



10th September, 2019.

**TO: AN CATHAOIRLEACH
& EACH MEMBER OF KILKENNY COUNTY COUNCIL**

RE: PART VIII - Development of 6 houses at Smithsland South, Kilkenny (Site to rear of Presentation Secondary School playing pitch, proposed access adjacent to Hawthorn Walk, Parcnagowan.)

**Planning & Development Acts 2000 - 2018
Planning & Development Regulations 2001 - 2018**

Dear Councillor,

In accordance with Section 179 of the Planning & Development Act 2000, as amended, please find attached Report of the Director of Services, including the Planning Report, in relation to the public consultation process undertaken for the proposed **Development of 6 houses at Smithsland South, Kilkenny**, which was undertaken in accordance with the requirements of Part VIII of the Planning & Development Regulations 2001, as amended.

I am satisfied that the proposed development is consistent with the proper planning and sustainable development of the area and is consistent with the provisions of the Kilkenny City & Environs Development Plan 2014 - 2020. However, I note the content and recommendations of the Reports of the Director of Services and Senior Planner in this instance and I recommend that Kilkenny County Council does not proceed with the proposed development until the taking in charge process for Parcnagowan Estate is complete, at which time a new statutory planning process will be undertaken to advance the proposed development.

**Colette Byrne,
Chief Executive.**



KILKENNY COUNTY COUNCIL

REPORT – Dated 28th August 2019

**In Accordance with Section 179 of the
Planning and Development Acts, 2000 as amended**

**Development of 6 houses at Smithsland South, Kilkenny
(Site to rear of Presentation Secondary School playing pitch,
proposed access adjacent to Hawthorn Walk, Parcnagowan)**

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1. Introduction

This report has been prepared for submission to the elected members of Kilkenny County Council and contains information regarding the proposed development, issues raised following the erection of the public notice of the proposed development and the display for public inspection of the plans and particulars and other matters as required in accordance with Section 179 of the Planning & Development Acts, 2000 as amended.

2. Description of Proposed Development

The proposal put forward on public display provided for 6 no housing units on a green field site at Parcnagowan housing estate as follows:-

Unit	Type	Capacity
1	Single Storey Group Home	4 bed 4 person
2	Single Storey House (Wheelchair Accessible)	3 bed 5 person
3	Single Storey House	2 bed 4 person
4	Single Storey House	2 bed 4 person
5	Single Storey House	2 bed 4 person
6	Single Storey House (Wheelchair Accessible)	3 bed 5 person

As part of the development Kilkenny County Council Housing Section intends to construct a 4 bedroom group home. The design of the house is to facilitate residents with disabilities as part of the national de-congregation programme.

The two 3 bed single storey units proposed in the development will be fully wheelchair accessible, while the remaining three 2 bed single storey units will be level access throughout.

Open space and parking for 20 vehicles are provided in the site.

The proposal was put forward having regard to the social housing demand in Kilkenny City, which is currently (first preference approved applications dated 11th Jan 2019):-

Kilkenny City		
1 bed	467	39%
2 bed	469	39%
3 bed	239	20%
4 bed	37	2%
Total	1212	

3. Pre-planning

As part of the planning application process the Housing Section was advised of planning requirements through a formal pre-planning submission prior to lodging the application

4. Notice of Development

A notice describing the proposed development was placed in the Kilkenny People, week ending Friday 7th June, 2019. A Site Notice was displayed at the site location from Friday 7th June 2019.

5. Consultation

- a) Details of proposals were put on display on the consult website: <https://consult.kilkenny.ie> and at the Planning Department, Kilkenny County Council
- b) An information evening was held in St. Patricks Parish Centre on Tuesday 18th June 2019 from 4pm until 7pm. Four staff members from Kilkenny County Council Housing Section were in attendance to meet interested parties and answer any questions regarding this development. All were invited to attend by way of advertisement on the Kilkenny People, social media and local radio.

6. Details of Submissions Received

22 no valid submissions were received before the closing date as follows:-

No.	Name	Submission Type & Address	Date Received
1	John Trait	By Email (No address provided)	17/7/2019
2	Ivana Alegria & Kevin Shortall	By Email (No address provided)	17/7/2019
3	Tomas Jackman	Consult Website	12/7/2019
4	Niamh Portch	Consult Website	13/7/2019
5	Kristina Arslan	Consult Website	13/7/2019
6	Fintan Kenny	Consult Website	15/7/2019
7	Susan Green	Consult Website	16/7/2019
8	Fiona Seaver	Consult Website	16/7/2019
9	Eoin McCormack	Consult Website	16/7/2019
10	Rosemarie Hardy	Consult Website	17/7/2019
11	Jennie Stokes	Consult Website	17/7/2019
12	Robert Downer	Consult Website	18/7/2019
13	Joanne Meagher	Consult Website	18/7/2019
14	Aidan Doherty	Consult Website	19/7/2019
15	Neil Smyth	Consult Website	19/7/2019
16	Kevin Gladney	Consult Website	19/7/2019
17	Residents Assoc. ParcnaGowan	Consult Website	12/7/2019
18	Seamus Gladney	email	12/7/2019
19	Residents Assoc. ParcnaGowan	Consult Website	15/7/2019

