



KILKENNY COUNTY COUNCIL

REPORT - Dated 10th January, 2024

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

*RE: Changes to previously permitted Development at
Tobernepeiste, Freshford, Co. Kilkenny*

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

Structure of Report

1. Introduction
2. Description of proposed development
3. Application of S179A
4. Pre-planning consultations undertaken and advice received
5. Implications for the proper planning and sustainable development of the Area
6. Council's Intention regarding proposed development

Appendix A

1. Proposed architectural drawings prepared by Kilkenny County Council Housing Technical

Appendix B

1. Pre-planning Report
2. Appropriate Assessment (AA) Screening

Appendix C -

- Proposed Public Notice

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

Kilkenny County Council acquired the site in Freshford with planning permission Ref. 19/99 in late 2022 for 19no. dwellings. Housing Capital now wish to modify the proposed scheme to make it more suitable for the provision of social housing.

The intention is to keep the overall layout similar, however it is proposed to replace the two-bedroom dwelling at the front of the site with 2no. two-bedroom bungalows to bring the total number of dwellings to 20no. and elevational and layout changes to the other dwellings on the site to also provide 7no. two-bedroom semi-detached and terraced 2-storey dwellings, 10no. three-bedroom semi-detached 2-storey dwellings and a single storey four-bedroom plus carer community home.

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	Yes	

	development;	
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
G	the development works in question are commenced by no later than 31 December 2024.	Yes

4. Pre-planning

As part of the planning application process the Area Planner and was advised of planning requirements through a formal pre-planning submission prior to finalizing 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.

Appended to this report in Appendix B are reports from:

- Planning Department
- Appropriate Assessment (AA) Screening

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

1. *Boundary treatment/s and landscaping of area to front of site requires detailing to ensure an appropriately defined streetscape is provided along Bohercrussia Street.*

Housing Capital will request that the appointed architects, van Dijk Architects Ltd, will detail the front of the site to ensure an appropriately defined streetscape along Bohercrussia St as part of the detailed design for tender stage.

2. *Landscaping of remainder of site to be detailed to ensure hard landscaped surfaces do not dominate the site.*

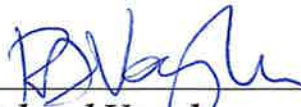
Housing Capital will ensure that hard landscaping surfaces are kept to minimum. This will be achieved by including additional rain gardens and grassed areas to the front of the dwellings as part of the nature based solutions for stormwater.

3. *Site Notice: Site notices to be erected at entrance to site from public road and at location of proposed pedestrian entrance from neighbouring Woodview estate.*

Site notices will be erected to both the public road and the pedestrian entrance from the neighbouring Woodview estate.

Report prepared by:

SIGNED



Richard Vaughan
Executive Architect

6. Kilkenny County Council's Intention Regarding Proposed Development

Proposed Development: S179A Proposal
Changes to previously permitted
development at Tobernapeiste, Freshford,
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 10th January 2024.

SIGNED



Mary J Mulholland
Director of Services

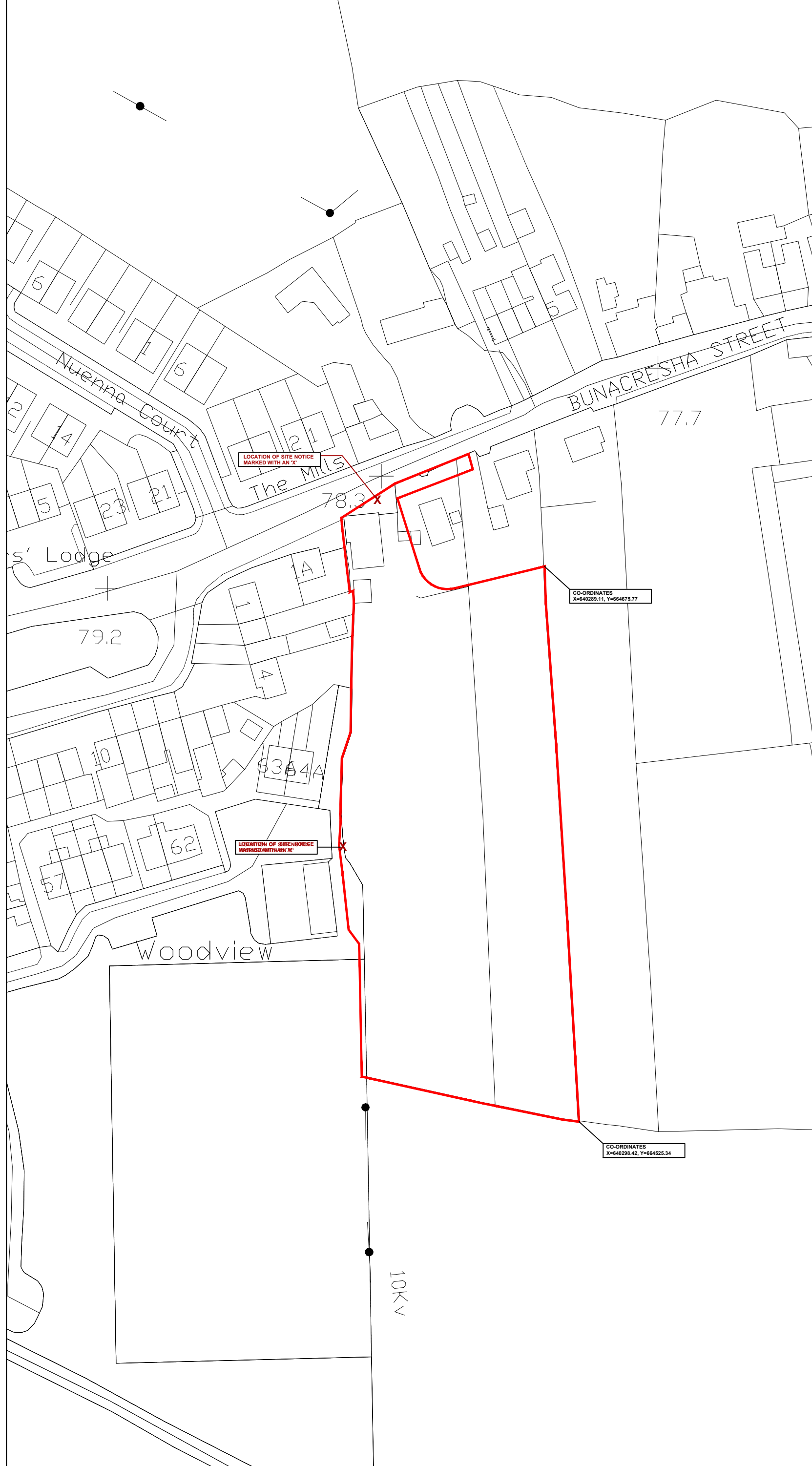
SIGNED:



Lar Power
Chief Executive

Appendix A

1. Proposed architectural drawings prepared by Kilkenny County Council Housing Technical.
2. Contiguous site elevation and layout comparing the previously permitted and proposed layouts.



NOTES

DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY.

VERIFY DIMENSION ON SITE AND REPORT ANY DISCREPANCIES TO KILKENNY COUNTY COUNCIL REP. IMMEDIATELY.

DRAWINGS TO BE READ IN CONJUNCTION WITH ALL SPECIFICATIONS AND OTHER DESIGN TEAM ENGINEERING DRAWINGS.

ALL CONSTRUCTION WORKS TO COMPLY WITH CURRENT BUILDING REGULATIONS.

ORDNANCE SURVEY IRELAND MAP REF:
4584-a & 4584-c

Rev.	Description	Date

HOUSING CAPITAL SECTION



Comhairle Chontae Chill Chainnigh
Kilkenny County Council
 County Hall John Street Kilkenny
 Tel: 056 779 4000
 E-mail: info@kilkennycoco.ie
 Web: www.kilkennycoco.ie

PLANNING	TENDER	CONSTRUCTION
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PROJECT: FRESHFORD - TOBERNAPEASTIA

DRAWING: SITE LOCATION MAP

DRAWN BY: VC
 CHECKED BY: RV
 SCALE: 1:1000
 DATE: 20/10/2023
 FILE No.: HS-158
 DRAWING No.: PL-001



NOTES

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HOUSE TYPES	DESC.	AREA	QTY
	TYPE C SEMI-D 2B/4P/1S	72.3m ²	2
	TYPE AAA TERRACE 2B/4P/2S	86.4m ²	3
	TYPE AA SEMI-D 2B/4P/2S	86.4m ²	4
	TYPE BB SEMI-D 3B/5P/2S	97.5m ²	10
	GROUP HOME 5B/4P+C/1S	239.8m ²	1
			20

PROPOSED SITE LAYOUT MAP
SCALE 1:500 @A3 (SITE AREA: 0.8523 HECTARES)

