



An
Coimisiún
Pleanála

Inspector's Report PL-501369-KK-26

Development	24 apartments and all other siter works
Location	O'Loughlin Road , Kilkenny , Co.Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2560486
Applicant(s)	Michael Joseph McGuinness
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Eugene McGuinness Clare Meehan & Kieran Mc Cardle & Others
Observer(s)	None
Date of Site Inspection	13 th of September 2026
Inspector	Caryn Coogan

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History	9
5.0 Policy Context	10
6.0 EIA Screening	14
7.0 The Appeal	14
7.1. Grounds of Appeal	14
7.3. Planning Authority Response	17
8.0 Assessment	17
9.0 AA Screening	28
10.0 Water Framework Directive	29
11.0 Recommendation	29
12.0 Reasons and Considerations	30
13.0 Conditions	30
Appendix 1: Form 1 EIA Pre-Screening	37
Appendix 2: Form 2 - EIA Preliminary Examination	39

1.0 Site Location and Description

- 1.1. The appeal, 0.24ha, is located on the eastern side of O'Loughlin Road within the old Kilkenny Borough Council area. It is within walking distance of Kilkenny city centre and only 270 metres from MacDonagh Junction Shopping Centre and Train Station.
- 1.2. The site flanked by green areas to each side, a c.02ha Assumption Place playground to the south and a c. 0.6ha open green area to the north. There are mature trees along both and the northern and southern site boundaries.
- 1.3. The O'Loughlin Road frontage consists of a row of buildings which are two storeys. These buildings include a Chinese restaurant, a bar and a kebab house. There is perpendicular parking to the front of the site. The site is c.2.8m lower than the rear boundary and laneway at the back of the site. The ground rises up from O'Loughlin Road towards Assumption Place. There is a c. 4m high embankment on the other side of O'Loughlin Road to the ESB Depot at the higher level.
- 1.4. There is a large portal frame building to the rear of the site. In addition there are a number of metal storage containers and a caravan.
- 1.5. There is a ramp and a vehicular access to the pathway at the rear of the site from the rear (eastern) site boundary.
- 1.6. Nowlan Park County GAA Stadium lies to the northwest.
- 1.7. There is a bus stop 50m from the site serving the Kilkenny city network.

2.0 Proposed Development

- 2.1. Proposed residential development will consist of 24 apartments, private open space amenity and car parking. The proposed works to comprise;
 - (i) Demolition of existing buildings on the site (728sq.m.), certain boundary walls and alterations to walls retained
 - (ii) The construction of 3 residential floors of accommodation, each floor will contain 4no. 1 bed apartments and 4 no. 2 bed apartments, the total units proposed is 24 units (2,903sq.m.)

- (iii) Over a ground floor entrance hall/ stair & lift well, waste management room, services accommodation and car park.
- (iv) Bicycle Parking,
- (v) Open Space/ Amenity,
- (vi) Connections to adjoining open spaces
- (vii) Site Services comprising surface water disposal and attenuation system (SUDS), foul drainage disposal system to existing mains, water services from existing Irish Water mains, fire hydrants, street lighting, underground cables and ducts and all associated site works;
- (viii) Upgrading of existing access to O'Loughlin Road for pedestrians, cyclists and vehicular use;
- (ix) Boundary treatments, hard and soft landscaping

2.2 With a site area of 0.24ha, the proposal for 24 units, this equates to 100 dwellings per hectare. The plot ratio is 1.213 with a site coverage of 30%. The public open space provided on site is c.200m². The proposed scheme includes 26no. car parking spaces including 1 no. accessible parking space.

2.3 The Proposed Development consists of 12 no. 1 bed units ranging from 53m² to 60m² in floor area and 12 no. 2 bed units ranging from 79m² to 83m². All of the 1-bedroom units exceed the minimum sizes by more than 10% with some achieving 30% more than minimum floor area to compensate for the north facing aspect balconies by providing more living area for the people occupying those units.

2.4 There was extensive further information requested by the planning authority to revise the density to medium density, entrance details, the commercial units, access to parking. A response was received on the 13/03/2026.

3.0 Planning Authority Decision

3.1. Decision

On the 23rd of April 2026 Kilkenny Co. Co. granted planning permission for the proposed development subject to 16No. conditions.

The conditions are standard residential development conditions with a number of site specific conditions:

1. The proposed development is to be carried out and completed in accordance with the submission documents of 1st of August 2025 as amended by plans and particulars lodged on 13th of March 2026 and 27th March 2026
2. A special financial contribution of €36,000 (Thirty-six thousand Euro) towards the cost of improvements to the public play area, as specified and delivered by the KCC Capital Delivery Office
7.
 - a) Prior to commencement of development the applicant shall submit for the agreement for the planning authority revised drawings showing a revised roof profile more in keeping with the remainder of the estate, lowering the eaves and presenting a more prominent roof ridge profile.
 - b) Prior to commencement of development the applicant shall submit for the agreement for the planning authority revised drawings showing final renders to the building, including materials and colours.
 - c) Prior to commencement of development the applicant shall submit proposals for the provision of a bike rack (min 4.5sqm) with capacity appropriate to the scale of the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The design statement addresses outstanding issues raised by the planning authority and reasons for refusal of the previous application by ACP (then ABP),
- The proposal refused by ABP has now been revised and the development has been scaled back. The proposal now retains the existing buildings to O'Loughlin Road and utilises an existing entrance to the side of same. There are no proposed changes to these existing building buildings comprising the Chinese restaurant/pub and fast-food shop.
- The shed to the rear of the site is however now being demolished and it is proposed to replace same with a three storey over basement (four storey)

apartment block. The apartment block will contain 4 no apartments on the three storeys above basement.

