public transport', which is an intermittent service and not suitable for commuter orientated development.
- Contend that the proposal would set a precedent for car based commuting to and from Kilmacow to larger employment locations such as Waterford and Kilkenny, and development such as this should be directed towards the larger urban centres. This is important in the context of the recently adopted RSES and the MASP for Waterford City Metropolitan area.
- Kilmacow is located close to the Waterford MASP boundary and therefore the growth of Kilmacow has to be carefully managed in the absence of sustainable transport options, and unlikelihood of investment in such in the context of greater demands from larger settlements in the MASP, map attached.

Revised Design Proposals / Road Design Comments

- Notes Road Design report dated 9th June 2020 attached, which considers that the previous road related concerns have been satisfactorily addressed subject to appropriate conditions. There is however concern regarding the vehicle overhang of the public footpath fronting houses 1-16.

- PA reviewed revised documents and Roads Design report and has concerns in relation to proposed car parking layout and numbered locations which for much of the scheme, are positioned some distance from proposed housing.
- Layout does not represent proper planning and traffic convenience of use by occupants of the scheme and visitors.
- Concern expressed on aspects of the original drawings and revised design layout in terms of compliance with car parking and public open space standards, landscaping, pedestrian linkages /permeability with adjoining lands, poor urban design finish, fenestration pattern, enhancement of village/town form in relation to integration with the character of Kilmacow and residential amenity which falls short of provisions of the KCDP and Guidelines for PA on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009. A detailed design statement should have been submitted that shows the contribution the proposed scheme makes to the village townscape/surrounding area.
- Notes the most recent road design report deals exclusively with technical requirements within the site and notwithstanding the initial report from road design dated 25th November 2019 which seeks the installation of a pedestrian crossing point south of the proposed entrance. The PA is of the view that there are significant deficiencies in servicing this site in terms of walking and cycling infrastructure in the village. The lack of alternative modal options to access services such as schools shops sports grounds and other community facilities will encourage residents to be car orientated in accessing such services.
- Notes that there is no footpath from the site for approximately 70m north of the site to form a direct connection to the Boys School. It is necessary to cross to the opposite side of the road south of the proposed site and to cross back again after about 90m to continue to the school. It is counter intuitive, not pedestrian or cycle friendly and provides for a car based environment.
- Existing footpath is substandard in width, being approx.1m, the PA is of the view that the scheme is premature having regard to the 25 houses proposed.

- Public lighting is substandard in the village at this location.
- Contend that the site is isolated within the greater amount of Phase 2 residential and should the application be permitted, would effectively land lock the lands immediately to the north. From a strategic perspective the development of the village at this location should consider all the lands within the area circled in blue with appropriate objectives for connectivity and linking of the Narrabane road to the east of the site and the Dangan Road.
- Notes that there are 5 houses under construction at present (Ref. 19/160) plus 3 serviced sites, 18 units permitted under Ref. 17/658, a total of 26 units permitted with 5 under construction.
- Contend that to grant a further housing scheme at this time in the village of Kilmacow would set a precedent for a car based commuting to and from Kilmacow to larger employment locations such as Waterford and Kilkenny,
- Kilmacow is categorised as a smaller town/village within the core strategy settlement hierarchy.
- PA is currently preparing a County Plan for the period 2021 – 2027 with a draft Plan to go on display in September 2020. This will have a revised Core Strategy which will deal in greater detail with Kilmacow in the context of RES and the Waterford MASP.

Road Design Report

- Notes the additional/amended information submitted by the applicant to address the observations provided previously to the Board, which are welcomed.
- Concern regarding vehicle overhang of the public footpath fronting houses 1-16 but can be dealt with by way of condition.
- Satisfied that the revised information provided by the applicant address the road design issues and recommends a grant with appropriate conditions.
- Conditions refer to; revised drawings and details submitted 30th March 2020, measures to prevent vehicles overhanging onto the public footpath fronting houses 1-16, public lighting, dropped kerb and tactile paving at crossing

points, implementation of the Stage 1/2 Road Safety Audit submitted 30th March 2020, carry out a Stage 3 Road Safety Audit, and cost to be borne by the applicant, provision of a 30kph Speed Limit/Slow Zone Signage, submission of a Roads Maintenance Plan, and the requirement for a Road Opening Licence.

2.3. Further Observations

2.3.1. A complete version of the applicant's response was re circulated to the Third Parties, and again further responses were submitted to the Board. Further observations dated 12th and 15th June 2020 respectively were submitted from the following parties;

- Owen Sheehan
- Richard and Grace Myslinski and Others

2.3.2. The responses reiterate many of the points previously raised in individual submissions and can be summarised as follows;

2.3.3. Owen Sheehan

- *Proposed Development* – Remains fundamentally flawed and substandard.
- *Roads/Revised Layout Plan* – Risk to safety has not been addressed.
- *Design and Layout* – Proposal remains high density and poorly designed.
- *Phase 2 Lands* – Proposed development does not meet planning policies and objectives set out in the CDP.

2.3.4. Richard and Grace Myslinski and Others

- Limited time and expertise within which to respond to revised proposals submitted by the applicant.
- Queries the Boards delay in issuing a decision.
- *Public Transport* - Disputes claim that the village is well served.
- *Phase 2 lands* – Legitimate expectation that the Phase 2 land would remain so until a new CDP is adopted, notes public consultation process for new CDP has commenced, and the fact that this application is being assessed before a new plan has been agreed is unfair on local residents.