Tobar na Péiste
Tobernapéastia

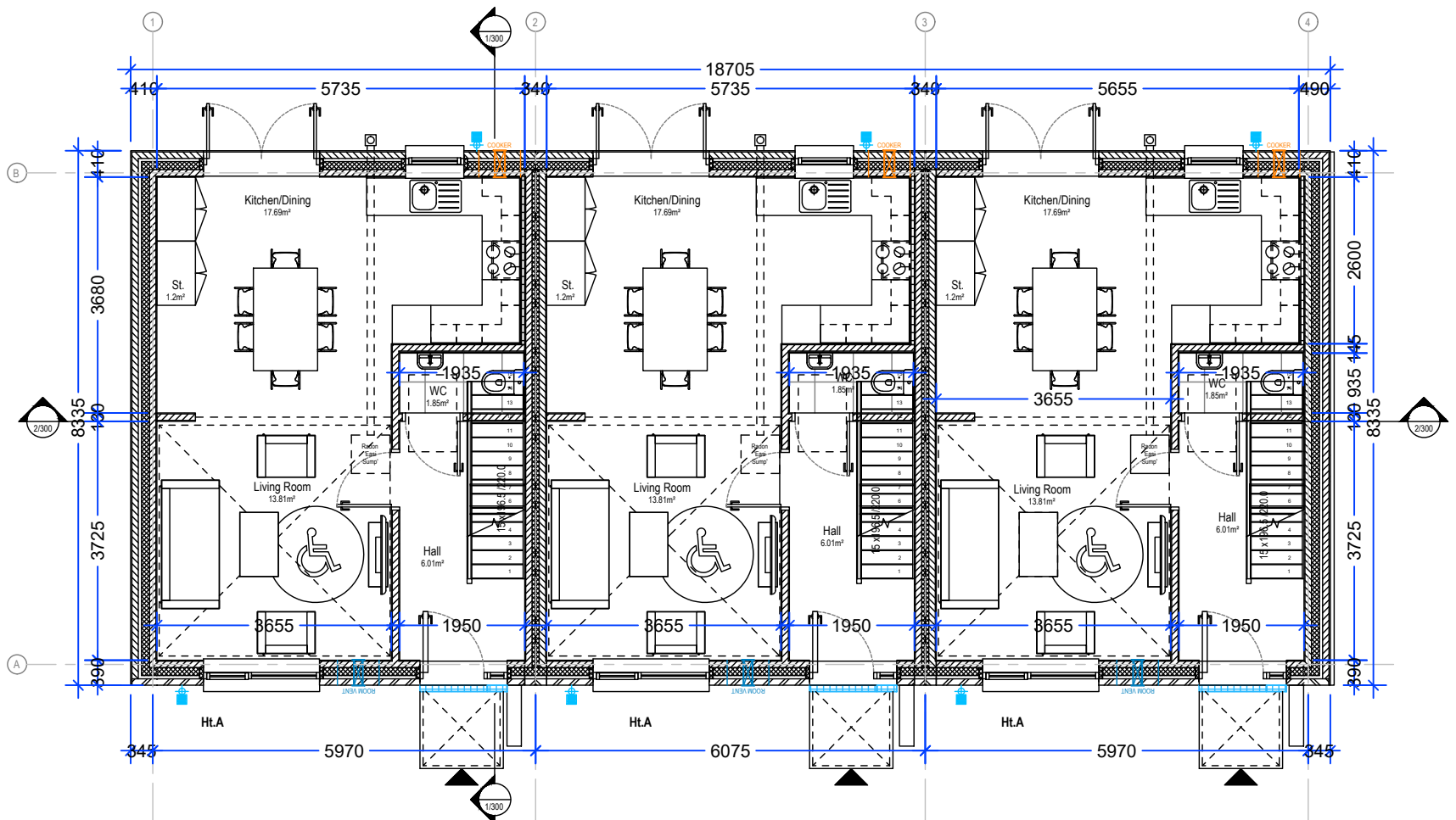
Rev.	Description	Date

HOUSING CAPITAL SECTION

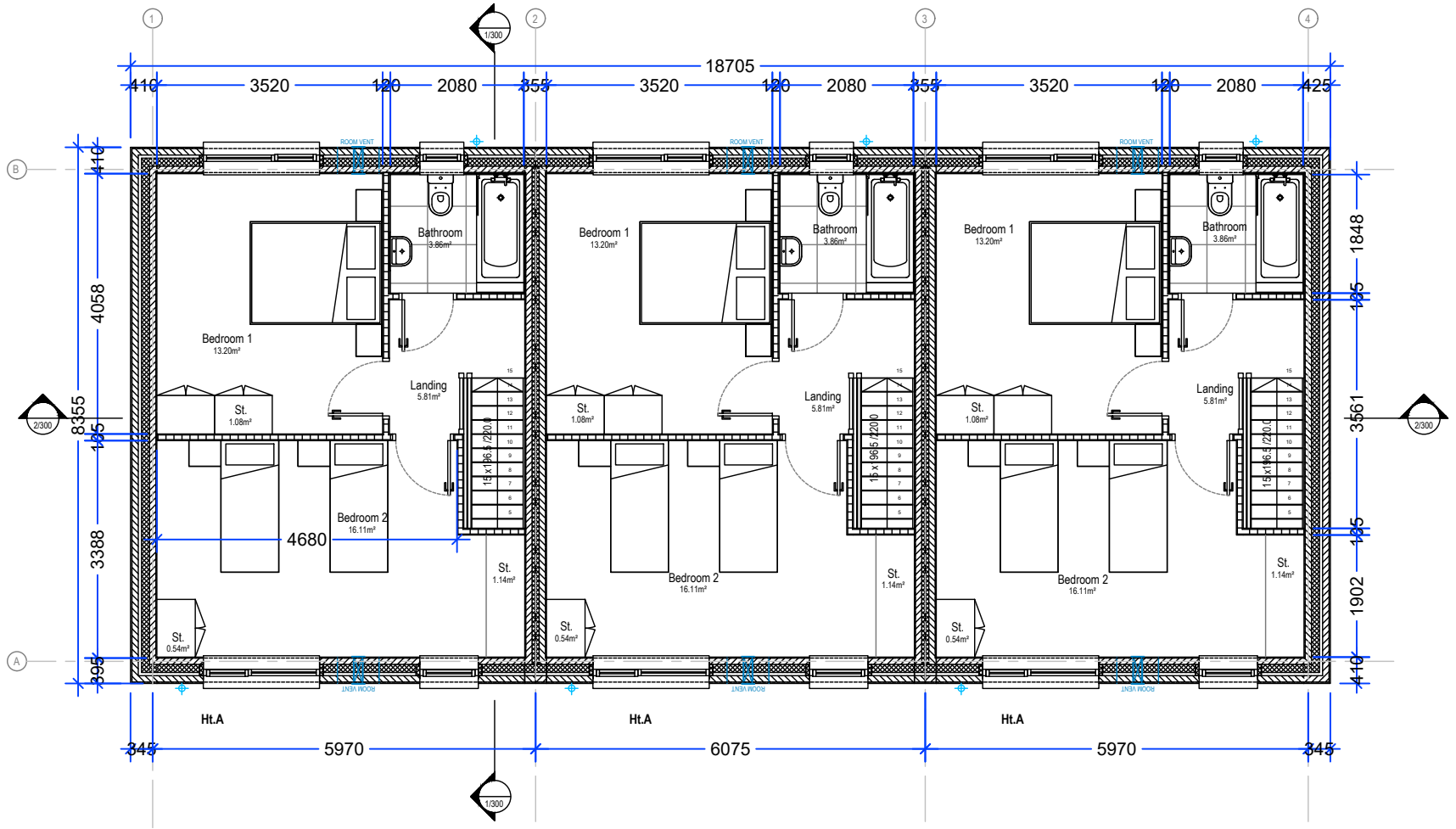


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PLANNING	TENDER	CONSTRUCTION
PROJECT: FRESHFORD - TOBERNAPEASTIA		
DRAWING: SITE LAYOUT PLAN		
DRAWN BY: VC		
CHECKED BY: RV		
SCALE: 1:500		
DATE: 20/10/2023		
FILE No.: HS-158		
DRAWING No.: PL-002		
ALL ORDNANCE SURVEY DATA BASED ON ORDNANCE SURVEY OF IRELAND MAP LICENCE NUMBER '2013127/CMA/KILKENNY'		



GROUND FLOOR PLAN
SCALE 1/100



FIRST FLOOR PLAN
SCALE 1/100



KEY PLAN
SCALE 1/1000

NOTES
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KEY:

- Selected Brick to Outer Leaf Type and Colour To Be Approved By The Architects
- Blockwork (Blocks to Engineers spec.)
- Concrete
- Stud Walls
- Insulation (see Architects spec.)
- Expansion Joint
- Cavity Barrier (1hour)

Rev.	Description	Date

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FLOOR AREA SCHEDULE		
House Type: 2BED/4P		
	Area provided	min Area required
Aggregate Living	31.5m ²	30m ²
Bedroom 1	13.2m ²	11.4m ²
Bedroom 2	16.1m ²	13m ²
storage	4m ²	4m ²
Gross Floor Area	86.4m ²	80m ²

PLANNING	<input checked="" type="checkbox"/> TENDER	<input type="checkbox"/> CONSTRUCTION
PROJECT:	An Tobar Tobernapeastia Freshford BLOCK 1 (AAA) - 2BED/4P	
DRAWING:	Proposed Plans	
DRAWN BY:		
CHECKED BY:		
SCALE:	as shown @ A3	
DATE:	October 2023	
FILE No.:	HS 158	
DRAWING No.:	PL100-BL1	
<small>ALL ORDINANCE SURVEY DATA BASED ON ORDINANCE SURVEY OF IRELAND MAP LICENCE NUMBER 2013/27/CMA/KILKENNY</small>		