- The 4 no. apartments on the outside corners are dual aspect and 4 no. inner apartments are single aspect. This brings the dual aspect units to 50%. The basement is to be used primarily for parking and bicycle storage. Unlike the previous applications, this proposal does not include any offices.
- The proximity of the City Centre as well as bus route KK2 passing the site is still a significant consideration. The prevailing policies (Sustainable Residential Development and Compact Settlement guidelines 2024) promote higher densities along public transport routes and proximate (within walking or cycling distance) to town centres.
- Carparking provisions is acceptable.
- An area of land is required to make a curved wall to the south and allow for vehicular entrance. This will likely be achieved through land swap with Kilkenny County Council and letter has been submitted which only grants permission to lodge an application. The disposal of land remains a reserved function of the Council. The proposal seems to be net neutral as it will add as much to the playground as it will remove, potentially adding usable space to both the site and the playground, although very minimally.
- Open space acceptable given the extent of public open space bedside the development.
- Having regard to this setting with the park/play area/green spaces on either side and the trees on the neighbouring site which provides a backdrop and screening, I consider that the visual impact of this building not to be excessive and that it can positively contribute to the mix of uses and/ or building/ dwelling typologies in the neighbourhood.
- There was extensive further information requested by the planning authority.

3.2.2. Other Technical Reports

- ***Roads Design***

An assessment of the underground carpark is required to demonstrate that all the parking bays are accessible with regards to column positions and can be catered for. The entrance is poorly defined and partially overlaps with proposed disability spaces/EV charging space. There is a potential conflict zone with pedestrians. The access is also a potential collision zone for turning refuse and delivery vehicles.

The applicant has not addressed the existing uses/access arrangements/layout to the rear

There are no details in respect of parking and access for maintenance and deliveries.

The applicant has not indicated that the residual parking to the front of the commercial units is sufficient for their continued operation.

An EV charging space and that EV charging facilities will not be provided within the underground carpark on the grounds of fire safety.

There is concern that there will be a proliferation of bollards through the development

The treatment of the area between the proposed development and the rear of the commercial units. The design shall ensure that public road footpath is continuous across the entrance on the pedestrian desire-line to prioritise pedestrian and cyclists over vehicular movements. Prior to submission, the applicant shall agree with the Municipal

The finishes, construction make up and detailing of the proposed access to ensure that the access is clearly defined and suitably constructed to cater for vehicular traffic whilst prioritising the movement of pedestrians and cyclists.

A public lighting design for the proposed development.

A 2-3m wide pedestrian/cycling link on the eastern side of the development

- ***Environment Section***

- (i) Given the residential sensitivity of the area the applicant is requested to carry out the baseline noise survey prior to grant of permission.

- (ii) The applicant is requested to show the location of the proposed heat pump
 - (iii) The applicant is requested to clarify if piling will be required on site and to ensure that noise associated with piling activity is considered in the noise survey.
 - (iv) The applicant must consider the use of nature-based solutions to address surface water discharge from site. This should include updated drawings and a detailed description with calculations of the proposed systems to be installed.
- ***Development Contributions***
A Site-Specific Development Contribution of €36,000 is payable.

3.3. **Prescribed Bodies**

Uisce Eireann were notified of the planning by the planning authority.

3.4. **Third Party Observations**

There were a significant number of third-party objections to the proposed development on the following grounds:

- Overdevelopment of the site: it is out of character with the area. The density is high and similar to the previously refused scheme. The front commercial buildings are being retained which takes up 50% of the site
- Habitable Living Standards: none of the bedrooms are dual aspect. There is no dedicated open space area .the living spaces are very cramped.
- Zoning Conflict: The commercial units on the site should be residential to comply with zoning.
- Traffic: The road is over-congested: The railway bridge is cause for concern.
- Boundary Impacts – burial site
- Loss of open space character
- Overlooking and residential amenities impact

- Insufficient amenities for residents
- Cramped pedestrian access
- Plant room, bin storage, bicycles
- Loss of distinctive streetscape
- Noise
- Environmental impact
- Design flaws

4.0 Planning History

4.1 Reg. Ref. 22131 (ABP-316107-23)

The most recent planning history associated with the subject site is

Kilkenny C. Co. granted planning permission for the demolition of existing public house/restaurant and residential building, all existing out-offices, warehouse and other buildings, yard slabs, certain boundary walls and alterations to walls retained. Construction of four-level apartment building comprising entrance hall/lift shaft/stairwell, waste management room, electrical and building services on the ground floor. Terrace of 3 no. 3-storey, three-bedroom dwelling houses with private open spaces, boundary walls, etc. 'Own door' three-level apartment building with 2 no. 2-bedroom ground-floor apartments, boundary walls and open space, 6 no. 1-bedroom apartments in total on the first & second floors, all with balconies.