- The next CDP will offer Kilmacow the opportunity to be looked at in a strategic manner, and in terms of traffic safety.
- *Letter from MDP + Partners* – comments on redesign of house No. 1, bin storage, road width within the estate, lighting, pedestrian ramp on the LP 3401, set back and general road safety.
- *Bruton Consulting Engineers (Report)* – comments on accuracy of RSA website, parking, ramp, inbound movements for refuse trucks, access to properties, traffic safety and feedback on Audit Report.

3.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Development Plan Policy
- Density
- Design Layout and Housing Mix
- Traffic and Pedestrian Safety
- Parking/Footpath Layout
- Other Matters
- Appropriate Assessment

I draw the Boards attention to the sequence of submissions received on foot of the First Party appeal, which includes the circulation and recirculation of submissions by the Board to the relevant parties and can be summarised as follows.

- First Party appeal to the Board dated 31st December 2019, against the decision of the PA to refuse permission
 - First Party appeal circulated by the Board to PA and Observers
- PA response to the Board to the First Party appeal dated 21st January 2020, including separate detailed reports from (Planning and Road Design section)

- PA response circulated by the Board 20th February 2020 to the First Party, and Observers
- First Party submitted to the Board revised proposals which included (planning response, site layout drawings, and technical reports) dated 11th March 2020
 - First Party response recirculated by the Board to the PA and Observers
- PA response to the Board with comments on the revised proposals for the scheme dated 9th and 16th June 2020, respectively. (Road Design section and Planning)

The revised proposals provide no change in the number of residential units, or car parking spaces, and are acceptable to the Road Design Section but not to the Planning Section of the PA.

3.1. Principle of Development and Land Use Zoning

- 3.1.1. Reason for refusal no. 1 refers to the proposed development as premature and contrary to the zoning objectives of the Kilkenny County Development Plan. Specifically, it refers to non-compliance with Phase 2 zoning objectives as the criteria requirements have not been met.
- 3.1.2. The Kilkenny County Development Plan 2014-2020 is the statutory development plan for the area. A review of the of the Kilkenny County Development Plan 2014-2020, and Kilkenny City and Environs Plan 2014-2020 is currently underway. At the time of writing the Draft City and County Development Plan 2020-2026 was not yet on display.
- 3.1.3. The entire site was zoned General Development under the provisions of the *Kilmacow Local Area Plan, 2009-2015*, however, with the adoption of the 2014 Kilkenny County Development Plan (CDP), this LAP was superseded with regard to zoning and priority of development.
- 3.1.4. The majority of the site is zoned Phase 2 Residential with a smaller section at the entrance to the east zoned General Development.
- 3.1.5. Section 3.3.5 of the CDP notes that a total of 21 LAP's were prepared for settlements in the county prior to the adoption of the plan and Kilmacow is one of these 21 settlements. The Kilmacow LAP was still operative at the time of the

adoption of the 2014 CDP, and in the case of such plans, section 3.3.5.2 states that where a smaller town or village has an extant local area plan with zoning objectives then the core strategy sets out a phasing map for the land within the LAP. These maps supersede the original zoning map within the relevant LAP. Figure 3.15 shows the zoning map now in effect for Kilmacow.

3.1.6. From Table 3.3 of the CDP it can be seen that the smaller towns and villages in the county for which LAPs were or previously had been in place at the time of adoption of the CDP have a combined total area of 13.6 ha. of undeveloped residentially zoned lands available. Of this, 7.8 ha is located within Kilmacow (Upper and Lower). It is not clear whether this 7.8 ha. comprises only Phase 1 residential lands as indicated on Figure 3.15 or comprises these lands plus Phase 2 residential lands and General Development lands. In any event, it is clear that there is a significant amount of undeveloped residentially zoned lands available within the development boundary of Kilmacow Upper and Lower.

3.1.7. Section 12.12.8 of the Plan refers to Phase 2 residential zoned lands. The stated objective is *'to prohibit new residential development of phase 2 lands in the settlements of Bennettsbridge, Kilmacow and New Ross Environs during the lifetime of the County Development Plan, unless the criteria above are met.'*

3.1.8. Under this zoning objective paragraph 12.12.8 of the County Development Plan states that *'This land will not be released for development during the lifetime of this plan unless the following criteria are satisfied:*

- *At least 75% of phase 1 lands have been fully committed to development (i.e. where planning permission has been granted) and where construction is underway.*

3.1.9. It is stated that *'the situation will be monitored on an ongoing basis'* and that *'Expansion of existing land uses within the lands will be considered on a case by case basis having regard to the potential impacts on the strategic nature of the phase 2 lands and general planning considerations.'*

3.1.10. In the case of the proposed development, the residential use is a permissible use on lands zoned Phase 2 Residential and is, therefore, considered to be acceptable in principle.