FRONT ELEVATION
SCALE 1/100



REAR ELEVATION
SCALE 1/100



KEY PLAN
SCALE 1/1000

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PLANNING	<input checked="" type="checkbox"/> TENDER	CONSTRUCTION
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PROJECT: An Tobar Tobernapeastia
Freshford
BLOCK 1 (AAA) - 2BED/4P

DRAWING: Proposed Front & Rear Elevation

DRAWN BY:

CHECKED BY:

SCALE: as shown @ A3

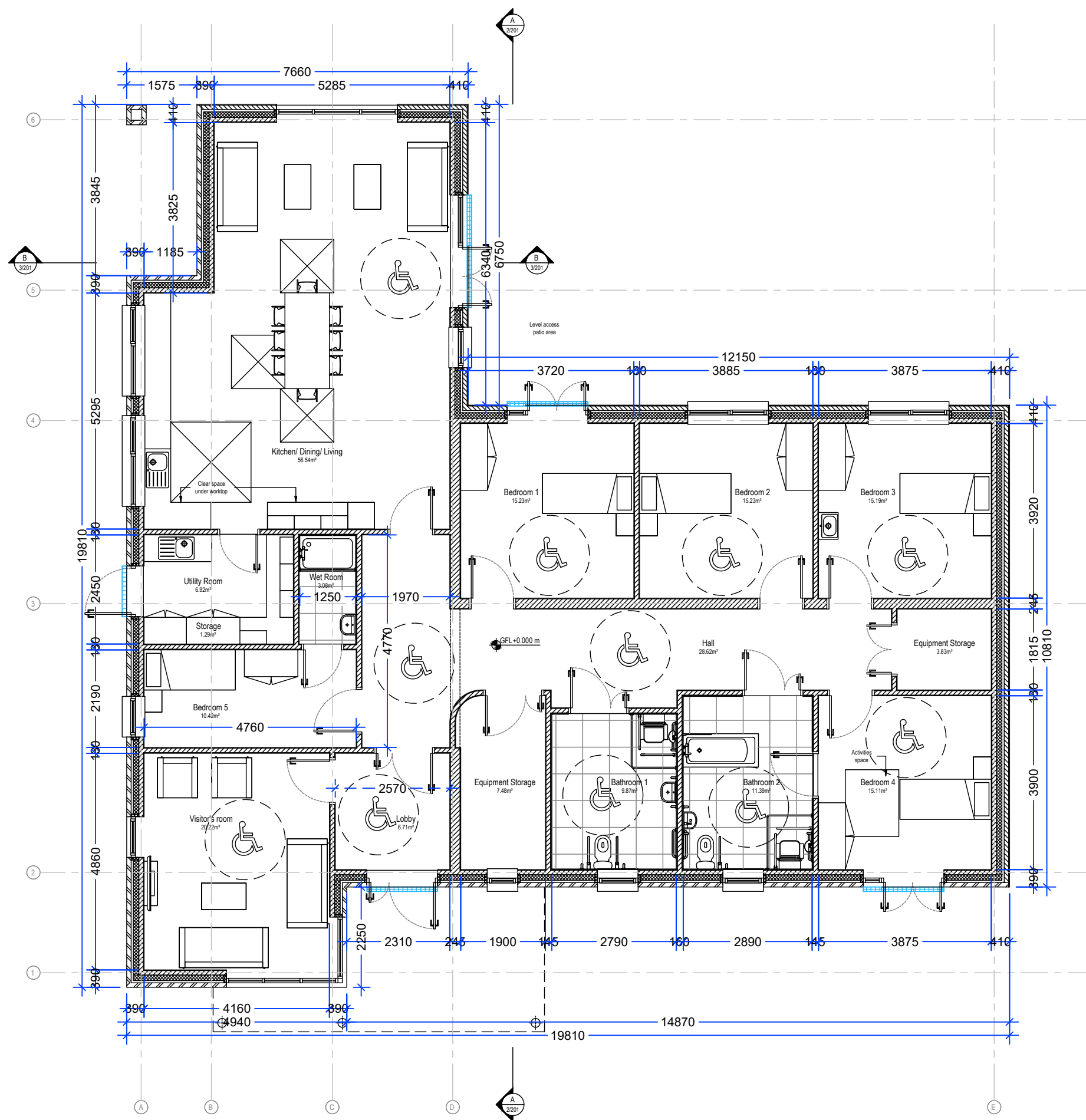
DATE: October 2023

FILE No.: HS 158

DRAWING No.: PL200-BL1

ALL ORDINANCE SURVEY DATA BASED ON ORDINANCE SURVEY OF IRELAND MAP LICENCE NUMBER 2013/27/CCMA/KILKENNY

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GROUND FLOOR PLAN
SCALE 1/100



KEY PLAN
SCALE 1/1000

FLOOR AREA SCHEDULE	
House Type: GROUP HOME	
	Area provided
Aggregate Living	56.5m2
Visitors Room	20.2m2
Bedroom 1	15.2m2
Bedroom 2	15.2m2
Bedroom 3	15.2m2
Bedroom 4	15.1m2
Bedroom 5	10.4m2
storage	8.8m2
Gross Floor Area	239.8m2

NOTES

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- Stud Walls
- Insulation (see Architects spec.)
- Expansion Joint
- Cavity Barrier (1hour)

Rev.	Description	Date

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PLANNING	<input checked="" type="checkbox"/> TENDER	CONSTRUCTION
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PROJECT: An Tobar Tobernapeastia
Freshford
GROUP HOME

DRAWING: Proposed Plan

DRAWN BY:

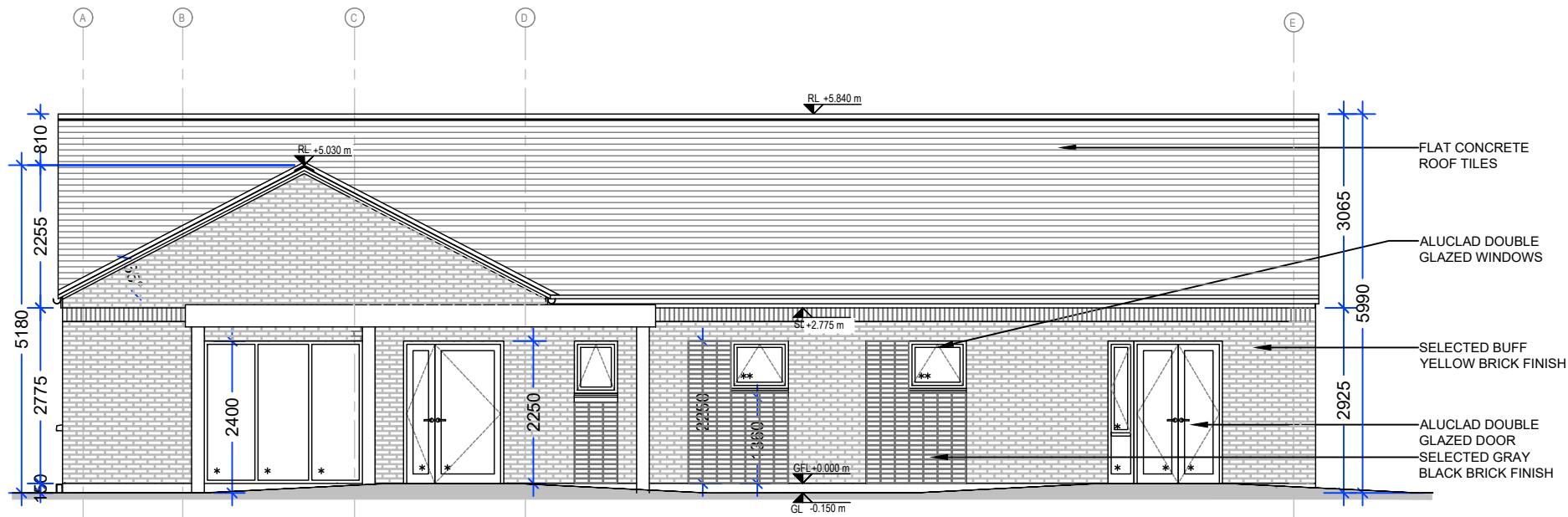
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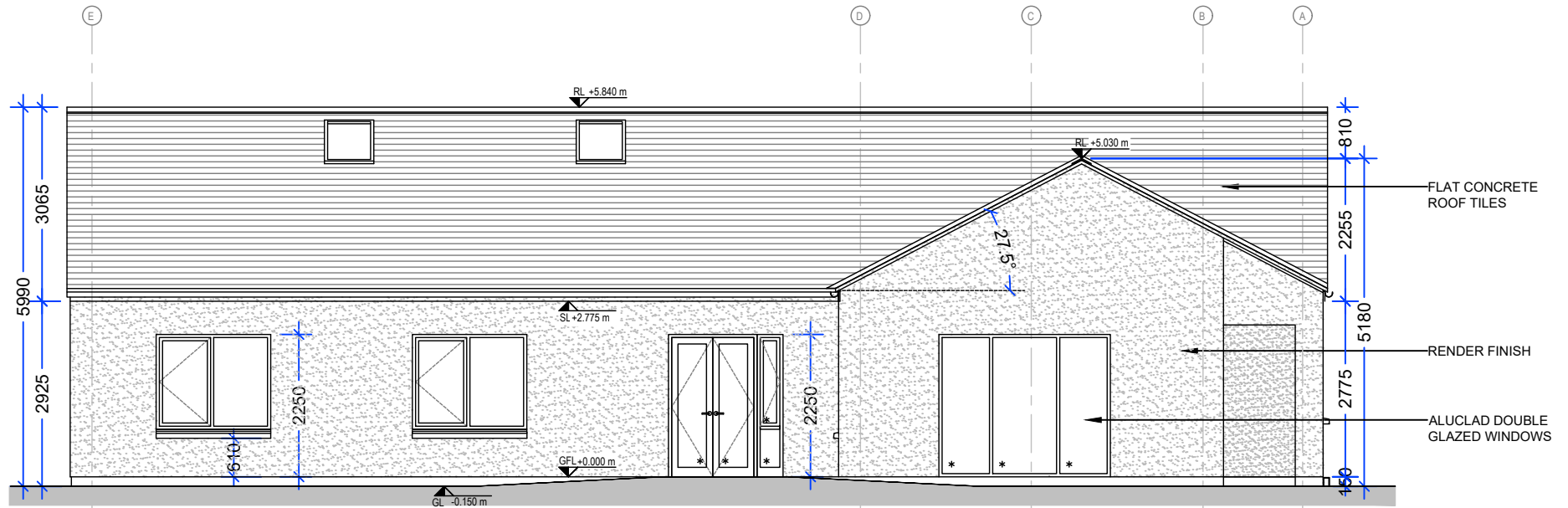
DATE: October 2023