Following a third-party appeal to An Bord Pleanála, the decision was overturned and refused for 3No. reasons:

1. Having regard to the site location and the provisions of the development plan including objective 6A which seeks to ensure the creation of attractive, liveable, well designed, high quality places, and Section 13.4.1 which sets out requirements regarding residential density, by reason of its height, scale, massing and density at this prominent site, on O'Loughlin Road adjacent to two areas of open space and established two-storey dwellings, would constitute an overdevelopment of the site, and would be out of character with the pattern of development in the vicinity, which would be substandard in its

form, and seriously injure the amenities of the area and of property in the vicinity.

2. Having regard to the Specific Planning Policy Requirement 4 of the Sustainable Urban Housing: Design Standards for New Apartments 2023, taking account of the low level of dual aspect apartments, the lack of communal open space, the absence of windows in some bedrooms, the lack of communal open space, results in a poor quality of architectural design that is substandard in its form and does not respond to its setting and surrounding, would therefore not protect the established character and amenities of the existing adjoining residential areas.
3. Having regard to the site's zoning as contained in the Kilkenny City and County Development Plan 2021-2127, the objective of which is to protect, provide, and improve residential amenities, and the site's location adjoining an existing residential estate, it is considered that the proposed office element of the development may contravene the said development plan zoning objective and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1 Development Plan

Kilkenny City and County Development Plan 2021-2024 – Volume 2

The site is zoned **Existing Residential**.

Objective: *To protect, provide and improve residential amenities.*

Core Strategy Objectives

4C To actively promote the redevelopment and renewal of areas in need of regeneration whether urban or rural through appropriate active land management measures during the period of the Plan. 4E To strengthen the role of Kilkenny City as a self-sustaining regional economic driver with a significant zone of influence and a Key Town on Dublin – Carlow Kilkenny Waterford M9 Road/Rail.

Kilkenny City and County Development Plan – Sections 13.4, 13.5, 13.6 and 13.1

6A To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

6G To require that a mixture of residential unit types and sizes are developed to reasonably match the requirements of different categories of households within the city and county.

6J To ensure the widest possible range of housing options in each new development and to prevent the proliferation of limited option house types in any particular area.

13.4 Compact Growth

In accordance with the NPF and the Core Strategy, it is an objective of the plan to promote compact growth. Compact Growth can be achieved through appropriate density and “infill” development and through increased heights.

13.5 Infill Development

It is Council policy to facilitate infill development where minimum requirements can be met and where the proposed development will not materially impact the residential amenity or character of neighbouring developments.

13.6 Building Heights

The Council will support increased building height and density in central locations with good public transport accessibility for both regeneration and infill purposes to secure the objectives of the National Planning Framework and Regional Economic and Spatial Strategy.

The Council will also ensure that proposals for urban densification make a positive contribution to the streetscape and does not detract from the historical environment/character of the surrounding area in general and/or neighbouring buildings in particular.

Table 12.3: Car Parking Standards

Apartments 1.25 spaces per unit 0.25 spaces per unit for visitor parking

5.2 National/Regional Plans/Policies

5.2.1 ‘Delivering Homes, Building Communities 2025-2030’ is the Government’s ‘Action Plan on Housing Supply and Targeting Homelessness’. The plan targets the

construction of 300,000 homes. To accelerate progress, the plan includes regulatory reforms, tax incentives, and the largest ever investment in infrastructure in the history of the State - €275 billion over ten years through the National Development Plan. It is a wide-ranging strategy encompassing two pillars: Pillar 1 – Focuses on activating the supply of 300,000 homes. Pillar 2 - Details how people will be supported, including key actions that work towards ending homelessness, support affordability, and address housing needs.

5.2.2 The **National Planning Framework (NPF)**, First Revision, April 2025 is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. Key elements of the NPF include commitments towards 'compact growth', 'sustainable mobility', 'sustainable management of environmental resources', 'transition to a carbon neutral and climate resilient society', and 'enhanced amenity and heritage'.

NPO 12 - Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 13 identifies building height as an important measure to achieve compact growth, stating: "In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected."

NPO 22 - In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

NPO 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

The **Climate Action Plan 2025** builds upon and should be read in conjunction with the Climate Action Plan 2024. It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. All new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, and significant increases to sustainable transport trips and modal share. The Commission is required, in so far as practicable, to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.

The **National Biodiversity Action Plan 2023-2030** includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.3 National Guidance

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024, Department of Housing, Local Government and Heritage
Planning Design Standards for Apartments – Guidelines for Planning Authorities, 2025 (hereafter referred to as the 'Apartments Guidelines').

The Planning System and Flood Risk Management, including the associated Technical Appendices, 2009 (the 'Flood Risk Guidelines').

Urban Development and Building Heights – Guidelines for Planning Authorities, 2018 (hereafter referred to as the 'Building Height Guidelines').

5.4 Natural Heritage Designations

River Barrow and River Nore Special Area of Conservation (002162): c.380m from appeal site
River Nore Special Protection Area (004233): c.380m from appeal site

6.0 EIA Screening

Having regard to the nature, size and location of the proposed development, comprising the construction of 24No. apartments in a serviced urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Appendix 1 regarding this preliminary examination.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 There are two third party appeals:

- Mr. Eugene McGuinness, 50 Bishop Birch Place, Kilkenny
- Claire Meehan and Kieran McArdle, 84 Assumption Place, John Paul and Sinead Soames, 61 Assumption Place, Kilkenny.