- 3.1.11. Section 12.12 of the Plan relates to land use zoning objectives and 12.12.3 to the General Development zoned lands within the settlements of Kilmacow and New Ross. The stated objective is *'to provide for the development and improvement of appropriate uses in areas where existing commercial uses have established and allow for the development of the settlement as a focus for local services, sustaining and strengthening its role as a population centre'*. Dwellings are listed as a Permissible Use on lands zoned General Development in Kilmacow.
- 3.1.12. The appellants assert that as the statutory zoning for Kilmacow is no longer in force that the proposed housing development should not have been assessed against the criteria previously applicable to Phase 2 lands in the LAP and incorporated into the CDP while the LAP was still in force.
- 3.1.13. The appellants contend that the proposed development should have been assessed under the Core Strategy criteria of Objective 3G in the Development Plan. It is also submitted that the planning application which was accompanied by a Core Strategy report essentially justified the proposed development, and was not considered by the PA.
- 3.1.14. In support of this assertion the applicant refers to Variation No. 3 to the Kilkenny County Development Plan 2014-2020, and specifically in relation to the Core Strategy under Chapter 3 of the plan.
- 3.1.15. In response to the first party appeal the PA have submitted a copy of Figure 3.15 Kilmacow zoning map with table attached indicating the locations of Phase 1 Residential zoned lands for Kilmacow. The PA contend that on the basis that only one of three sites identified as Phase 1 Residential zoned lands have a current planning permission, that policy criteria in relation to Phase 2 Residential zoned lands have not been met.
- 3.1.16. I have reviewed the submission by the PA in response to First Party appeal and subsequent submission by the PA in response to the further response to the planning report submitted by the applicants agent Peter Thomson Planning Solutions. I am satisfied at the time of writing this report that of the 7.8 ha of zoned land within the boundary of the LAP that only a small proportion has the benefit of planning permission. In this regard however, I would not that the permission which refers to 8 no. dwellings on a site of 1.87ha was for outline planning permission only.

- 3.1.17. Variation No. 3 which came into effect in March 2018, includes an addition to Section 3.3.5.1 which refers to the expired LAP for Kilmacow, and that the Development Plan includes a zoning and phasing map under Figure 3.15. My reading of the amendments to Table 3.3 is that the provisions of the zoning in the CDP still apply as it relates to Kilmacow (see copy attached).
- 3.1.18. I note the criteria applicable for the development of Phase 2 lands as set out Section 12.12.8 which states that the expansion of existing land uses within the lands will be considered on a case by case basis having regard to the potential impacts on the strategic nature of the phase 2 lands and general planning considerations.'
- 3.1.19. I also note Objective 3G under Section 3.3.5.3 Development Objectives for smaller towns and villages. Objective 3G seeks '*to facilitate development of housing, economic development, services and infrastructure in the smaller towns and villages of the county at a scale and character which is appropriate in order to sustain and renew population and services in these areas*'.
- 3.1.20. In my opinion the CDP does allow for the development of Phase 2 lands on a case by case basis where there is a reasoned justification in planning terms.
- 3.1.21. A review of the Census of Population for the Electoral Division indicates an increase in population of 5 between 2011 and 2016 from 1,014 to 1,019 which equates to 0.5%.
- 3.1.22. I have considered the contents of the justification report and accept that the subject site is ideally located within the town, which has experienced very limited development in the recent past. It is my opinion that the proposed development would be consistent with Objective 3G and positively contribute to the viability and sustainable development of existing economic and community services in the town.
- 3.1.23. On the basis of the very limited development of zoned lands within the development boundary for Kilmacow, and existing capacity in terms waste water treatment facilities, water supply, and existing services in the village, I do not consider the development of these lands to be premature.
- 3.1.24. On balance, therefore, it is my opinion that the proposed relatively modest residential development is consistent with the core strategy set out in the County Development

Plan and as varied under Variation No. 3. and with the permissible uses on lands zoned Residential and General Development.

3.1.25. I am satisfied that the proposed development is acceptable and that the grounds of appeal in relation to compliance with development plan policy should be upheld.

3.2. **Density**

3.2.1. The current proposal for the development of this infill site provides for the construction of 25 no. residential units. I note that under the Core Strategy of the CDP which prescribes an indicative density for smaller towns and villages as 15 units per hectare.

3.2.2. The site has a stated area of 0.74 ha and includes a central area of open space with a stated area of 0.13ha. The gross residential density is 34 units/hectare (25 units on 0.74 ha).

3.2.3. I note section 3.3.5.3 of the County Development Plan which recognises the need for smaller towns and villages to be developed in a manner that strengthens their role as local service centres whilst respecting their existing character. It notes also that the scale and nature of such development is critical, and the importance of design, layout, character, and scale which fits well with the town or village and presents a high quality living environment.

3.2.4. I am of the opinion, that the scale and density of the proposed development, which is relatively small in scale, is of an appropriate size and is in keeping with the character of the village.

3.2.5. Since the adoption of the County Development Plan 2014-2020 the policy context has changed, in terms of the National Planning Framework to which regard must be had.

3.2.6. I am of the view that the site has the characteristics of a centrally located infill site. In such a location section 6.9 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas while recognising that it can be difficult to be prescriptive about the level of density recommend densities of in the range of 30-40+ dwellings per hectare within small towns and villages.

- 3.2.7. Having regard to the developable area of this serviced site which is 0.74 ha whilst cognisant of the need to protect amenities of property in the vicinity, I consider the proposed density of 34 units/hectare to be of an appropriate scale relative to its location and therefore in keeping with the objectives of the National Planning Framework and the Guidelines. On this basis I consider the proposal to be an efficient and sustainable use of scarce serviced land in an area identified for expansion in proximity in the village centre.
- 3.2.8. I am satisfied, therefore, that the residential density proposed is appropriate within its context and is acceptable.

3.3. Design Layout and Housing Mix

- 3.3.1. There are section 28 Ministerial Guidelines which should be considered in conjunction with the provisions of the Kilkenny County Development Plan with regard to the overall design and layout of the proposed scheme. The most relevant of these are 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009'. These Ministerial Guidelines advocate high quality sustainable development that are well designed and built so as to integrate with the existing or new communities. The principle of universal design is also advocated so as to ensure that the environment can be accessed, understood, and used to the greatest extent possible by all people regardless of their age, size, ability, or disability. The Design Manual which accompanies the Sustainable Residential Development Guidelines provide best practice design manual criteria such as context, connections, inclusivity, variety, efficiency, layout etc.
- 3.3.2. A design statement was submitted with the application. It states that the proposed development has been designed and scaled to respect the established residential development in the immediate area. It notes the proposed development provides a layout that allows an adequate provision of surveillance over public spaces within the surrounding application site and connectivity to adjacent developments.
- 3.3.3. I consider the proposed design and layout is such that it does accord with the principles set out in the CDP. Using the 12 indicators in the companion document to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', it is considered that the proposed design is such that it would

positively contribute to the character and identity of the neighbourhood. The development will serve to consolidate and connect an underutilised backland area in the centre of this rural settlement.