20	Paddy and Anne Moore	Letter	19/7/2019
21	Anthony Chandley	Letter	18/7/2019
22	Patrick Fitzgerald	Letter	18/7/2019

A summary of the issues raised is as follows, ordered by number of times they were mentioned in the submissions received. Those mentioned most often were taken to be the issues of most concern:-

	Issue	Number of Mentions
1.	Increased Traffic Congestion on Outrath Road	12
2.	Disruption during Construction & Traffic Management Plan	11
3.	Health and Safety	9
4.	Removal of Car Parking Spaces	7
5.	Permission to Access Through a Private Estate and Knock an Existing Boundary Wall	7
6.	Environmental Considerations	6
7.	Noise and Dust Pollution	6
8.	Existing Surface Water Drainage Issues	4
9.	Impact on Existing Residents	3
10.	Too Little Information on Proposed Tenants	1

7. Housing Section – Response to Concerns Raised in Submissions

Issue 1. Increased Traffic Congestion at Outrath Road

A road traffic statement was commissioned during the design phase of the project in order to anticipate and accommodate any required works to alleviate road issues caused by the proposed development. Roadplan Consulting Engineers completed the report which involved an audit of the existing traffic volume on the Outrath road. This audit determined that there was a total of 1075 journeys counted on the Outrath road at AM peak between 08.15 and 09.15 in the morning and a total of 383 journeys at PM peak between 17.00 and 18.00. Considering the nature of the development they concluded that the additional traffic resulting from the 6 new houses would be 3 journeys during the AM peak and 5 during PM peak.

Their finding was that this additional traffic would have an inconsequential effect on the existing road network and did not merit additional works.

The Housing Section consulted with Roads Section on this issue of increased traffic and the latter outlined recent road improvements carried out in the general area of Parcnagowan, particularly in the vicinity of Lidl, Outrath Road & Supervalu to free up traffic movements. New mini-roundabouts on Bohernatounish Road have significantly improved the pre-existing situation and allowed for the more orderly exit of traffic from the Outrath Road. Kilkenny County Council Road Design Section and the Kilkenny Municipal District Office may look at further works to alleviate traffic congestion on the Outrath road. A park and walk system may alleviate traffic during school drop off times.

Issue 2. Disruption during Construction & Traffic Management Plan

Issue 3. Health & Safety &

Issue 7. Noise and Dust Pollution (*Combined Response*)

A Preliminary Health and Safety plan will be issued at tender stage to potential contractors outlining the site constraints which will have to be adhered to and taken into account in developing their site specific Health and Safety plan. Site constraints will include a requirement to maintain access for existing residents to their homes, site security and a restriction on working hours and delivery times. The contractor would also be required to submit a construction management plan. A key part of the construction management plan will be traffic management and organising deliveries to and from site in a safe and orderly manner to minimise any possible health and safety risks to residents and Kilkenny County Council will diligently manage any successful contractor. Kilkenny County Council Housing Section would be responsible for the overall management of the construction process and this would include regular liaison with local residents as may be required, in order to ensure that any disruption is kept to a minimum.

Issue 4. Removal of Car Parking Spaces

In order to facilitate access to and from the proposed development 7 no. existing public car parking spaces along Hawthorn Avenue are required to be removed. However a total of 20 car parking spaces will be provided within the new development, 10 of which will be public spaces replacing the 7 to be removed.

Issue 5. Permission to Access Through a Private Estate and Knock an Existing Boundary Wall

Parcnagowan estate is currently progressing through the taking in charge process which when complete will result in the estate roads being designated public roads. The housing section held discussions with both the Kilkenny County Council taking in charge team as well as the owner of the estate regarding this matter. Following more recent discussions on the matter it is now felt that the taking in charge process is not sufficiently advanced to facilitate access through the estate for the construction of the development in the immediate future and as such it is recommended not to proceed with the proposed development until the taking in charge of Parcnagowan estate is completed.

Issue 6. Environmental Considerations

The Habitats Directive requires competent authorities to carry out an Appropriate Assessment (AA) of plans and projects that, alone and/or in combination with other plans and projects, would be likely to have significant effects on one or more Natura 2000 sites. Stage 1 Screening for Appropriate Assessment has been checked for this site and it is considered that potential for significant environmental impact can be ruled out. The relevant report was provided for consultation during the Part 8 planning consultation process.