FILE No.: HS 158

DRAWING No.: PL100-GH



FRONT ELEVATION
SCALE 1/100



REAR ELEVATION
SCALE 1/100



KEY PLAN
SCALE 1/1000

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PLANNING	<input checked="" type="checkbox"/> TENDER	CONSTRUCTION
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PROJECT: An Tobar Tobernapeastia
Freshford
GROUP HOME

DRAWING: Proposed Front & Rear Elevations

DRAWN BY:

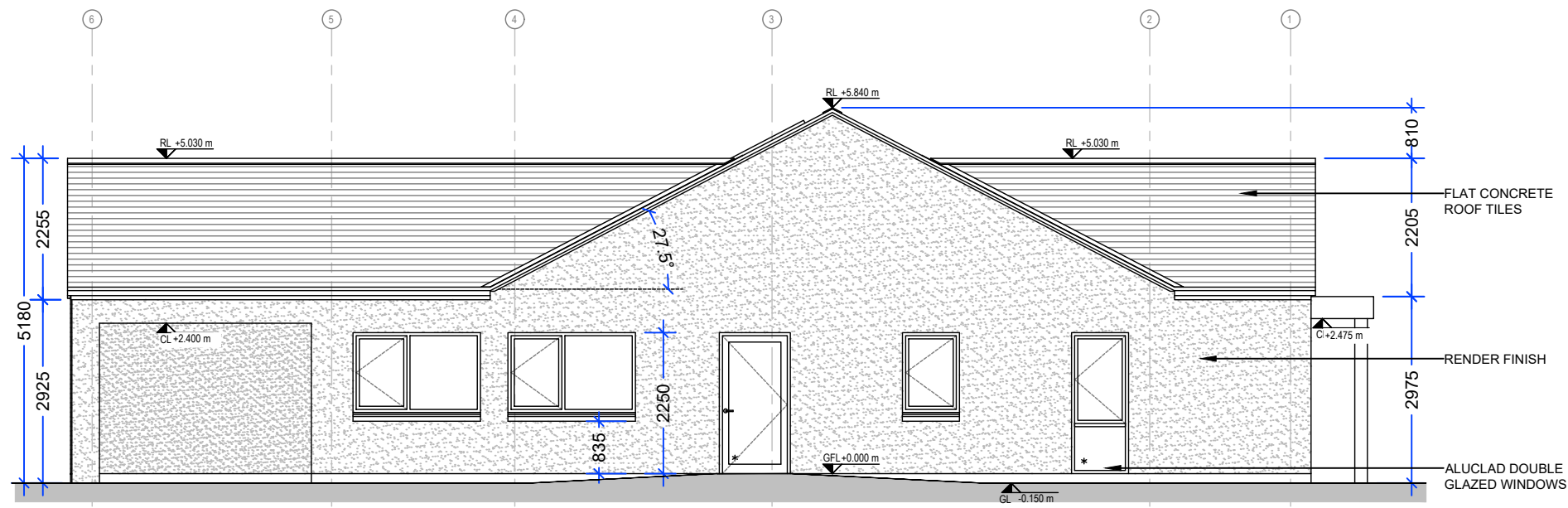
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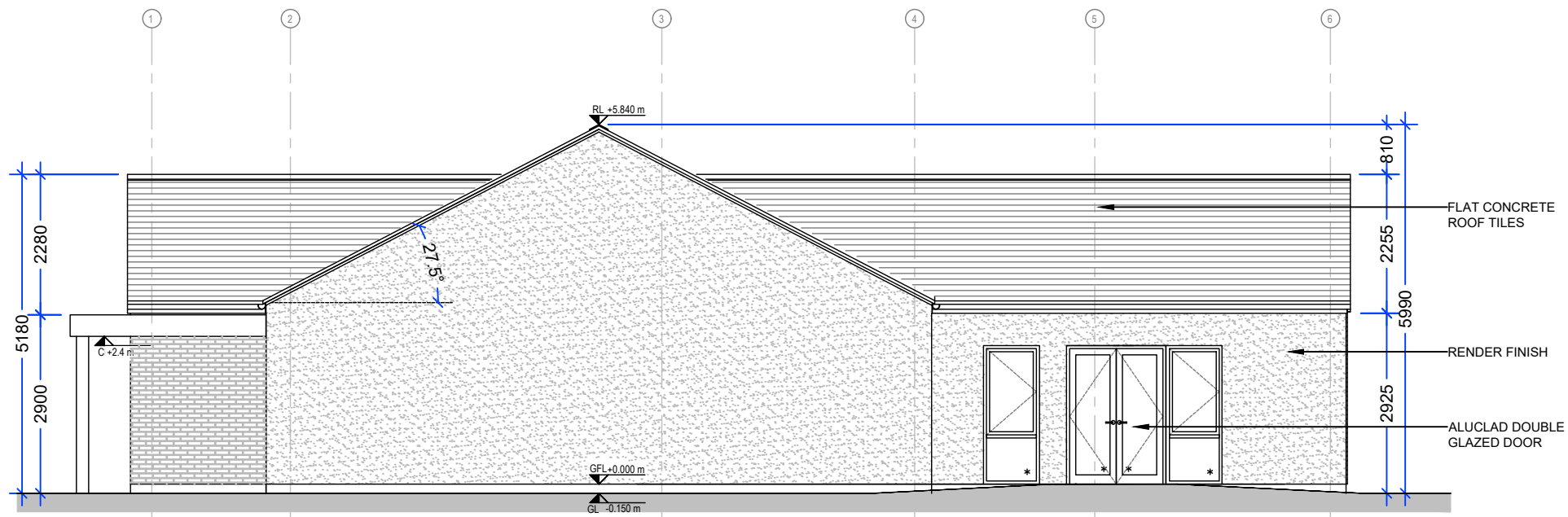
DATE: October 2023

FILE No.: HS 158

DRAWING No.: PL200-GH



SIDE ELEVATION 1
SCALE 1/100



SIDE ELEVATION 2
SCALE 1/100



KEY PLAN
SCALE 1/1000

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PLANNING	<input checked="" type="checkbox"/> TENDER	CONSTRUCTION
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PROJECT: An Tobar Tobernapeastia
Freshford
GROUP HOME

DRAWING: Proposed Side Elevations

DRAWN BY:

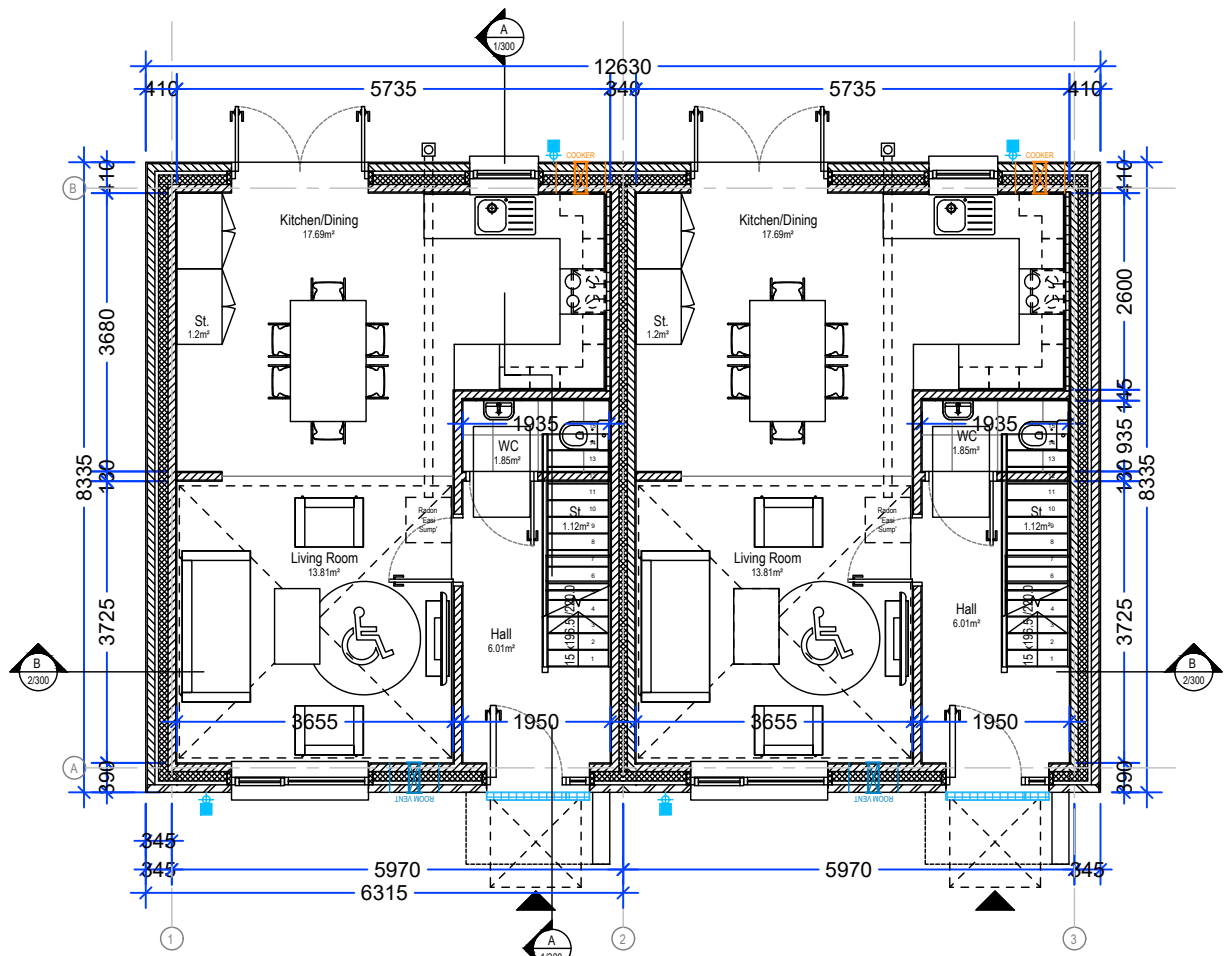
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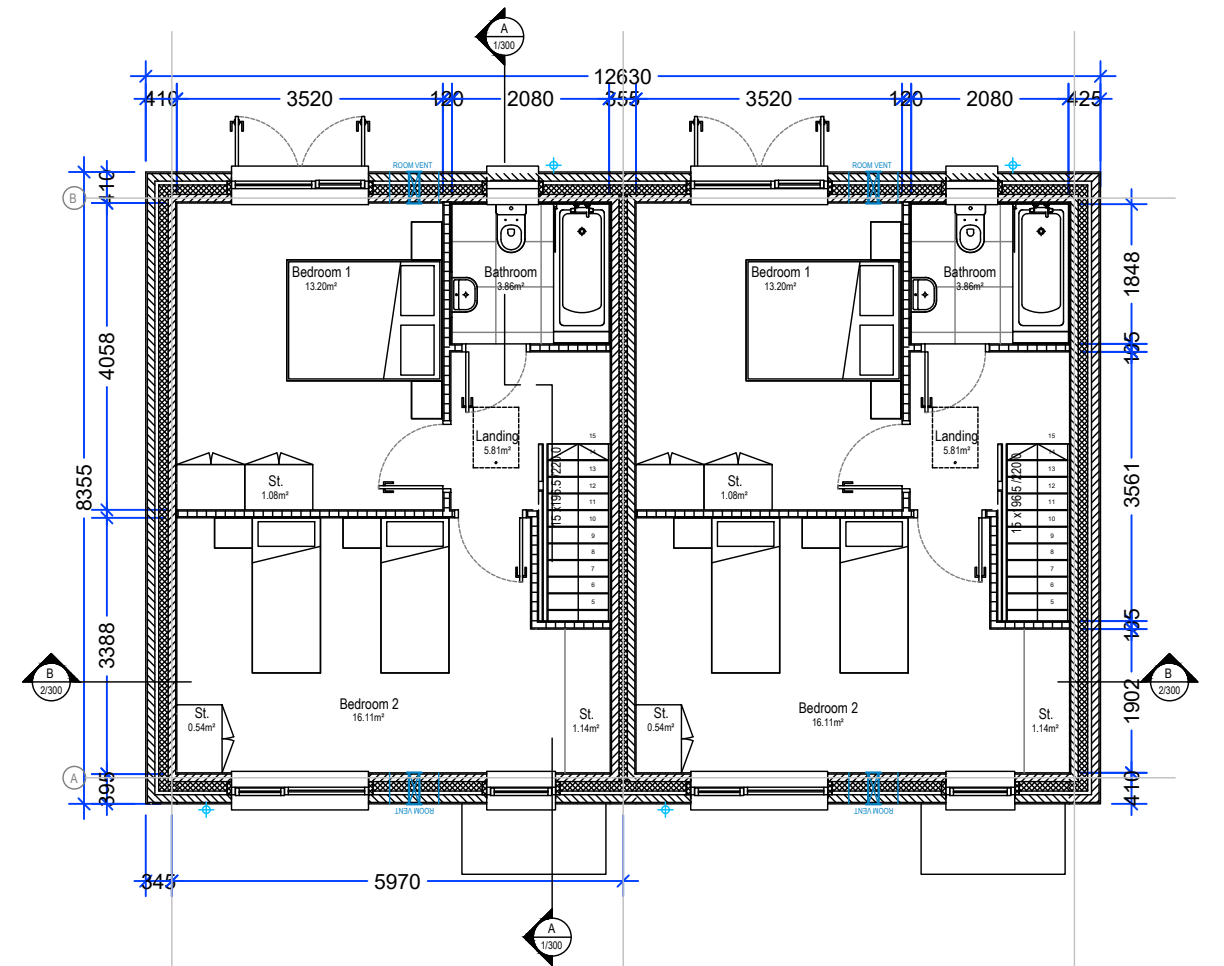
DATE: October 2023

FILE No.: HS 158

DRAWING No.: PL201-GH



GROUND FLOOR PLAN
SCALE 1/100



FIRST FLOOR PLAN
SCALE 1/100



KEY PLAN
SCALE 1/1000

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- Concrete
- Stud Walls
- Insulation (see Architects spec.)
- Expansion Joint
- Cavity Barrier (1hour)