- 3.3.4. This scheme will serve to enhance and contribute to the vitality and viability of the village centre by helping to enhance critical mass. With regard to the individual houses themselves, which are two storey and single storey, they have been designed to a high standard and all exceed the minimum floor areas.
- 3.3.5. Private open space is provided by way of rear gardens. Public open space is provided within the scheme and meets development plan standards. In general, I am satisfied that adequate public and private open space has been provided within the overall scheme. The centrally located area of open space is contiguous with an existing area of open space within the residential estate of Shamrock Grove to the south west. I consider it reasonable that connectivity proposed between both areas of open space would benefit from this existing amenity.
- 3.3.6. I note that the P.A. considered the design and layout of the scheme acceptable.
- 3.3.7. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside.
- 3.3.8. I am also satisfied that the proposed layout takes cognisance of adjoining residential development in terms of layout and separation distances and does not represent overdevelopment of the site.
- 3.3.9. The housing mix as outlined in section 2.1.2 above comprises 76% 1 and 2 bedroom units. The remaining 24% comprise 3 bedroom units.
- 3.3.10. I consider that the proposed mix of units will cater for smaller households and solo-living in the general housing mix. It would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual.
- 3.3.11. Given the established nature of the area, the proposed development could aid those wishing to downsize but remain in the general area, thereby freeing up some existing housing stock in the locality.

- 3.3.12. I note the reference in the planners report to a provisional Part V agreement with the Housing Section of the PA, and that a number of units are identified on the site layout plan submitted for the purposes of Part V. The applicant asserts that as the site is not zoned there is no requirement for compliance with Part V. It is also stated however that notwithstanding it is open to the developer and the local authority to come to an arrangement for the purchase of units.
- 3.3.13. I am of the view that the provision of Part V social housing within the scheme is appropriate particularly given the location, scale and mix of unit types, and consider it appropriate for an agreement to be reached between the developer and the planning authority.
- 3.3.14. I am of the opinion, that given the overall area of the site, the delivery of residential development on this prime, infill, underutilised site, in a compact form comprising well-designed, medium density units would be consistent with policies and intended outcomes of the National Planning Framework and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness. The site is in a central and accessible location, it is within easy walking distance of adjoining amenities, in an existing serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community.
- 3.3.15. I am satisfied therefore that the proposed development provides an appropriate design, layout and housing mix and is acceptable.

3.4. Traffic and Pedestrian Safety

Access

- 3.4.1. It is proposed to provide a new access road into the site from L30403 Dangan Road to the east.
- 3.4.2. The new access road will require a set back of the existing front eastern boundary and provision of a section of footpath, with the potential for this footpath to be extended to connect to a future road crossing point to the south of the entrance which is indicated on drawings lodged with the application.

- 3.4.3. A potential pedestrian and cycle connection with the Shamrock Grove estate to the south west is also indicated. This would traverse an area which is currently a grassed amenity space located at the end of the cul de sac and opposite house No. 10 Shamrock Grove.
- 3.4.4. The Road Design section of the planning authority raised a number of concerns in relation to traffic safety and overall site layout in their initial report and recommended further information. Given the substantive planning related issues, however, the PA decided not to follow the recommendation to seek further information on road design issues.
- 3.4.5. The appellants assert that deficiencies in the site layout plan and traffic safety concerns highlighted by the Roads Design section of the planning authority, and subsequently in response to revised site layout plans and proposals submitted as part of the appeal in December 2019, have been addressed in the further plans and technical reports submitted to the Board in March 2020. The appellants assert that any alterations required would not be material and could be dealt with by way of condition.
- 3.4.6. I would note that the Road Design section of the PA commented in some detail, on the revised site layout plan Drawing No. RFI-01 submitted on appeal in December 2019 and were still not satisfied that concerns raised had been adequately addressed. In particular the absence of a Road Safety Audit for the proposed development was highlighted.
- 3.4.7. In response, the appellants submitted further revised proposals to the Board in March 2020 which included a Stage 1/2 Road Safety Audit undertaken by independent Consulting Engineers. Further drawings and details submitted include Traffic Survey data, a Swept Path Analysis for trucks and cars at the entrance to the site and within the development, and details of pedestrian crossing points. This was also accompanied by a letter of undertaking from the applicant with respect to proposed traffic calming works on the public road, located outside the appeal site.
- 3.4.8. The Road Design section of the planning authority commented again on the revised proposals and were generally satisfied with the revised proposals subject to some minor modifications which it considered could be dealt with by condition and agreed with the PA.

3.4.9. I will now deal with the various issues raised in turn.

Sightlines at entrance

3.4.10. The Road Design section of the planning authority initially had concerns in relation to sightlines indicated at the proposed vehicular entrance. It noted that while minimum sightlines in accordance with DMURS were achievable, these had not been adequately justified based on traffic speeds and traffic volumes. They also express a preference for consistent road widths within the estate and consider a road width of 5.5m at the entrance to the estate and a wider width of 6.0m undesirable.