Issue 8. Existing Surface Water Drainage Issues

The Part 8 process has highlighted residents concerns regarding the existing surface water drainage system within the estate and the potential for increased issues from the connection of 6 new houses. Rectification of any issues regarding existing services will be resolved during the taking in charge process and it is recommended that the Part 8 for the proposed development be withdrawn until the taking in charge of Parcnagowan estate is completed, as outlined above.

It may be possible to contain the surface water run-off from this development within the bounds of the site by means of standalone attenuation and soak away system which would not require connection to the existing Parcnagowan surface water system. Testing of the ground conditions is currently being arranged to confirm feasibility for same. No issues have been raised as part of this process regarding the existing foul drainage or water main systems within the estate.

Issue 9. Impact on Existing Residents

Kilkenny County Council Housing Section would be responsible for overall management of the construction process and this would include regular liaison with local residents as may be required, in order to ensure that any disruption is kept to a minimum.

Issue 10. Too Little Information on Proposed Tenants

Details of Social Housing Applicants or proposed allocations is not public information.

8. Implications for Proper Planning and Sustainable Development of the Area

The proposed development is consistent with the provisions of the Kilkenny City and Environs Development Plan 2014 - 2020 and is compatible with the zoning objectives and the Housing Strategy for the area.

9. Kilkenny County Council's Intention Regarding Proposed Development

**Proposed Development: Part 8 Proposal:
Development of 6 houses at Smithsland South, Kilkenny
(Site to rear of Presentation Secondary School playing pitch,
proposed access adjacent to Hawthorn Walk, Parcnagowan)**

I recommend that Kilkenny County Council does not proceed with this Part 8 proposal for the development at this time pending the completion of the taking in charge process for Parcnagowan estate.

SIGNED


Mary Mulholland
Director of Services

Planning Report



To : Mary Mulholland, Director of Services

From: Denis Malone, Senior Planner

Date: 9/9/2019

Part VIII Ref:P.10/19

Re: Development of 6 houses at Smithsland South, Kilkenny (Site to rear of Presentation Secondary School playing pitch, proposed access adjacent to Hawthorn Walk, Parcnagowan)

Part VIII Proposal

The details of the proposed development as presented in the Planning Notice for the development are as follows:

The proposal put forward on public display provided for 6 no housing units on a green field site at Parcnagowan housing estate as follows:-

Unit	Type	Capacity
1	Single Storey Group Home	4 bed 4 person
2	Single Storey House (Wheelchair Accessible)	3 bed 5 person
3	Single Storey House	2 bed 4 person
4	Single Storey House	2 bed 4 person
5	Single Storey House	2 bed 4 person
6	Single Storey House (Wheelchair Accessible)	3 bed 5 person

As part of the development Kilkenny County Council Housing Section intends to construct a 4 bedroom group home. The design of the house is to facilitate residents with disabilities as part of the national de-congregation programme.

The two 3 bed single storey units proposed in the development will be fully wheelchair accessible, while the remaining three 2 bed single storey units will be level access throughout.

Open space and parking for 20 vehicles are provided in the site.

Site Location

The site is located on lands to the rear of the existing Presentation Convent Secondary School and it is proposed to access these lands from the Parcnagowan housing scheme.

Zoning

The site falls within a zoning of phase 1 residential within the Kilkenny City and Environs Development Plan 2014 - 2020. Thus the proposed development is an acceptable use within that zoning.

The zoning was changed on the site by way of Variation 6 to the Kilkenny City & Environs Development Plan 2014 - 2020. The variation was approved by the Council in Sept 2018.

Appropriate Assessment

Having considered the design proposal, the disposal of foul and surface water from the proposed development, it is considered that the proposed development will not have any significant impact on the conservation objectives of any Special Area of Conservation.

Determination for Environmental Impact Assessment

Having regard to the extent and nature of the proposed development and having regard to Schedules 5, 6 & 7 of the Planning and Development Regulations 2001 - 2018 an Environmental Impact Assessment Report (EIAR) is not required for this development. This determination was also carried out prior to the commencement of the public display period.

Relevant Planning Policy and Guidelines

Kilkenny City and Environs Development Plan 2014 - 2020.

Referrals

The application was referred internally to:
The Roads Design Section,
Water Services and Irish Water,
The Environment Section

Third Party Submissions

A notice describing the proposed development was placed in the Kilkenny People, week ending Friday 7th June, 2019. A Site Notice was displayed at the site location from Friday 7th June, 2019.

Details of proposals were put on display on the consult website: <https://consult.kilkenny.ie> and at the Planning Department, Kilkenny County Council. An information evening was held in St. Patrick's Parish Centre on Tuesday 18th June 2019 from 4pm until 7pm.

