



KILKENNY COUNTY COUNCIL

REPORT - Dated 22nd June, 2023

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

RE: Abbey Hill, Thomastown, Co. Kilkenny

***For consideration by the Chief Executive
of Kilkenny County Council***

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8. EIA Screening prepared by MKO Ireland

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1. Introduction

This report has been prepared for consideration by the Chief Executive of Kilkenny County Council and contains information regarding the proposed development, as required in accordance with Section 179A of the Planning & Development Acts, 2000 as amended .

2. Description of Proposed Development

The proposal put forward provides for the development of a 1.24 hectare site in Newtown, Thomastown, Co. Kilkenny for the provision of 42 social and affordable housing units (mix of 1, 2 3 & 4 bed units) and all associated site works including roadways, parking, bin store and landscaping. The site is currently a disused brownfield site and fronts on to the R700 Ladywell Street to the East.

3. Application of S179A

	Yes / No	Comment
A	the land is owned by the local authority or another specified State Body;	Yes
B	the land is zoned for residential development ;	Yes
C	the proposed development does not materially contravene the development plan or local area plan for the area;	Yes

D	the proposed development is in accordance with the relevant local authority's housing strategy ;	Yes	
E	the land is serviced or will be serviced with the necessary supporting infrastructure or facilities within the timeframe of the development;	Yes	
F	the proposed development is not required to undergo environmental impact assessment (EIA) under the EIA Directive or appropriate assessment (AA) under the Habitats Directive; and	Yes	Screening report attached
G	the development works in question are commenced by no later than 31 December 2024 .	Yes	Expected to go to tender Q4 2023 and commence on site Q1 2024

4. Pre-planning

As part of the planning application process the Area Planner, City Engineer, Roads Design, Water Services and Environment Section were advised of planning requirements through a formal pre-planning submission prior to finalising the details of the application.

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

The proposed development is consistent with the provisions of the Kilkenny City and County Development Plan 2021-2027 and is compatible with the proper planning and sustainable development for the area. Copy of a report to this effect from the Planning Department is appended to this report.

Appended to this report are reports from (see Appendix B):

- Planning Department

- Environmental Impact Assessment (EIA) Screening
- Appropriate Assessment (AA) Screening
- Roads Design Office Report
- Environment Section report

The following comments were noted by the Planning Department and will be addressed as follows:

*1. **Surface Water:** The applicant shall confirm that the existing stormwater network on the public road had sufficient capacity to cater for the additional loading of surface water from the proposed development. No stormwater is permitted to enter the wastewater network. Proposals are required for on-site surface water management and disposal which incorporates an appropriate storm-water management system which limits post development storm-water runoff from the site to predevelopment greenfield runoff rates.*

Hayes Higgins Consulting Engineers have designed proposals for the collection, storage and discharge of surface water on site and these are detailed in Hayes Higgins Engineering Drawing **22KK022-C-015 Proposed Drainage Layout - P1** attached in Appendix A.

Housing Capital are satisfied that the wastewater network from the new development can discharge into the existing sewer in Talbot's Court and permission from Uisce Eireann for a connection will be made at application stage. Proposed connection details are shown Kilgallen & Partners Consulting Engineers drawings in Appendix A.

*2. **Lighting:** The applicant shall submit an energy efficient lighting proposal for the proposed development. This proposal shall include a site layout drawing showing the location and type of all lights to be installed and extend of light spread from each light. Mitigation measures may need to be submitted to reduce the effect of artificial lighting on sensitive receptors in the*

vicinity of the development. The final design shall also incorporate recommendation from Roads Design Office submission.

A Lighting Layout will be completed during detailed design and submit to Roads Section.

3. Water Connection: *Uisce Eireann requires upgrades on the mains water infrastructure before a connection can be achieved for the proposed development. All proposals for the upgrade of the mains water network and associated costs shall be agreed between Uisce Eireann and Kilkenny County Council before the issue of tender documents. All mains water infrastructure with shall be in accordance with Uisce Eireann Code of Practice for Water Infrastructure.*

Details to be agreed with Uisce Eireann prior to construction as part of the Uisce Eireann Connection Application process.

4. Wastewater Connection: *In order to facilitate a connection for the proposed housing development the wastewater network on the site of the Thomastown Primary Care Centre will need taken in charge by Uisce Eireann before a connection can be achieved. Kilkenny County Council must ensure that all existing and proposed wastewater infrastructure is up to Uisce Eireann standard and has capacity to cater for both the existing a proposed development. Any issues arising from the Uisce Eireann inspection will need to be mitigated against before commencement of any works.*

Housing Capital are satisfied that the wastewater network from the new development can discharge into the existing sewer in the access road and permission from Uisce Eireann for a connection will be made at application stage. Proposed connection details are shown in Hayes Higgins Engineering Drawing **22KK022-C-015 Proposed Drainage Layout - P1** attached in Appendix A. Details to be agreed with Uisce Eireann prior to construction as part of the Uisce Eireann Connection Application process.

5. Waste Management: *The developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D 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 the file and retained as part of the public record.*

A Construction and Demolition Resource Waste Management Plan (RWMP) and a Construction Environmental Management Plan (CEMP) for construction and operations will be prepared by the successful contractor and submitted to planning prior to commencing construction to be retained as part of the public record.

6. Access: *A report has been received from the Roads Design Office with a number of recommendations to be addressed as part of the proposed development; these recommendations should be addressed in the detailed design and under agreement with Roads Section.*

Discussions have commenced with the developers of the Access Road and will be satisfactorily concluded prior to construction. A Road Safety Audit 1/2 and Swept Path Analysis will be completed during detailed design and submit to Roads Section.