3.4.11. In this regard I note DBFL Consulting Engineers drawing submitted indicates visibility sightlines from a 2m set back of 46m and 49m, and from a 2.4m set back of 45m along the Dangan Road along which a road speed on 50km/hr applies.

3.4.12. I have examined the Traffic Survey data, contained within Appendix B of the DBFL report submitted on appeal. I note the survey which was carried out on a weekday in June 2019 indicates that north and south bound traffic volumes peak around midday with 85% average traffic speeds of 46.7kph.

3.4.13. I note the Stage 1/2 RSA identified an issue with respect to sightlines to the north partially blocked by a parked car on the carriageway outside the neighbouring house. The RSA suggests the possibility of a raised footpath buildout from the access junction be continued northwards as far as the subject dwelling house driveway which would retain access to the driveway but limit the opportunity to pull in parallel to the carriageway.

3.4.14. I can confirm from my site inspection that sightlines to the right and left of the proposed entrance are achievable from a setback of 2m. I also note that there is no footpath on this side of the road so a crossing point to the footpath on the opposite side is essential. At the time of my site inspection mid-morning on a weekday in March, I noted that traffic volumes were light and traffic speeds within the village were low.

3.4.15. I can also confirm from my site inspection that a car was parked in the carriageway outside the neighbouring house to the north, which has been identified as an issue in the RSA. In my opinion, this is a traffic hazard and a matter for the PA to address in conjunction with the owner of the property.

3.4.16. I am satisfied, therefore, that the traffic survey data submitted is robust and that a reasonable justification for a reduction in an access setback for visibility splays of 2.0m from the entrance to the development has been provided and is acceptable in terms of traffic safety.

Road Widths

3.4.17. Drawings submitted with the application indicated an internal road width of 6m with 2m wide footpaths on either side of the entrance to the estate. These footpaths also extend either side of the entrance connecting to a potential flat top traffic calming ramp to function as a pedestrian crossing with details of this and the extent of new footpath to be agreed with the PA.

3.4.18. The Road Design section of the PA suggest that a reduction in the road width for the development access road to 5.5m wide, and provision of Slow Zone signage at the entrance to the estate would encourage reduced traffic speeds and accord with the principles of DMURS.

3.4.19. Revised site layout plan Drawing No. RFI-01 submitted by the applicant on appeal indicates a revised entrance road width of 5.5m. A further site plan Drawing No. RFI submitted in March 2020 details a road width within the estate of 6m with a number of buildouts and planting at intervals between the parking spaces which extend to reduce the road width to 5.5m.

Traffic calming ramp and pedestrian crossing to the south of the proposed access

3.4.20. It is noted by the Road Design section that the provision of a ramped controlled pedestrian crossing point at an appropriate location south of the new access would also provide sufficient traffic calming to accommodate proposed traffic movements at the proposed access. It is noted that that this would enhance pedestrian linkage to the schools and other services, especially if a pedestrian link to Shamrock Grove or Chapel Gate is delivered in the future. Specifically, the Road Design section sought to confirm that the applicant would provide a combined traffic calming ramp and controlled pedestrian crossing point which it considered an essential and necessary piece of infrastructure to facilitate the development and would benefit the area generally.

- 3.4.21. The Road Design section also noted that it is unclear if the proposed pedestrian crossing and traffic calming ramp forms part of the proposed development, and that works would require a road opening licence permission.
- 3.4.22. The applicant has indicated in the grounds of appeal that works outside the site will be within the limits of the public road but can be agreed with the P.A. The applicant has also submitted a letter signed by the Directors of Dunkitt Properties Limited confirming that the applicant *'will take full responsibility for the design and installation of proposed traffic calming measures on the public road, as outlined in Drawing Number RFI-01'*.
- 3.4.23. I have examined Drawing No. 190104-DBFL-XX-XX-DR-C-1000-P02 which indicates ramp and footpath details to be agreed. I also note the Stage 1/2 RSA identifies the need for and recommends the provision of an informal pedestrian crossing point between the proposed development and footpath on the opposite side of the road. The RSA also recommends that a taper be provided at the beginning/end of the footpath and a rebound able keep right bollard be provided.
- 3.4.24. The applicant has indicated as part of the undertaking to carry out these works a final drawing will be submitted to the PA for approval and include for all costs associated. The Roads Section of the PA have indicated that this is acceptable.
- 3.4.25. I am satisfied that the provision of a traffic calming ramp and pedestrian crossing to the south of the proposed entrance is required and can be implemented, is in the interests of traffic safety, and can be a requirement of any grant of permission.

Traffic calming within the development

- 3.4.26. I have also examined the internal road layout and proposals for traffic calming within the development. The Road Design section noted the traffic calming table/crossing in the vicinity of houses no's.16/22 which it considered inappropriate given the parking proposed in the area. It was suggested that it be relocated this closer to the public road to avoid conflict with parking areas.
- 3.4.27. The revised site layout plan submitted indicates the relocation of the traffic calming table/crossing inside the entrance and will in my opinion reduce traffic speeds at the entrance, in addition to the reduction of the road width at the entrance to 5.5m.