As both appeals raise substantially the same issues on appeal, I intend to summarise the grounds of appeal collectively as opposed to avoid undue repetition.

7.1.2 The proposed plans have not changed significantly from the previous refusal on the site. The overall decision has not given due consideration to the residents in the area.

7.1.3 ***Overdevelopment and Excessive Density***

- The scale, massing and density on the site results in an over-intensive use of the site
- Inadequate provision of any meaningful open space
- Substandard living accommodation for the future residents

- There is an undue emphasis on maximum density at the expense of residential amenity, correct spatial standards, compatibility with the surrounding area
- It fails to align with the objectives of the development plan regarding density and quality residential development.

7.1.4 *Traffic Congestion and Road Safety*

- The site is located in an area with significant traffic and parking pressure, especially due to its proximity to Nowlan Park GAA grounds.
- On match days the area experiences severe congestion, unsafe parking, restricted visibility.
- O'Loughlin Road has severe constraints due to the railway bridge and regular bus movements.
- The proposal would intensify existing traffic hazards, street parking, and conflict for cars, pedestrians and cyclists.
- The applicant has not demonstrated a safe egress can be provided and that the road network can absorb the increased traffic.

7.1.5 *Impact on Residential Amenity*

- The development would have a significant adverse impact on the residential amenity of adjoining properties in terms of increased overlooking, loss of privacy, noise and disturbance is intensified and there will be an overbearing visual impact due to scale and massing.

7.1.6 *Inadequate Quality of Proposed Residential Units*

- The scheme does not deliver an acceptable standard of residential accommodation. Concerns arise in terms of adequate living space, quality internal layouts, insufficient open space and amenity provision.

7.1.7 *Failure to address Previous Refusal*

- The current proposal does not adequately address the concerns of the previous refusal. The development represents overdevelopment of the site.

- \the roof line has not been changed to the suggested stepped roof design in keeping with the surrounding estate. The revised design retains the same industrial complex look. It looks like a very imposing industrial complex look which dominates the skyline especially when you enter from the town side under O'Loughlin Road bridge, and its not in keeping with the surrounding estate. The planning authority in the conditions requires revised drawings showing a revised roof profile. This implies the third parties are excluded on considering the visual impact of the building.
- The office element of the previous refusal has been refused. However there is concern the public house on the site will be converted into offices.

7.1.8 ***Public Safety Concerns***

- Given the constrained nature of the site, the existing traffic conditions, there are serious concerns regarding public safety. The combination of increased vehicular movements, existing congestion and substandard access arrangements this gives rise to a heightening risk of conflict between road users.

7.1.9 ***Inadequate Reliance on External Public Amenity***

- It is a matter of concern the development appears to rely on public open space to compensate for deficiencies in amenity provisions. Public amenities should not be used to offset inadequate design within a private development.

7.1.10 ***Development Plan***

- Kilkenny City and Development Plan objective 6A seeks to ensure the creation of attractive, liveable, well designed high-quality urban spaces, and Section 13.4.1 sets out requirements regarding residential density. The proposed development by reason of its height, scale, massing and density at this prominent site adjacent to two open space areas, within established two storey residences would constitute an overdevelopment of the site. The development is out of character with the pattern of development in the vicinity.

7.2. Planning Authority Response

The planning authority urge the Commission to uphold its decision to grant planning permission for the development.

The planning authority Consider condition 7(a) aims to improve the roof profile and not to keep objectors out of the assessment of the case.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive planning issues in this appeal to be considered are as follows:

- Development Plan
- Demolition
- Density
- Building Height
- Daylight and Sunlight Methodologies
- Existing Residential Amenity
- Proposed Residential Amenity
- Transport and Carparking
- Other matters

8.2 Development Plan

8.2.1 The subject site is 0.24Ha within a walking distance of the town centre. Its is located alongside a mature residential development called Assumption Place. In the Kilkenny City and County Development 2021-2027, the subject site is zoned '*Existing Residential*'. Apartments are Permitted In Principle under this zoning objective.

8.2.2 According to the National Planning Framework, compact and sustainable growth residential focuses on reusing previously developed “brownfield sites” and building up infill sites which may not have been built on before, particularly in well serviced urban locations served by good transport links and in close proximity to employment opportunities in Key Towns. The site is located within walking distance of the town centre. There is a bus stop adjacent to the site that serves the wider area. Section 4.2.1 of the development plan also recognises that compact growth can be achieved on brownfield appropriately zoned lands by increasing building heights. It is an objective of the development plan (Strategic Objective 4H, page 35) to deliver 30% of population growth within the current built footprint of the city.

8.2.3 Presently, there is a large portal frame structure on the site, a number of metal storage containers and a caravan. The provision of residential accommodation on the site in the form of 24No. apartments, would comply with the current development plan’s Core Strategy’s and Zoning Objective.

8.3 Demolition

8.3.1 It is proposed to demolish and remove the existing large building on site which according to the planning application details is a storage warehouse. There is also a political constituency office on the site. There are a number of metal storage containers to the rear of the site and a caravan. The demolition also involves the removal of some of the boundary walls.

8.3.2 The buildings to the front of the site will be retained and continue to operate their respective commercial businesses.