The following table provides a list of the submissions and summaries the issues raised outlines a response to the issues raised.

22 no valid submissions were received before the closing date as follows:

No.	Name	Submission Type & Address	Date Received
1	John Trait	By Email (No address provided)	17/7/2019
2	Ivana Alegria & Kevin Shortall	By Email (No address provided)	17/7/2019
3	Tomas Jackman	Consult Website	12/7/2019
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5	Kristina Arslan	Consult Website	13/7/2019
6	Fintan Kenny	Consult Website	15/7/2019
7	Susan Green	Consult Website	16/7/2019
8	Fiona Seaver	Consult Website	16/7/2019
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20	Paddy and Anne Moore	Letter	19/7/2019
21	Anthony Chandley	Letter	18/7/2019
22	Patrick Fitzgerald	Letter	18/7/2019

A summary of the main issues raised is as follows, ordered by number of times they were mentioned in the submissions received. Those mentioned most often were taken to be the issues of most concern:-

	Issue	Number of Mentions
1.	Increased Traffic Congestion on Outrath Road	12
2.	Disruption during Construction & Traffic Management Plan	11
3.	Health and Safety	9
4.	Removal of Car Parking Spaces	7
5.	Permission to Access Through a Private Estate	7
6.	Environmental Considerations	6
7.	Noise and Dust Pollution	6
8.	Existing Surface Water Drainage Issues	4
9.	Public Notice	4

ASSESSMENT

1. Traffic

In response to the concerns raised by the submissions the Housing Section carried out a traffic assessment of the existing situation and assessed the impact of the proposed scheme.

The audit determined that there was a total of 1075 journeys counted on Outrath road at AM peak between 08.15 and 09.15 in the morning and a total of 383 journeys at PM peak between 17.00 and 18.00.

Having regard to the scale of the development (6 houses) the scale of the existing housing in Parcnagown and the potential additional traffic associated with the 6 houses it is considered that any additional traffic would have an inconsequential effect on the existing road network in the area.

2, 3 & 7 Construction Management/Noise & Dust

It is the Council's practice to ensure that a construction management plan is prepared where there is potential for impacts over the period of construction of any proposed development. It is a requirement that a construction management plan be completed and agreed with the Planning Department prior to commencement of development. The plan will with the traffic management and organising deliveries to and from site in a safe and orderly manner to minimise any possible health and safety risks to residents.

4. Car Parking

A total of 7 car spaces will be removed from Hawthron Avenue, the existing road. A total of 20 car parking spaces will be provided within the new development, 10 of which will be public spaces replacing the 7 to be removed.

Therefore, there should be no issue with car parking as a result of the proposed scheme.

5. Access through private estate

Parcnagowan estate is currently progressing through the taking in charge process which when complete will result in the estate roads and services being taken over and maintained and operated by the Council. As part of the taking in charge process any issues with existing services are resolved before the Council formally take the development in charge.

Taking a precautionary approach, it would be prudent not to proceed with the proposed Part 8 housing scheme until such time as the existing Parcnagown housing estate has completed its taking in charge process.

6. Environmental Considerations

Notwithstanding the environmental concerns raised in the submissions it is considered that there are no environmental concerns arising from the proposed development which would preclude the development from going ahead.

An appropriate assessment screening was carried out and that report was included in the documentation on public display. Its conclusion was that significant impacts could be ruled out on any Natura 2000 site (SAC).

The proposed development was also assessed against the need for an Environmental Impact Assessment and it was concluded that and EIAR was not required.

8. Surface Water

Submissions highlighted resident's concerns regarding the existing surface water drainage system within the estate and the potential for increased issues from the connection of 6 new houses.

As stated above Parcnagowan estate is currently progressing through the taking in charge process. As part of the taking in charge process any issues with existing services are resolved before the Council formally take the development in charge.

Taking a precautionary approach, it would be prudent not to proceed with the proposed part 8 housing scheme until such time as the existing Parcnagown housing estate has completed its taking in charge process.

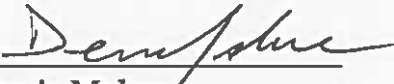
9. Public Notice

During the public display period it came to light that there was an error in the details on the site notice advising people to mark submissions "Golf Links Road Housing-Part 8 Submission."

This is an error in the public notice and potentially could leave any decision on this Part 8 process open to a legal challenge.

Recommendation

Having regard to the details submitted with the Part 8 application, the submissions made, the fact that the proposed access is through the existing Parcnagown Housing estate which is currently going through a taking in charge process and the error in the site notice and taking a precautionary approach it is considered that this proposed development Part 8 scheme should not proceed until the Parcnagown Housing Estate is taken in charge.

Signed: 
Denis Malone
Senior Planner

Date: 9/9/2019