- 3.4.28. I have reviewed the swept path analysis as indicated on Drawing 190104-DBFL-TR-SP-DR-C-1001 submitted to the Board in March 2020 which is based on the revised layout for the development. The preparation of such an analysis was identified by the Road Design Section of the PA as required and was also recommended as part of the Stage 1/2 RSA.
- 3.4.29. I concur with the Road Design section of the PA that it has been demonstrated that there is adequate room for refuse trucks to enter/egress from the development and turn within the development.
- 3.4.30. I am also satisfied that the provision of stop signage at the new junction and slow zone signage as indicated on Drawing No. 2018-26-P01 is appropriate and will further serve to reduce traffic speeds.
- 3.4.31. I also note that the development which is modest in scale and with no through road to any other development would typically result in low traffic speeds.
- 3.4.32. I note that the revised site layout drawing submitted in March 2020 includes the pedestrian/cycle link across the open space in Shamrock Grove. I consider the inclusion of an appropriately worded condition in any grant of permission which allows for the future delivery of this link would represent a long term planning gain in terms of permeability and is in the interests of the proper planning and sustainable development of the area.
- 3.4.33. I am satisfied, therefore, that the proposed vehicular access to the development, internal road layout, along with traffic calming measures and pedestrian crossings are acceptable in terms of traffic safety and convenience, and that subject to conditions the proposed development would not give rise to a traffic hazard.

3.5. Parking/Footpath Layout

Car Parking Provision

- 3.5.1. It is proposed to provide a total of 56 no. surface car parking spaces and two bicycle parking stores within the scheme.
- 3.5.2. The parking layout comprises parallel parking to the front of the three terraces to the north. Grouped parking to serve the two terraces to the east and west is located to the north of the amenity space. Other incidental parking spaces are indicated either

side of the entrance to the estate, and in the vicinity of the hammerhead at the western part of the site.

- 3.5.3. Concern is raised in relation to the usability of specific car parking spaces fronting house no. 2/3, near house no. 16, and adjacent to house no. 22 given the inadequate length and practicality of access to these spaces. The width and length of the car parking spaces proposed is also noted and considered unacceptable as they will encroach onto pedestrian footpath areas. It is concluded that the scheme only provides for 48 usable car parking spaces.
- 3.5.4. The revised site layout plan submitted to the Board on appeal in March 2020 indicates a total of 58 car parking spaces with 2 car parking spaces per unit plus 8 visitor spaces, which is marginally in excess of CDP requirements of 56.25.
- 3.5.5. The applicant has stated in their grounds of appeal that while parking has been provided to CDP standards, a reduction could be justified on the basis of the 4 no. 1 bed houses which are unlikely to require 2 car parking spaces. The applicant also notes the local bus service and proximity of the bus stop outside the community hall opposite and to the south of the site, although the reliance on a limited public transport service is disputed by the PA.
- 3.5.6. I have considered the matter and consider on balance that given the revised details submitted which demonstrate that the proposed quantum of car parking spaces can be accommodated within the scheme and to the satisfaction of the Road Design Section of the PA, I consider the marginal increase in car parking provision in this instance to be acceptable.

Car Parking/Footpath Layout

- 3.5.7. Concern is raised by the Road Design section in relation to connectivity between the footpath and entrance doorways for house no's 1-16, and in relation to 3 car parking spaces set behind the kerb line located adjacent to house no. 16.
- 3.5.8. A potential conflict is identified in relation to the location of bin storage proposed either fronting units 1 to 16 or in specially created space between the parking of units 1-16, and associated parking. It is recommended that parking arrangements fronting 1-16 with parking directly off the roadway with footpaths adjacent to the front of units and layout of bin storage should be reconsidered and suggests the potential for a

reduction in rear garden depths if space is at a premium. Reference is made to the acceptable minimum parking bay width of 2.4m.

- 3.5.9. The applicant submits that the revised site plan Drawing No. RFI-01 submitted in December 2019 addresses the concerns raised by the Road Design section of the planning authority in respect of parking and the footpath in front of houses 1-16.
- 3.5.10. I would note that the principle difference between the original site layout plan as lodged and that submitted with the appeal is the relocation of the footpath along the northern part of the site from the road edge/outside the car parking spaces, to the front of units 1-16/inside the car parking spaces. This applies also to the relocation of a section of footpath to the south of the proposed access road to the north east of house no.22, from the roadside edge to the inside of the 5 no. curved perpendicular car parking spaces no's 23-25.
- 3.5.11. The Road Design section made detailed comments on the revised parking and footpath layout submitted, which focus primarily on the 4 no. car parking spaces arranged in two bays to the northwest of House No. 1, which are not subject to passive surveillance. The absence of a footpath for pedestrians exiting vehicles is not considered desirable from a road safety perspective.
- 3.5.12. The Road Design section also note that the curved perpendicular parking indicated just beyond the crossing point near the entrance are not workable given the curved section of road. This refers to 5 no. parking spaces (no. 23/24/24/25/25).
- 3.5.13. Revised site plan Drawing No. RFI-01 submitted in March 2020 indicates further amendments. These include the provision of a larger turning circle and footpath to serve the 4 no. car parking spaces to the northwest of House No. 1. This has been achieved by reconfiguring the private amenity space to the side and rear to the rear of the property only. The overall area of private amenity space is significantly reduced from 98sqm to 50sqm. The design of this property has also been revised to include an entrance door and window to the side elevation to allow passive surveillance at ground and first floor. These amendments are detailed in Drawings RFI-02 and RFI-03. Overall, I am satisfied that the sum of these amendments provide for an improved layout.
- 3.5.14. The other amendments relate to the configuration of the 5 no. parking spaces (no. 23/24/24/25/25), road and footpath inside the entrance to the development. These

spaces are now located perpendicular to the entrance road and adjoining footpath which will provide for a more linear arrangement.