8.3.3 The existing structures on site contribute very little in terms of the visual amenities of the area. The structures to be demolished and removed are industrial in appearance. Therefore, I consider the demolition of the structures is acceptable.

8.4 Density

8.4.1 According to the Sustainable *Residential Development and Compact Settlement Guidelines for Planning Authorities 2024*, within Centre and Urban Neighbourhood areas of the Key Towns densities ranging from 50-100 dwellings per hectare (net) shall generally be applied. The applicant is using the Guidelines to support the density of the proposed development. According to section 13.4.1 of the

development plan, density will be determined by providing quality housing environments based on innovation and a design led approach. There is a list of criteria that will determine the density at any given location.

8.4.2 In terms of public transport routes, the subject site is served by an adjoining bus stop, and it is located 270m from McDonagh train station. The site is also within walking distance of the City Centre. I consider the location justifies a high-density range. The site area is 0.24 ha and the proposal for 24 No. residential units equates to the maximum density of 100 dwellings per hectare. It should be noted the plot ratio is 1.213 and there is a site coverage of 30% excluding the buildings that front onto O'Loughlin Road.

8.4.3 The proposed density was accepted by the planning authority because it is within the appropriate bands. The previous proposal on the site had been refused by the commission under reference ABP-316107-23, whereby the density of 147 units per hectare was considered to be excessive. I would accept, under the current revised proposal, the density is within the appropriate bands, albeit at the maximum permissible for such locations. National planning policy is to promote higher densities on such brownfield sites.

8.5 **Building Height**

8.5.1 The third parties are concerned the proposed height and scale of the building is overbearing, visually obtrusive and out of character with the surrounding environment. The proposed building is four stories high and is 14.m from the finished floor to the apex of the roof. The ground floor is a carpark, with three floors of apartments overhead.

8.5.2 "The Guidelines on Urban Development and building Heights" (December 2018) under Section 28 (1C) of the Planning and Development Act, aims to increase urban densities by allowing a greater range of building heights in the appropriate urban locations. Kilkenny City is identified as a significant Key Town of scale, with a significant zone of influence in the Regional Spatial and Economic Strategy with a growth target of 30% by 2040. According to the National Planning Framework, NPO 13 building height is recognised as an important measure to achieve compact growth, stating: "In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that

seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.”

8.5.3 The development plan addresses building heights under section 13.6 of the Plan. Kilkenny City is a medieval town rich in historic architectural character, therefore it is highly sensitive to taller buildings. The subject site is located in a receiving built environment which has a mix of urban buildings on an undulating topography. It is worth noting that the subject site is located in a hollow below the level of the adjoining residential estate, Assumption Place. There is an ESB depot on the opposite side of O’ Loughlin Road, which is also positioned on high ground than the proposed four storey apartment building. Nowlan Park GAA pitch which is located in close proximity to the subject site, contains a number of tall structures along the public road. There are no buildings of historic architectural merit contiguous or within a visual zone of influence. The site is not located within an Architectural Conservation Area. The applicant submitted by way of further information a contextual drawing of the proposed layout relative to Nowlan Park GAA grounds, and the back gardens of Assumption Place. The subject site includes structures that do not add to the visual equalities of the area. It is flanked on two sides by open space areas. In my opinion, the building height of 14.3m at this location is not excessive. The structure will be graduated in scale when viewed from O’Loughlin Road by the two storey building envelop along the O’Loughlin Street frontage. The site is a brownfield, infill site close to the city centre and public transport links. The building height will not look overbearing from the surrounding area. There is sufficient separation distance from existing dwellings to ensure the proposed development will not appear to be overbearing when viewed from adjoining properties. The closest dwelling to the subject site is 17 Assumption Place to the south east of the site, and the dwelling is at an angle to the proposed apartment block. There are no clear views from the main living rooms of the dwelling into the subject site.

8.5.4 I am satisfied that that the building height will not detract from the visual amenities, residential amenities or streetscape character of the area.

8.6 Daylight and Sunlight Methodologies

8.6.1 According to the Building Research Establishments (BRE) Guidelines Site Layout Planning for Daylight & Sunlight 2022 Guidelines (hereafter referred to as the “BRE

Guidelines”), The proposed development does not require further assessment of impact on surrounding buildings because it does not fall within the criteria of Section 3.2.2 of the BRE Guidelines which states that obstruction to sunlight may become an issue if:

- Some part of a new development is situated within 90° of due south of a main window wall of an existing building
- In the section drawn perpendicular to this existing window wall, the new development creates an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.

The site is located south of a c.70m long park and north of Assumption Place playground. The site is located a sufficient separation distance from surrounding residential buildings that it will not be within the angle for potential impact.

8.7 Existing Residential Amenity

8.7.1 The site is located along O’Loughlin Road where there is an ESB site on the opposite side of the road and a large GAA park. The nearest dwellings are Assumption Place which is positioned to the south and east of the site. Assumption Place has a direct access off O’Loughlin Road beside the subject site and consists of blocks of two storey terraced dwellings with long rear gardens. A playground and the access road create a physical buffer area between the front building line of the proposed apartment block and the opposing terrace of houses to the south. To the east, there is a rear garden area and yard associated with No. 17 Assumption Place, and a laneway providing a pedestrian link to another portion of Assumption Place.