7. Archaeology: *It is recommended that a programme of archaeological monitoring be undertaken during site clearance at the earliest phase of construction works as per recommendation of the Archaeological Consultant Report submitted. If archaeological features are revealed during the programme of archaeological monitoring, these features should be recorded in written, drawn, and photographic formats and remain in situ until consultations are undertaken with the National Monuments Service on the appropriate mitigation strategy. Should the proposed mitigation measures be followed as recommended, this shall provide for either the avoidance of any revealed archaeological remains or the proper and adequate recording of this resource.*

All ground works will be monitored by a qualified archaeologist and mitigation measures as outlined in the Archaeological Impact Assessment will be adhered to.

8. Site Notice: In accordance with article 81A (2) (e) of the Planning and Development Regulations 2001, as amended, the site notice shall "(e) indicate its determinations under articles 81A(5) and 81A(6),"; therefore the determination of the AA Screening shall also be included in the site notice.

Noted and to be actioned.

9. Site Layout Plan: The site layout plan would benefit from the following:

- pedestrian/cycle links which safely connects to existing public road infrastructure outside the site shall be delivered in accordance with DMURS design principles and smarter travel objectives of the Master Plan lands as set out in the Thomastown LAP (as per updated site layout plan/architectural design statement);*

The site layout drawing has been updated to reflect these and reference to same with in the Architectural Design Statement. Discussion with the Primary Care Center owners are currently underway as this is access to private land and can only be completed with agreement.

- solid stone boundary and entrance walls design treatment to match/be similar to that on Ladyswell street rather than timber post and rail fencing as proposed. If timber post and rail fencing is decided on, at a minimum, suitable native hedgerows planting inside the timber fence boundary shall be planted and agreed with Kilkenny Landscape Architect Officer;*

The timber post and panel fence is proposed to provide a sense of openness and transparency to the new development as well as connectivity to the

surrounding areas rather than providing the development with a feeling of enclosure. Planting with hedging and trees to be considered to improve the visual amenity, without impacting on the openness. Specification of proposed boundary types and extents and details will be clarified at detailed design.

- *Detailed landscaping plan which includes planting of native species, and pollinator friendly species to be agreed with Kilkenny Landscape Architect Officer;*

A Landscaping Plan will be completed during detailed design and submit to Kilkenny County Council Landscape Architect Officer prior to construction.

- *10% of the public opens site area should include for play space (13.20.4 refers in the KCCDP 2021-2027);*

Total public open space available within the development, suitable for play space as referred to in 13.20.4 of the KCCDP 2021-2027, amounts to 1222m² which is > 10% of the development.

- *Estate development name shall comply with Kilkenny City and County development plan policy standards (Section 13.12 Naming of Housing Developments).*

The estate name will be Abbey Hill as the site is elevated above the old Abbey View Estate in Thomastown.

Report Prepared By:



Paddy Crotty
A/Senior Executive Engineer
Housing Capital

Kilkenny County Council's Intention
Regarding Proposed Development

Proposed Development: S179A Proposal
Abbey Hill, Thomastown, Co. Kilkenny

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the report and recommendation from the Housing Capital Section dated 22nd June 2023

SIGNED



Mary J Mulholland
Director of Services

I approve the proposed development in accordance with the report and recommendation from the Housing Capital Section dated 22nd June 2023.

SIGNED:



Sean McKeown
Interim Chief Executive

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1. Public Notice



**Planning and Development Act 2000, as amended
Planning and Development Regulations 2001, as amended**

**NOTICE OF INTENTION TO UNDERTAKE DEVELOPMENT
BY A LOCAL AUTHORITY UNDER SECTION 179A OF THE PLANNING
AND DEVELOPMENT ACT, 2000 (as amended)**

In accordance with the provisions of Section 179A of the Planning and Development Act 2000 (as amended) Kilkenny County Council gives notice of its intention to carry out the following development:

Construction of 42 no. houses and apartments and associated site works including roadways, parking and amenity areas at Newtown, Thomastown, Co. Kilkenny

Plans and particulars of the proposed development will be available for inspection or purchase for a fee not exceeding the reasonable cost of making a copy during office hours from Planning Dept., Kilkenny County Council, County Hall, John St., Kilkenny City from 9am to 1pm & 2pm to 4pm Monday to Friday (excluding weekends and Bank Holidays) and can be viewed online at <https://consult.kilkenny.ie/>

Screening Determination:- In accordance with the requirements of Article 120(1)(a) of the Planning and Development Regulations 2001 (as amended) the Planning authority has made a preliminary examination of the nature, size and location of the proposed development. The authority has concluded that there is no real likelihood of significant effects on the environment arising from the proposed development and a determination has been made that an Environmental Impact Assessment (EIA) is not required. The authority has concluded that there is no likelihood of significant effects on a European Site and that an Appropriate Assessment is not required. As per Article 120(3) of the Planning and Development Regulations 2001 (as amended), where any person considers that the development proposed to be carried out would be likely to have significant effects on the environment, he or she may, at any time before the expiration of 4 weeks beginning on the date of the publication of this updated notice apply to An Bord Pleanála for a screening determination as to whether the development would be likely to have a significant effect on the environment.

Within a period of 8 weeks from the date of this notice any person may question the validity of any decision of the Planning Authority by way of an application for judicial review. The development will not commence until this period of 8 weeks has expired

Mary Mulholland, Director of Services.

Date of Notice