- 3.5.15. The net effect of all these changes allows for more planting at the entrance to the development and at intervals between car parking spaces particularly fronting houses 1-16. The Road Design section of the PA are also satisfied with the revised proposals subject to agreement on measures to prevent vehicles overhanging onto the public footpath fronting houses 1-16 which can be dealt with by way of condition.
- 3.5.16. Arrangements in relation to bin storage for units 1-16 have been clarified and further details of bin store types and natural materials which include treated timber have been provided. I am satisfied that these design details will enhance the overall visual amenity of the proposed development.
- 3.5.17. In my opinion, the revised car parking and footpath layout also provides for more legible crossing points for pedestrians within the development. I concur with the Road Design section of the PA in that details in relation to dropped kerbing and tactile paving to be installed at these pedestrian crossings can be agreed by way of condition.

Public Lighting

- 3.5.18. In relation to public lighting I note that lighting design report and drawing submitted with the appeal indicates Luminaire A and B lighting columns with 28w LED lamps. The Road Design section note the scale of the drawings and location of the proposed crossing points requires clarity. I have examined the streetlight specification details included in the Outdoor Lighting Report and lighting layout prepared by Veelite which were submitted with the appeal in March 2020. The Roads Section of the PA were satisfied with the further details submitted subject to lighting details along traffic calming measures and designated pedestrian crossing points being agreed prior to commencement of development, which I consider reasonable.

Summary

- 3.5.19. In summary, I have examined the original proposals as lodged, revised proposals submitted by the applicant with the appeal in December 2019 and further amended proposals submitted in March 2020. I have also reviewed the reports and comments of the Road Design section of the PA in relation to original and amended proposals

and issues raised in observations. I am satisfied that the issues raised by the Road Design section of the PA and observers to the appeal have been adequately addressed.

- 3.5.20. I am satisfied, therefore, that subject to conditions that the proposed car parking and footpath layout is acceptable.

3.6. Other Matters

- 3.6.1. *Water and Drainage* – It is proposed to provide new connections to the public water and drainage system in Kilmacow Lower. The existing Kilmacow wastewater treatment system and network was completed in 2011 and provides secondary treatment. I note the correspondence from Irish Water dated September 2018 in respect to the applicants Pre-Connection Enquiry submitted with the application. I also note the report from Irish Water dated October 2019 stating no objection to the proposal.
- 3.6.2. *Surface Water Drainage and Flooding* – Concern has been raised in observations to the appeal in relation to issues with the existing storm water drainage system and flooding problems for existing low lying homes in Kilmacow. It is suggested that storm water drainage from the proposal should not drain to the existing storm water drainage system and instead be diverted to the River Blackwater downstream of the Upper Village.
- 3.6.3. In this regard I note that the proposed development provides for on-site surface water storage in the form of an attenuation tank, which is located within the central area of open space. This underground tank has a storage capacity of 150m³.
- 3.6.4. Proposed Surface Water Layout Drawing No. 2018-26-P03 submitted with the application and Drawing No. 2018-26-P03A submitted on appeal in March 2020 both indicate a separate surface water drainage system comprising new 225mm surface water pipes which drain to a new 300mm surface water pipe to the east of the development. This pipe is fitted with a hydro brake to limit surface water discharge of 4l/s, before entering a new 300mm surface water pipe in the public road. This will connect to the existing surface water system to the south of the site.
- 3.6.5. In relation to Sustainable Drainage Systems (SuDS) measures on site I note from drawing and surface water design calculations that no permeable or semi-permeable

materials are to be used on hard surface areas (internal roads, footpaths, and parking areas etc.) which accounts for an effective impermeable area of 3,606m². I would also note that the revised Drawing No. 2018-26-P03 A submitted in March 2020 clearly indicates an increased hard surface area, which has not been incorporated into the design calculations.

- 3.6.6. I note the Environment section of the planning authority did not comment on the proposed development, despite the issue of drainage being raised in third party submissions to the P.A.
- 3.6.7. I have reviewed the proposed surface water drainage proposals and calculations provided, which are separate to the foul sewer. I am reasonably satisfied that with the incorporation of appropriate SUDs measures, which should include the use of permeable and semi-permeable materials to hard surfaces that the proposed development can deal adequately with surface water, and thereby limit the risk of flooding problems in the village. Any proposals should also satisfy the requirements of the Environment section and Road Design section of the PA.
- 3.6.8. The site is located outside any area identified in the OPW Draft Flood Mapping. The catchments.ie website containing water framework directive flood risk data does not identify Kilmacow as being at risk of river flooding from the River Blackwater. There are no recorded flood events on the site or in the immediate vicinity and the planning application form does not identify any flood history relating to the site. On the basis of the available information it is not considered that there is any substantive flood risk on the site.
- 3.6.9. *Landscaping* – The overall development benefits from a large area of amenity space located centrally within the development which includes play equipment. I note Landscape Drawing No. PL-06 submitted indicates proposed boundary treatments and planting, and that no report from the Parks section of the PA was available at the time of writing.
- 3.6.10. I note that no detailed planting specifications were submitted and that there is scope to introduce additional planting particularly to the front of house no's 1-16 and in the vicinity of parking areas bin storage and bicycle parking areas generally within the scheme having regard to the revised site layout submitted on appeal.

3.6.11. I, therefore, recommend in the event of planning permission being granted a condition be attached in respect of a revised landscaping plan with landscaping details and play equipment specification to be agreed with the P.A.