8.7.2 There is sufficient separation distance between the proposed development and existing residential properties to ensure there will be no overshadowing of existing private amenity areas. The balconies on the southwest (front) elevation of the proposed apartment block do not overhang the adjoining playground.

8.8 Proposed Residential Amenity

8.8.1 The proposed development consists of 12 no. 1 bed units ranging from 53sq.m. to 60sq.m. in floor area and 12 no. 2 bed units ranging from 79sq.m. to 83sq.m.. Specific Planning Policy Requirement 4 of the in relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the

following shall apply: *A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.* The current proposal is an infill site less than 0.25Ha and achieves 50% of the units being dual aspect with views onto public amenity areas and no overlooking of existing residential properties arises.

8.8.2 Section 3.8 of the *Sustainable Urban Housing: Design Standards for New Apartments 2023* states the majority of all apartments in any proposed scheme of 10 or more apartments exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. The proposal provides the apartment floor areas exceeding the minimum standard by at least 10%.

8.8.3 An issue of concern raised by the third parties is the lack of communal open space to cater for the future residents of the scheme. Table 13.3 of the Kilkenny City and County Development Plan 2021-2027 Volume 1 states that the:

Minimum Floor Areas for Communal Open Space (per Apartment)

Studio = 4 sq. m

One bedroom = 5 sq. m

Two bedrooms (3 person) = 6 sq. m

Two bedrooms (4 person) = 7 sq. m

Therefore the calculated requirement is $(12 \times 5\text{m}^2) + (9 \times 6\text{m}^2) + (3 \times 7\text{m}^2) = 60 + 54 + 21 = 135\text{m}^2$. The public open space provided on site is c.200m², which was increased under the further information received. The site is adjoined by an underutilised park area and a playground to the front, which will benefit from an increase of footfall from the proposed development (special contribution is payable).

8.8.4 In terms of private open space associated with apartments, Table 13.2 Kilkenny City and County Development Plan 2021-2027 Volume 1 states the following requirements:

- Studio = 4 sq. m
- One bedroom = 5 sq. m

- Two bedrooms (3 person) = 7 sq. m
- Two bedrooms (4 person) = 6 sq. m

The balconies do not overlook any neighbouring properties due to the building's orientation and separation distances. Glass -screened wintergardens are provided where the balconies are closer to ground level for security purposes. The balconies overlook the open park to the north and the playground to the south which will also provide passive surveillance.

8.8.5 All of the 1-bedroom units exceed the minimum sizes by more than 10% with some achieving 30% more than minimum floor area to compensate for the north facing aspect balconies by providing more living area for the people occupying those units.

8.8.6 On balance, the basic needs of the future residents are being catered for throughout the proposed scheme, in accordance with national guidelines and the development standards.

8.9 **Transport and Parking**

8.9.1 Access to the proposed development will be from O'Loughlin Road. The O'Loughlin Road runs in a north-south direction, connecting to the north with Hebron Road at the Hebron Road/O'Loughlin Road/Pennyfeather Way 4-arm roundabout and with Dublin Road to the south at the Dublin Road/O'Loughlin Road priority junction. The road is approximately 600m long and the development is located centrally between both junctions. It should be noted halfway along the road is the railway bridge, which is wide enough for one vehicle and a shuttle system is in operation.

8.9.2 As stated earlier, Kilkenny Train station is 650m from the subject site, an 8 minute walk. There is a bus stop less than 50m from the subject site. There is a City Bus service running every 30minutes from this stop. In terms of traffic along O'Loughlin Road a Traffic Assessment was submitted with the planning application. The findings indicated the area has capacity to cater for additional traffic during the peak hours and since the predicted increase in volume resulting from the proposed development is relatively small, the impact on the road network is small and the development is sub-threshold with respect to the recommendation for a full Transport Assessment.

- 8.9.3 The existing entrance off O'Loughlin Road will provide access to the proposed development. The Design Manual for Urban Roads and Streets indicates that for a 50km/h speed limit a sightline of 45m at a 2m set-back should be achieved in both directions. The sightlines available in both directions exceed that minimum distance. The types of HGV's accessing the site would be emergency vehicles and a refuse vehicle. The internal layout of the residential development can facilitate HGV movement within the site.
- 8.9.4 In terms of carparking Table 12.3 Kilkenny City and County Development Plan 2021-2027 Volume 1 requires: 1.25 spaces per unit, 0.25 spaces per unit for visitor parking. A relaxation of the standard will be assessed on a case by case basis. The original carparking layout was revised following an assessment by the planning authority. The proposed development provides for 23No. carparking spaces on the ground floor including 1 accessible space. Following receipt of the further information, it is now proposed to have 5 No. 9 Kw internal car charge bays at the positions shown on the ground floor carpark and service area plan. This would exceed to the 20% requirement of 4.6 spaces.
- 8.9.5 I refer to the planning authority's Road Design Office report. It states there is a development plan requirement of 36No. spaces, representing a shortfall of 10No. spaces. The development plan refers to the 'Design Standards for New Apartments' (Department of Housing, Local Government and Heritage (DHLGH) issued in 2020) in relation to reduced car parking requirements for development adjacent to existing and future rail stations, which can be applied for this development. As an Approved Housing Body type development, it is expected that car ownership will be at a lower rate compared to that of the overall city of Kilkenny.