3.7. **Appropriate Assessment**

3.7.1. The appeal site is not located within any European site. The closest such site is the Lower River Suir SAC (site code 002137) which is located c.3.8 km to the south of the appeal site at the closest point. The development is proposed to be connected to the public water supply and drainage system. Having regard to these factors, to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

4.0 **Recommendation**

4.1. I recommend the permission be **granted** for the following reasons and considerations.

5.0 **Reasons and Considerations**

Having regard to the provisions of the Kilkenny County Development Plan 2014-2020, to the pattern of development in the area, to the nature, scale, design, mix of tenure and density, to the location of the site within the settlement boundary and proximity to the village centre of Kilmacow, it is considered that subject to compliance with conditions as set out below, the proposed development would be acceptable in terms of pedestrian and traffic safety (being within the 50km/h speed zone), would not seriously injure the residential or visual amenities of the area or property in the vicinity, or the character or distinctiveness of the village. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

6.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 31st December 2019 and 11th March 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping and boundary treatment, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech, or alder and which shall not include prunus species,
 - (ii) Details of screen planting which shall not include cupressocyparis x leylandii,
 - (iii) Details of roadside/street planting which shall not include prunus species,

- (iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.
- (b) Details of additional planting to the front of each dwelling, in the vicinity of carparking spaces, and bin storage areas.
- (c) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment.
- (d) Details and specifications of play equipment to be provided within the central amenity area.
- (e) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. All rear gardens of houses shall be bounded with brick or concrete block walls, which shall be a minimum of 1.8 metres high, except where bounding public open spaces or roads, when the walls shall be 2 metres in height, or by concrete post and concrete panel fences, 1.8 metres high. The proposed boundary treatment, using concrete post and timber panel fences, or any other form of timber fencing, shall not be used for any rear garden boundaries.

Reason: To ensure the provision of durable boundary treatment in the interest of the residential amenity of future occupiers of the development.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The applicant or developer shall enter into water and/or waste water connection agreements with Irish Water prior to commencement of development.

Reason: In the interest of public health.

7. The permitted development provides for 58 no. surface car parking spaces only.

Reason: in the interest of clarity.

8. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of all visitor spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transportation.

9. (a) The internal road network serving the proposed development, including turning bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

- (b) To facilitate connectivity and permeability, the finished surface of all roads and footpaths that are shown as future possible access shall meet up to site boundaries without the provision of a grass verge or ransom strip.

Reason: In the interests of pedestrian and traffic safety.

10. (a) No tree or shrub planting is permitted within the visibility splays at the proposed entrance. The developer shall ensure that visibility splays remain unobstructed. Details of the location and setting out of the front road

boundary wall shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

(b) The developer shall ensure that the proposed footpath along the entrance road to the development is set-back sufficiently to ensure a carriageway width of six metres along the roadside boundary of the entrance to the proposed development.

(c) Footpath and road construction specifications shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

(d) Tactile paving at pedestrian crossing points shall be in accordance with the Pedestrian Crossing Specification and Guidance, issued by the National Roads Authority in April, 2011.

(e) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a revised surface water drainage proposal, which caters for surface water discharge along L3403 in front of the new footpath.

(f) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority details of SLOW road markings to be erected at two agreed locations along the L3403 road on the approach to the site.

(g) All road markings and signage associated with the development shall be in accordance with the Traffic Signs Manual, issued by the Department of Transport in 2019.

(h) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a Roads Maintenance Plan that includes for street sweeping/cleaning in order to prevent muck/debris or any other materials interfering with the safe operation of the public road.

(i) The developer shall ensure that adequate staff parking and service delivery areas are provided within the confines of the site during the construction phase of the project so as to eliminate the risk of works associated parking along the public road network.

(j) All works associated with the provision of the proposed entrance and footpaths shall be completed in full to the satisfaction of the planning authority prior to the commencement of works on site.

(k) All works on the public road will be subject to a Road Opening licence.

Reason: In the interests of traffic safety and visual amenity.

11. Prior to commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:

(a) A detailed design for the proposed traffic calming ramp across Dangan Road as detailed on Drawing No.190104-DBFL-XX-XX-DR-C-1000 Revision P02 received by An Bord Pleanála on the 11th March 2020. The design shall include a new pedestrian crossing.

(b) Details of the design, implementation, costing, and phasing of these works. The cost of the design and implementation of these works shall be at the applicants' expense, and

(c) The agreed new area of footpath either side of the proposed new entrance and connecting to the pedestrian crossing shall be constructed and implemented prior to the occupation of the development.

Reason: In the interest of pedestrian and traffic safety.

12. The developer shall implement all recommendations contained within the Stage 1/2 Road Safety Audit received by An Bord Pleanála on the 11th March 2020.

Reason: In the interest of traffic safety.

13. The developer shall carry out a detailed Stage 3 Road Safety Audit (RSA) by an independent approved and certified auditor, for the proposed development and surrounding area. The RSA shall include the proposed works to the public road. The Developer shall submit to the planning authority a copy of the RSA Stage 3 report and shall complete all of the remedial measures identified in the RSA Stage 3, prior to occupancy of the residential units. The Developer shall be liable for all costs associated with these works.

Reason: In the interest of traffic safety.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. Public lighting shall be provided in accordance with a scheme, which shall include lighting along traffic calming measures, designated pedestrian crossing points, and pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

17. Proposals for an estate name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all

estate signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

18. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

20. (1) The development, including all roads, footpaths, verges, public lighting, open spaces, surface water drains and attenuation provisions, and all other services, as permitted under this order, shall be carried out and completed in accordance with the "taking-in-charge" standards of the planning authority.

- (2) The areas of open space shown on submitted drawings shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. The open space areas shall be laid out and landscaped prior to the making available by the developer for occupation of any of the houses in the development.
- (3) All of the areas of public open space, as shown on the submitted drawings, shall be maintained by the developer until such time as the development is taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

Reason: In the interest of order development, the timely provision of open spaces and in order to comply with national policy in relation to the maintenance and management of residential estates.

21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads,

footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Susan McHugh
Senior Planning Inspector

12th November 2020