8.10 Planning History

- 8.10.1 I have assessed this case 'de novo'. The third parties state the proposal does not address the concerns expressed in the Board's previous refusal on the site under Appeal Reference : ABP-316107-23 which was refused on the 13th of June 2024 for three reasons. The previous development was for a larger site area including the demolition of the buildings located at the front of the site. It proposed the (i) the demolition of existing public house/restaurant and residential building, all existing out-offices, and warehouse, (ii) four-level apartment building comprising entrance

hall/lift shaft/stairwell, construction of a four storey apartment block with 11No. one-bedroom apartments 7 Two beds, 3No. three-bedroom apartments, one number 'own-door' office unit on the ground floor (iii) terrace of three number three-storey, three-bedroom dwellinghouses, (iv) 'Own door' three-level apartment building with 2No. two-bedroom ground-floor apartments, 6No one-bedroom apartments on second floor. A summary of the three reasons of refusal is as follows:

(1) It is considered that the proposed development, by reason of its height, scale, massing and density at this prominent site, on O'Loughlin Road, adjacent to two areas of open space and established two-storey dwellings, would constitute an overdevelopment of the site and would seriously injure the amenities of the area and of property in the vicinity. Furthermore, the Board considered the development, as proposed, would be out of character with the pattern of development in the vicinity, would be substandard in its form, would not successfully respond to its setting, including proposed interfaces with areas of public open space'.

(2) Having regard to the Specific Planning Policy Requirement 4 Of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2022 (updated in March, 2023), taking particular account of the low level of dual aspect apartments proposed, the lack of communal open space, the absence of windows in some bedrooms and the overall layout of the scheme, it is considered that the proposed accommodation would be substandard.

(3) The Board was not satisfied that a justification for the proposed Office element of the development had been made. The proposed development would, therefore, contravene the said Development Plan zoning Objective.

8.10.2 The current proposal has responded to the previous refusal on the site. The significant material changes include a reduction in the subject site size, the retention of the buildings to the front of the site along O'Loughlin Road, the reduction in the number of units proposed and the removal of the proposed office element in the scheme. The proposed density of 100dph is within the density standards required under national planning policy. The visual impact of the proposed development has been reduced by proposing only one building which will be inserted to the rear of the site behind the existing two storey buildings, thereby creating a graduated increase

in height. The retention of the buildings along the front of the site ensures minimal visual change to the approaches along O'Loughlin Road, thereby reducing the overall visual impact of the legibility on approach to the site. The interface of the proposed building with the open space areas, allows for an acceptable setback from the existing dwellings in Assumption Place.

8.10.3 In terms of the residential amenities of the future residents, the apartment block is south facing, with the north facing elevation looking onto a substantial green area. All living areas within the apartments will receive direct sunlight. The development still achieves above the minimum standard with 50% of units being dual aspect. The proposed development consists of 6 no. 1 bed units each c.55sq.m. in floor area and 18 no. 2 bed units ranging from c.76sq.m. The proposal contains 8 apartments per floor with 2 stair cores. More than 10% of the proposed units can be converted to Universal Design standards in accordance with the requirements of the 'Building for Everyone: A Universal Design'. Two units per floor indicated on the plans that can be converted to accessible units with electric wheelchair charging facilities. They are also two-bed units to accommodate a situation where the occupier may need a carer. The other issues were addressed previously in the report.

8.10.4 Having considered the submission documents, including the revised proposals submitted by way of further information which included detailed photomontages of the proposed development, I consider the topography of the site and the separation distance of the proposed building from other residences, enables a taller building to be inserted on the site without the risk of an overbearing impact or injury to existing residential amenities. It complies with the development plan policies. The proposal also provides much needed residential accommodation in the heart of Kilkenny City in line with national planning policy.

8.11 Other Matters

8.11.1 Bin Storage Standards

8.11.2 The planning authority requested amendments to the scheme by way of further information. The main front entrance to the building is now from the front elevation (southeastern elevation) facing the playground as opposed to facing the rear of the existing buildings on the site. This also altered the roof profile because the lift shafts were positioned centrally in the building.

- 8.10.3 There were photomontages submitted illustrating the visual impact of the proposed structure when viewed from the surrounding area. It should be noted there are mature trees along the northern site boundary which form the communal boundary with the open park area. There will no significant change to both approaches along O'Loughlin's Road. The most notable change will be the view from Assumption Place on approach from the east, whereby the four storey massing will be evident. I do accept this is a considerable change in vista for the residents living opposite the site. However, it is an evolving urban landscape, and nearby McDonagh station has seen a dramatic visual transformation in terms of massing and scale. The existing building on the site contributes little or nothing to the visual qualities of the area. The proposed building represents a highly efficient use of prime urban land. The playground green area provides an adequate setback to ensure the proposed building will not be unduly overbearing when viewed from houses on the opposite side of the road.
- 8.10.4 The Arborist report submitted on the 13th of March 2026. The trees surveyed comprise a mix of mature specimens that have been historically managed and semi-mature trees added over time to reinforce the boundary line. Root development has predominantly occurred toward the park side, where soil conditions are more favourable, resulting in Root Protection Areas (RPA's) plotted with a clear park side bias. A smaller proportion of roots is expected on the development side; therefore, protective fencing is recommended approximately 2 m inside the boundary wall, or alternatively, ground protection mats may be used where access is required. On balance, with these measures in place and all works restricted away from the trees' primary rooting zone, the overall impact on tree health and stability was assessed as low.
- 8.10.5 The planning application documents included a Construction Environmental Plan, confirmation of Uisce Eireann feasibility, internal layouts of the existing building along O'Loughlin Road to be retained, and site lighting layout. The open space is provided to the front, rear and eastern side of the building. There were revised public notices received with the significant further information. Having considered the internal layouts and revised central access cores provided for in the further information, I believe the applicant has addressed the concerns expressed by the

planning authority and the overall design is acceptable in term of residential amenity, visual amenity and traffic safety.

8.10.6 The planning authority's decision included Condition 7 (a) to submit for the agreement revised drawings showing a revised roof profile more in keeping with the remainder of the estate, lowering the eaves and presenting a more prominent roof ridge profile. In my opinion, the building is a stand alone development, and the existing housing estate should not determine the roof profile of the building. The proposed roof design is in keeping with apartment block design.

9.0 AA Screening

9.1. I have considered the apartment development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 380m from the River Barrow and River Nore Special Area of Conservation (002162) and River Nore Special Protection Area (004233). The proposed development comprises an apartment building with twenty-four apartments, and parking on the ground floor.

9.2. No nature conservation concerns were raised in the planning appeal.

9.3. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

9.4. The reason for this conclusion is as follows:

- Nature of works in this urban brownfield site
- The distance from the nearest European site and lack of connections.
- Taking into account screening report/determination by the planning authority

I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded, and therefore, an Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1 The site is 350m north of the large watercourse the River Nore.
- 10.2 The development comprises of the demolition of existing structures on the site and the construction of a four-storey apartment block in a mature urban location connected to piped services. No water deterioration concerns were raised in the planning appeal.
- 10.3 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.4 The reason for this conclusion is the small scale and nature of the development on a brownfield, infill urban site.
- 10.5 I conclude based on objective information, the proposed development will not result in a risk of deterioration of any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

- 11.1. Having inspected the site and considered the appeal file, I recommend the Commission uphold Kilkenny County Council's decision to grant planning permission for the proposed development.

12.0 Reasons and Considerations

Having regard to the provisions of the Kilkenny City and County Development Plan 2021-2024 as varied, and the location of the proposed development on zoned and serviced lands within an urban neighbourhood, it is considered that, subject to compliance with the conditions set out below, the development proposed would positively contribute to this neighbourhood, would provide an increase in housing stock in this accessible urban location with a range of social, commercial, and public transport infrastructure, would be acceptable in terms of urban design and building height, and would provide an acceptable form of residential amenity for future occupants and not seriously injure the residential amenity of adjacent dwellings. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 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 the planning authority on the 13th of March 2026 and 27th of March 2026, 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. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, details of the materials, including colours and textures, of all external finishes to the proposed development.

Reason: in the interest of visual amenity.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

(a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for the communal area within the development; and

(b) proposed landscape planting including box planters, in the development, including details of proposed species;

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: in the interest of visual amenity.

4. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development.

All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: in the interest of sustainable waste management

5. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: in the interests of environmental protection, residential amenities, public health and safety.

6. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Eireann to provide for a service connection to the public water supply and wastewater collection network.

Reason: in the interest of public health and to ensure adequate water/wastewater facilities

7. Prior to commencement of development, the applicant/developer shall enter into an agreement with the Planning Authority in accordance with the provisions of Part V of the Planning & Development Acts 2000-2023 and the Kilkenny City & County Housing Strategy.

Reason: To ensure the applicant/developer complies with the requirements of Part V of the Planning and Development Acts 2000-2023 and in the interest of proper planning and development.

8. 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 interests of public health and surface water management.

9. 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. A management scheme providing adequate measures for the future maintenance of communal areas and bicycle parking etc. 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.

10. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted External Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit and shall include lighting of proposed pedestrian link to the southeast of the site.

Reason: In the interests of amenity and public safety.

11. 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 for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

12. Prior to commencement of development the applicant shall submit proposals for the provision of a bike rack (min 4.5sqm) with capacity appropriate to the scale of the development.

Reason: in the interest of residential amenity.

14. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

15. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviations from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority. Reason: To safeguard the amenity of property in the vicinity

Reason: In the interest of protecting residential amenity

16. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended , unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiun Pleanala 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 for the area

17. The applicant shall carry out and submit for consideration of the Planning Authority a Stage 3 Road Safety Audit of the completed development.

Reason: In the interest of traffic safety.

18. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiun Pleanala to determine.

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.

19. 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 Coimisiun Pleanala for determination.

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

20. The developer shall pay to the planning authority a financial contribution per unit as a contribution in lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid

prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Caryn Coogan
Planning Inspector

16/09/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501369-26
Proposed Development Summary	24No. apartments and all site development works
Development Address	O'Loughlin Road, Kilkenny
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here

☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501369-26
Proposed Development Summary	24No. apartment within a 4 Storey block
Development Address	O'Loughlin Road, Kilkenny
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance. The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
Location of development	The subject site is located within an inner suburb of Kilkenny city and comprises an already developed and serviced site. The subject site is not located in or immediately adjacent to ecologically sensitive sites. It is considered that, having regard to the nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended. There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____