Rev.	Description	Date

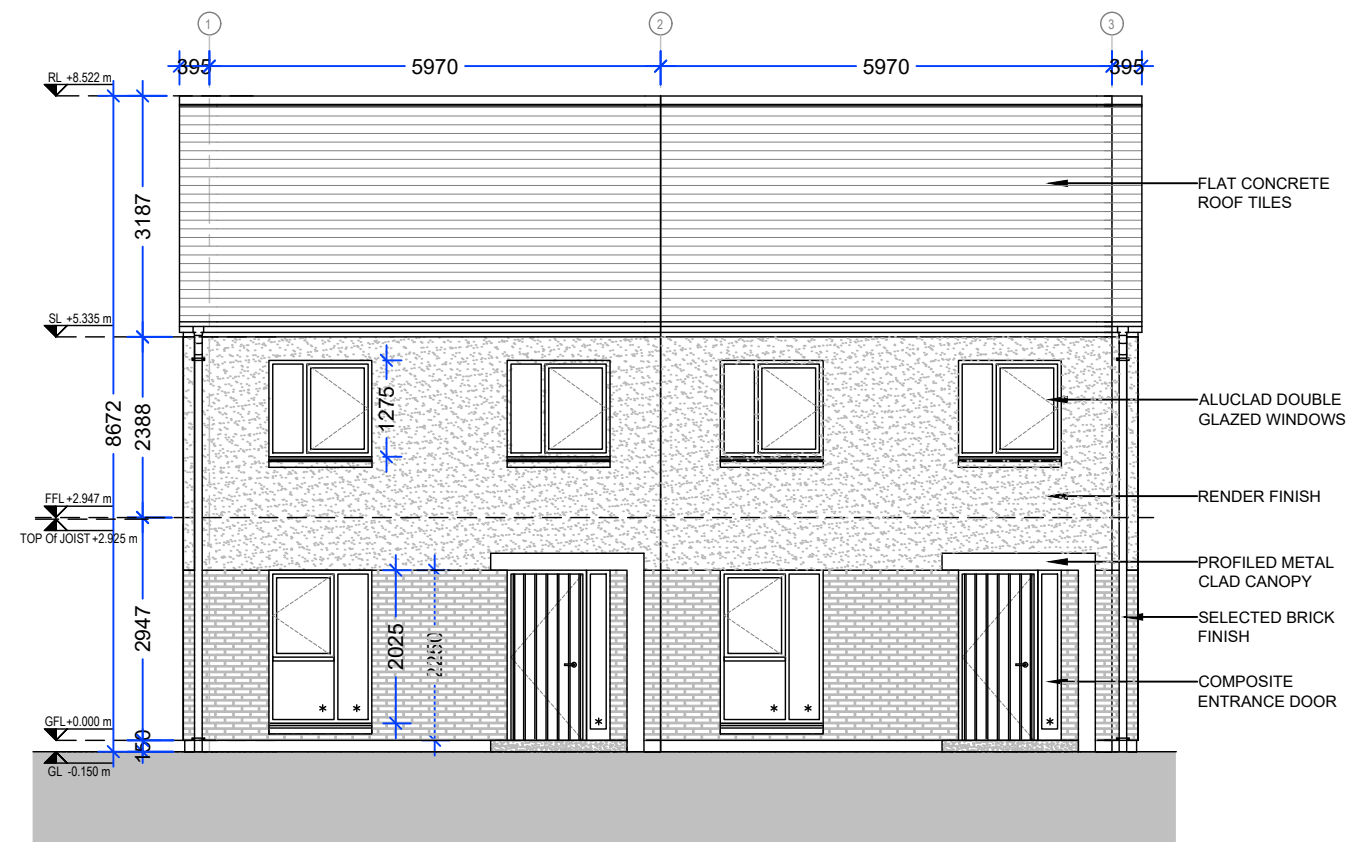
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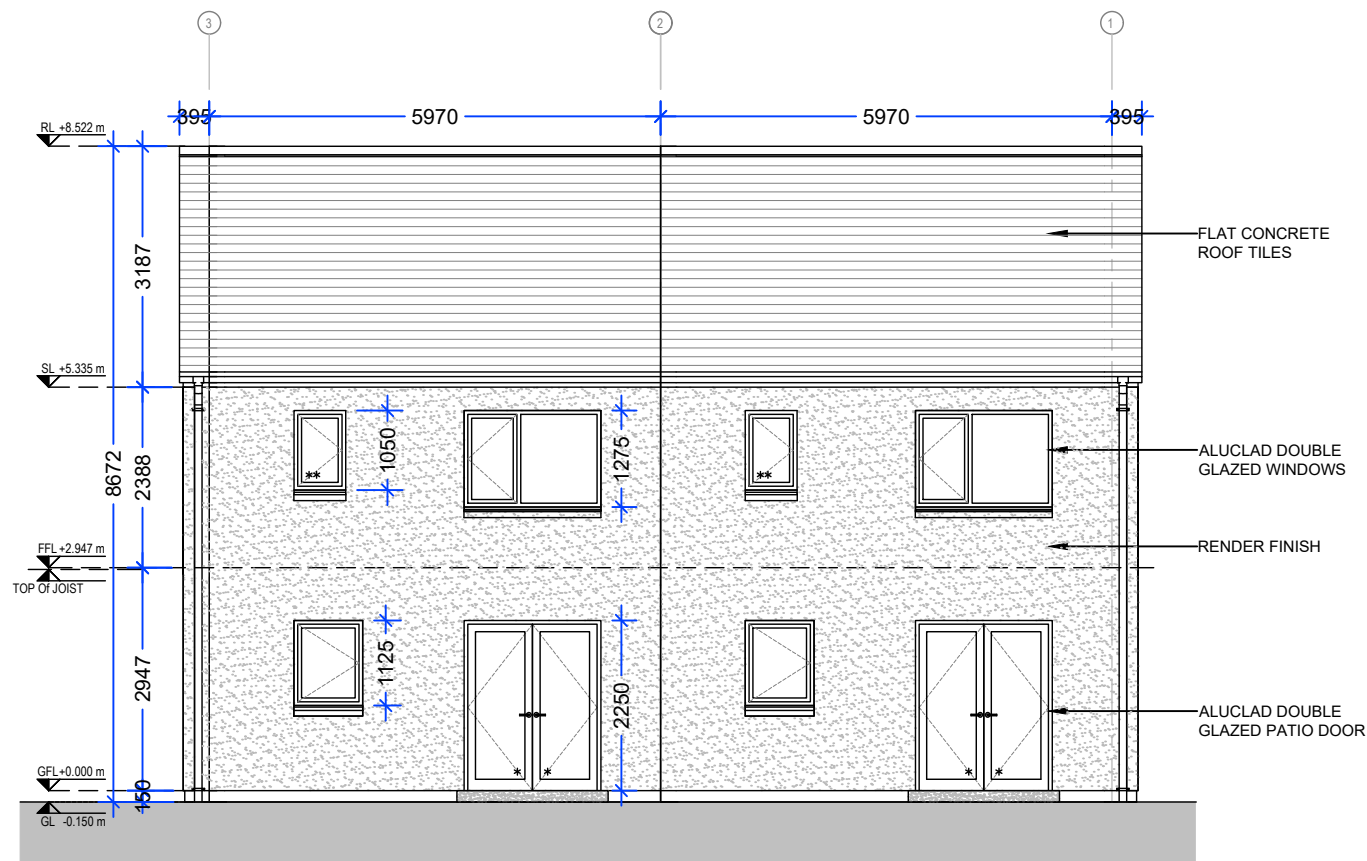
FLOOR AREA SCHEDULE		
House Type: 2BED/4P		
	Area provided	min Area required
Aggregate Living	31.5m ²	30m ²
Bedroom 1	13.2m ²	11.4m ²
Bedroom 2	16.1m ²	13m ²
storage	4m ²	4m ²
Gross Floor Area	86.4m ²	80m ²

PLANNING	<input checked="" type="checkbox"/> TENDER	<input type="checkbox"/> CONSTRUCTION
PROJECT:	An Tobar Tobernapeastia Freshford SEMI-D (AA) - 2BED/4P	
DRAWING:	Proposed Plans	
DRAWN BY:		
CHECKED BY:		
SCALE:	as shown @ A3	
DATE:	October 2023	
FILE No.:	HS 158	
DRAWING No.:	PL100-SEMI-D (AA)	

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FRONT ELEVATION
SCALE 1/100



REAR ELEVATION
SCALE 1/100



KEY PLAN
SCALE 1/1000

NOTES

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PLANNING	<input checked="" type="checkbox"/> TENDER	CONSTRUCTION
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PROJECT: An Tobar Tobernapeastia
Freshford
BLOCK 1 (AAA) - 2BED/4P

DRAWING: Proposed Front & Rear Elevation

DRAWN BY:

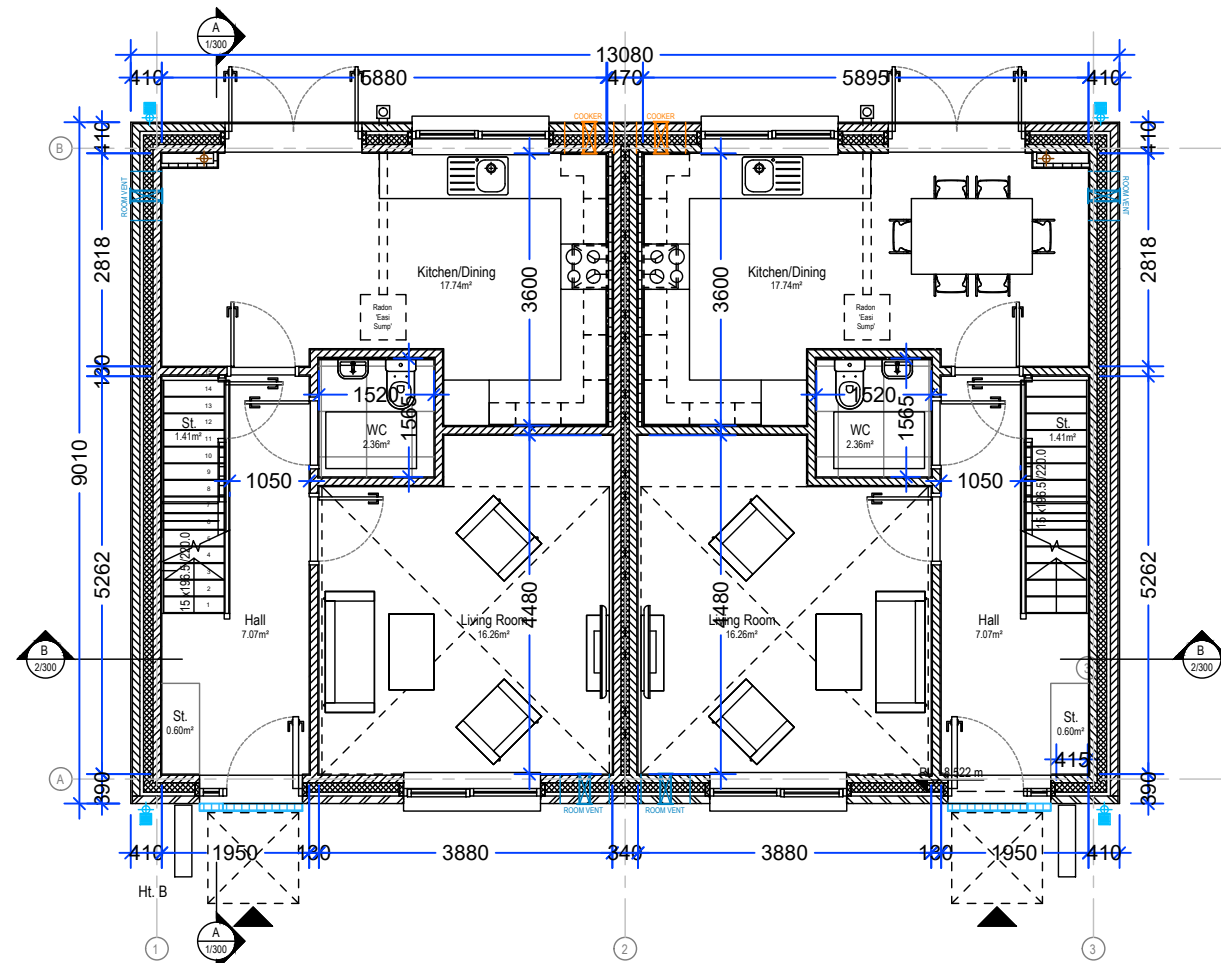
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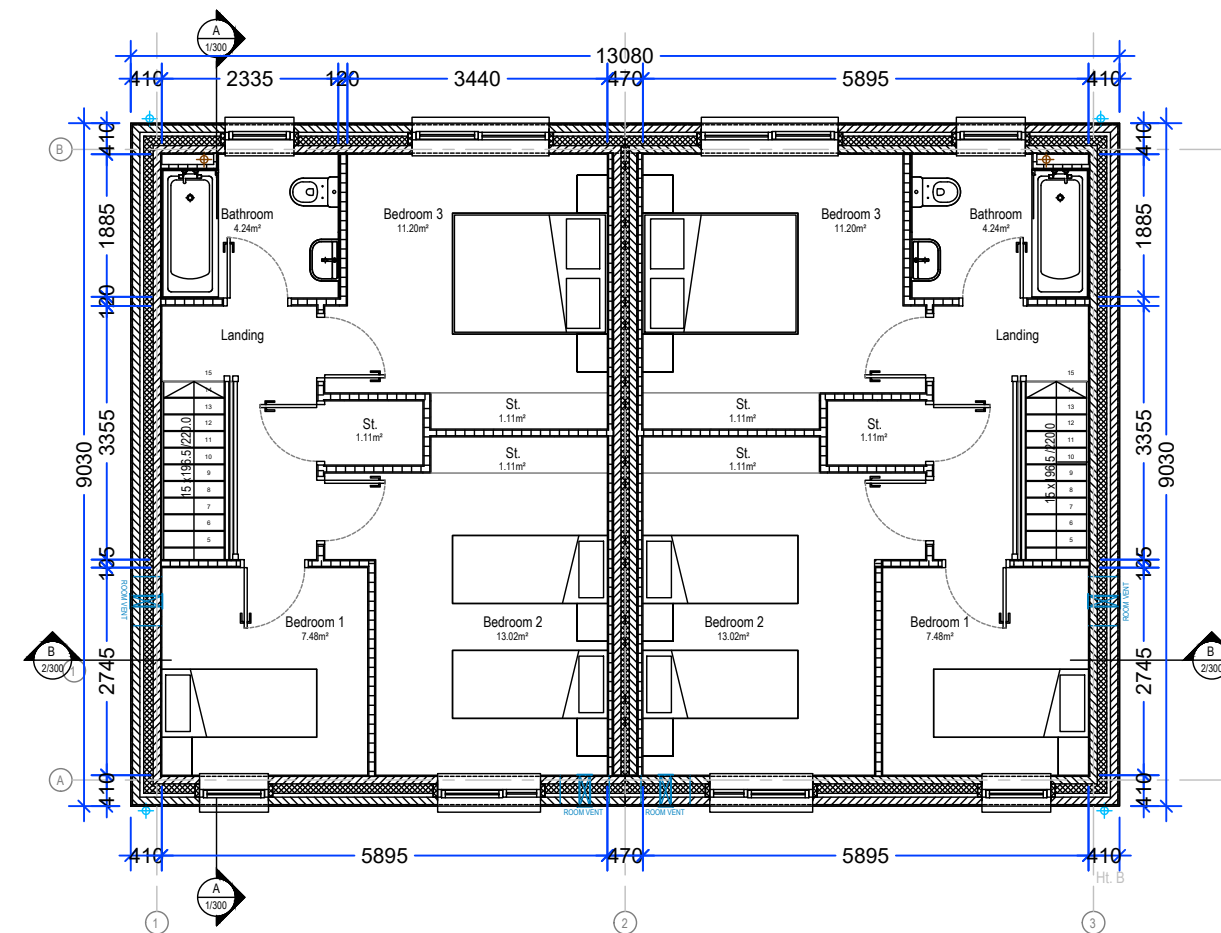
DATE: October 2023

FILE No.: HS 158

DRAWING No.: PL200-SEMI-D (AA)



GROUND FLOOR PLAN
SCALE 1/100



FIRST FLOOR PLAN
SCALE 1/100



KEY PLAN
SCALE 1/1000

FLOOR AREA SCHEDULE		
House Type: 3BED/5P		
	Area provided	min Area required
Aggregate Living	34m2	34m2
Bedroom 1	7.5m2	7.1m2
Bedroom 2	13m2	13m2
Bedroom 3	11.2m2	11.4m2
storage	5.3m2	5m2
Gross Floor Area	97.5m2	92m2

NOTES

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	Blockwork (Blocks to Engineers spec.)
	Concrete
	Stud Walls
	Insulation (see Architects spec.)
	Expansion Joint
	Cavity Barrier (1hour)

Rev.	Description	Date

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Web: www.kilkennycoco.ie

PLANNING	<input checked="" type="checkbox"/> TENDER	CONSTRUCTION
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PROJECT: An Tobar Tobernapeastia
Freshford
SEMI-D (AA) - 2BED/4P

DRAWING: Proposed Plans

DRAWN BY:

CHECKED BY:

SCALE: as shown @ A3

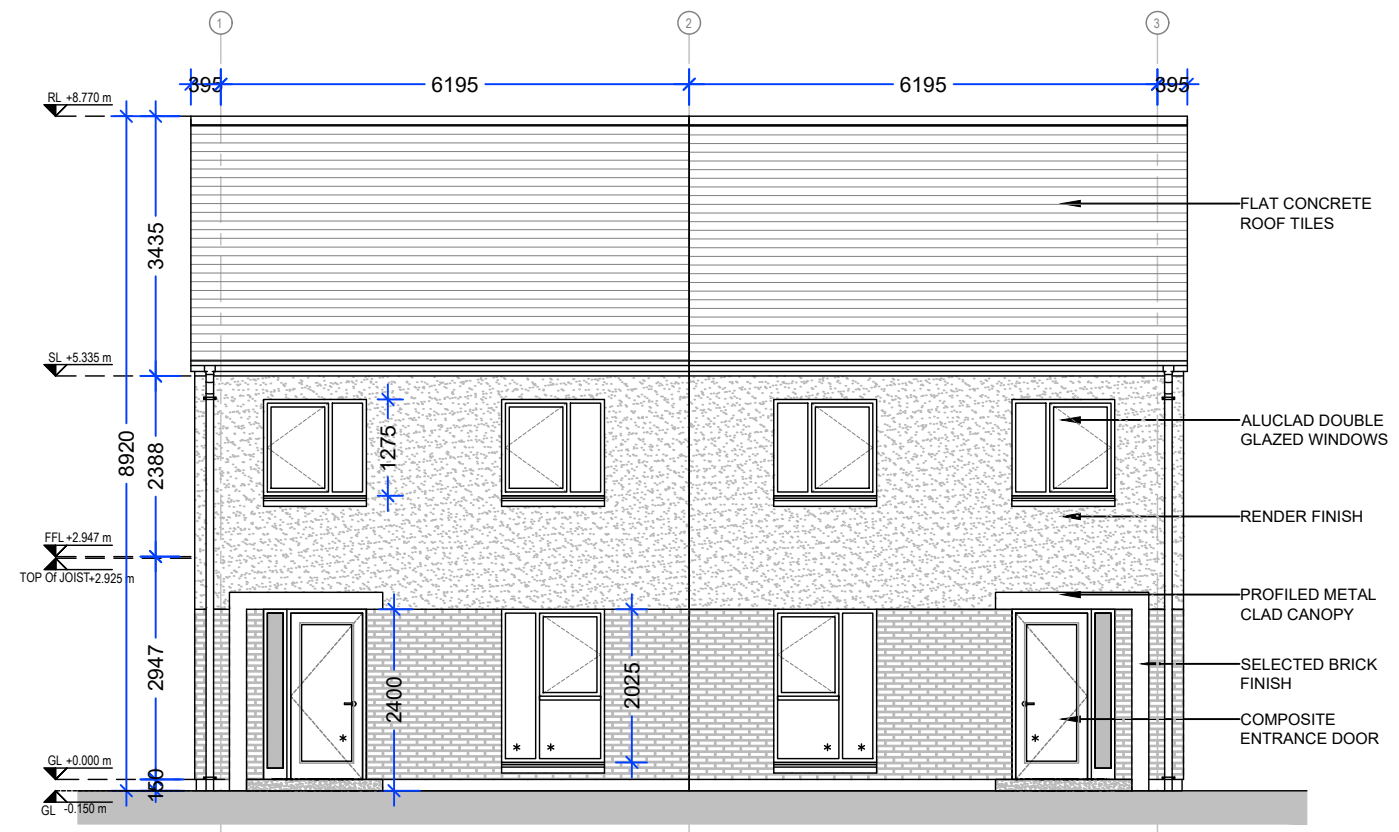
DATE: October 2023

FILE No.: HS 158

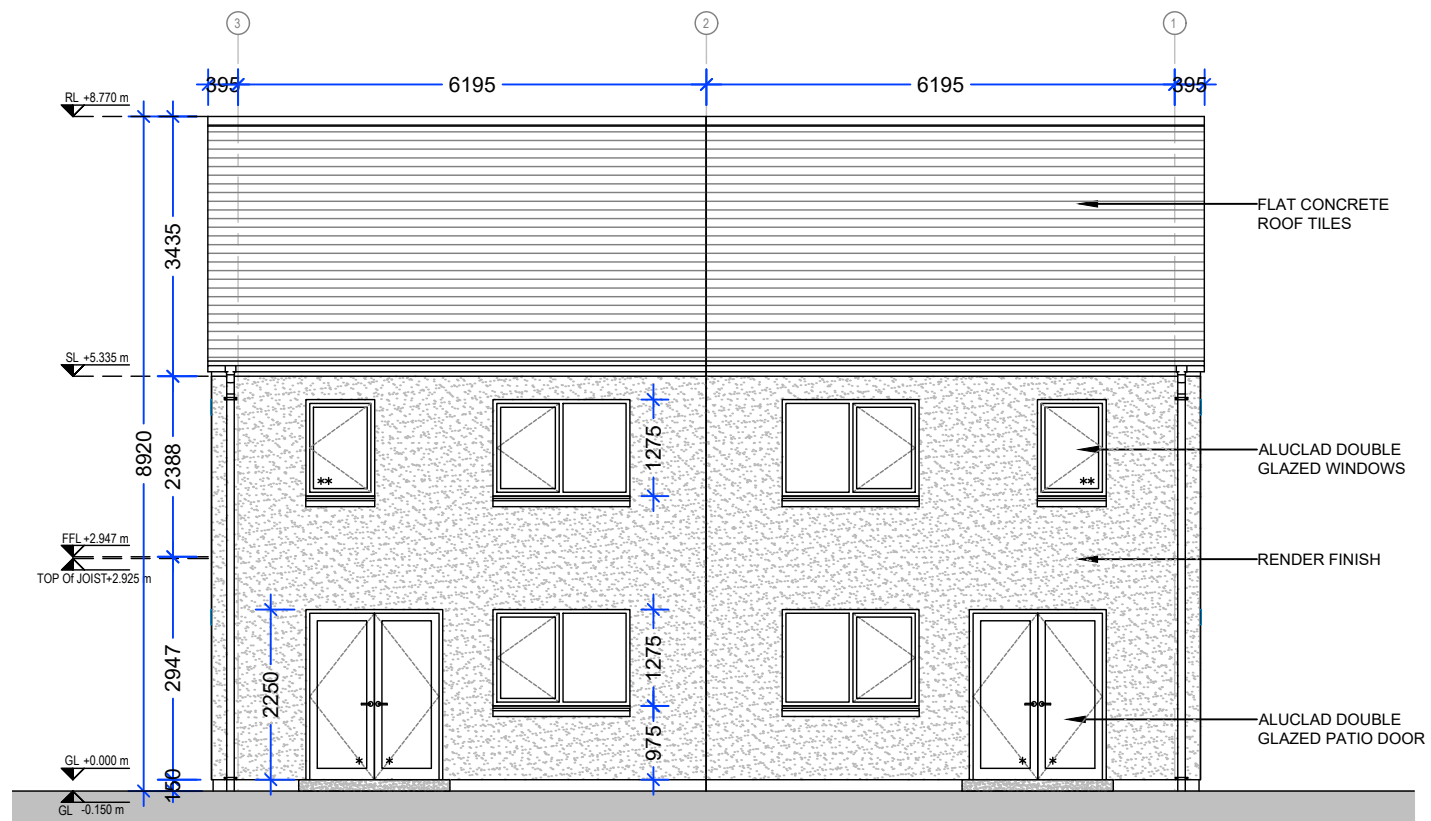
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FRONT ELEVATION
SCALE 1/100



REAR ELEVATION
SCALE 1/100



KEY PLAN
SCALE 1/1000

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Web: www.kilkennycoco.ie

PLANNING	<input checked="" type="checkbox"/> TENDER	CONSTRUCTION
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PROJECT: An Tobar Tobernapeastia
Freshford
BLOCK 1 (AAA) - 2BED/4P

DRAWING: Proposed Front & Rear Elevation

DRAWN BY:

CHECKED BY:

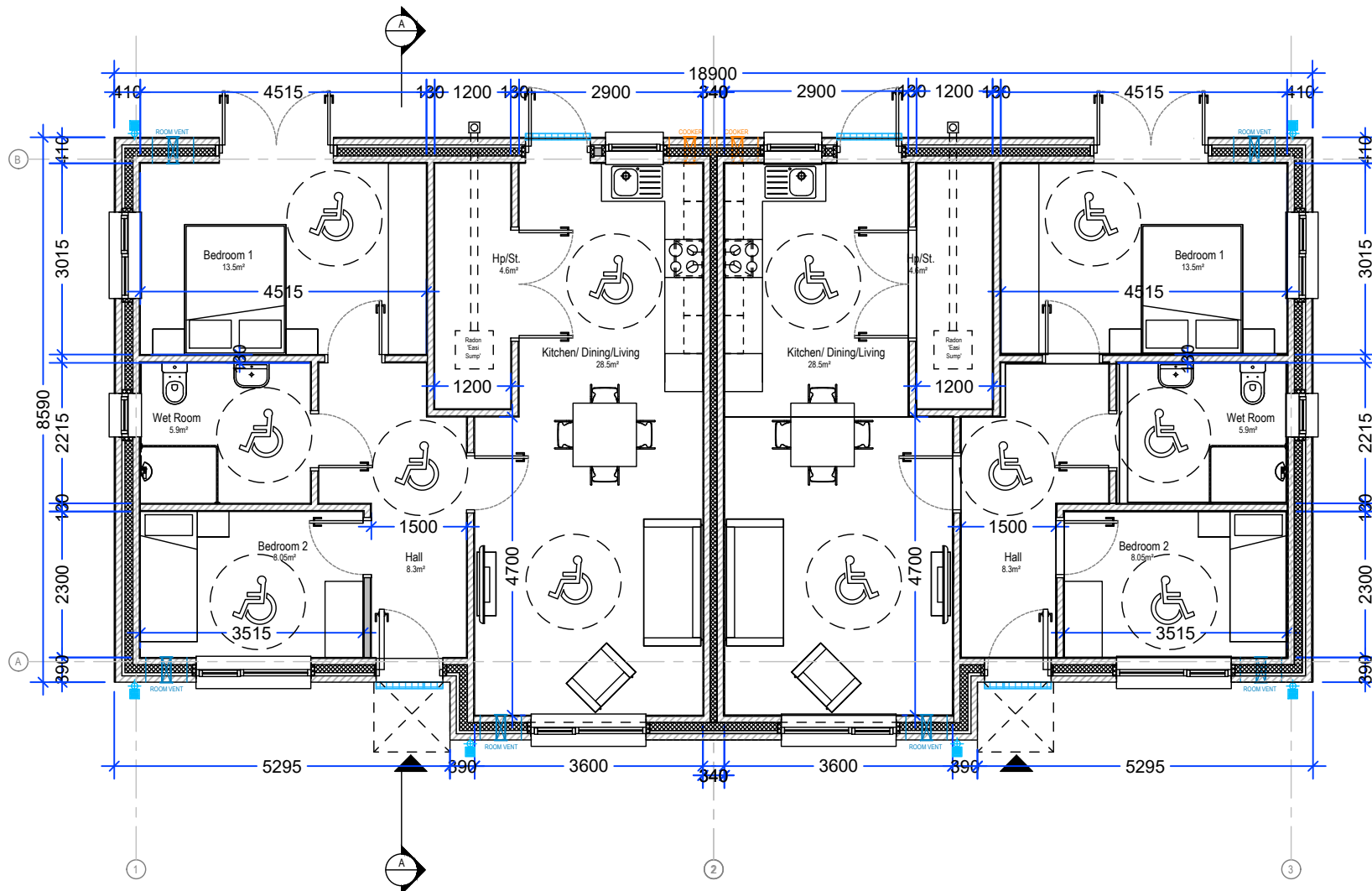
SCALE: as shown @ A3

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FILE No.: HS 158

DRAWING No.: PL200-SEMI-D (BB)

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GROUND FLOOR PLAN
SCALE 1/100

FLOOR AREA SCHEDULE		
House Type: UD BUNGALOW 2BED/3P		
	Area provided	min Area required
Aggregate Living	28.5m2	28m2
Bedroom 1	13.5m2	13m2
Bedroom 2	8.05m2	7.1m2
storage	4.6m2	5m2
Gross Floor Area	72.3m2	63m2



KEY PLAN
SCALE 1/1000

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ALL CONSTRUCTION WORKS TO COMPLY WITH CURRENT BUILDING REGULATIONS.

KEY:

- Selected Brick to Outer Leaf Type and Colour To Be Approved By The Architects
- Blockwork (Blocks to Enginners spec.)
- Concrete
- Stud Walls
- Insulation (see Architects spec.)
- Expansion Joint
- Cavity Barrier (1hour)

Rev.	Description	Date

HOUSING CAPITAL SECTION

Comhairle Chontae Chill Chainnigh
Kilkenny County Council
County Hall John Street Kilkenny
Tel: 056 779 4000
E-mail: info@kilkennycoco.ie
Web: www.kilkennycoco.ie

PLANNING	<input checked="" type="checkbox"/> TENDER	CONSTRUCTION
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PROJECT: An Tobar Tobernapeastia
Freshford
UD BUNGALOW - ACCESSIBLE

DRAWING: Proposed Plan

DRAWN BY:

CHECKED BY:

SCALE: as shown @ A3

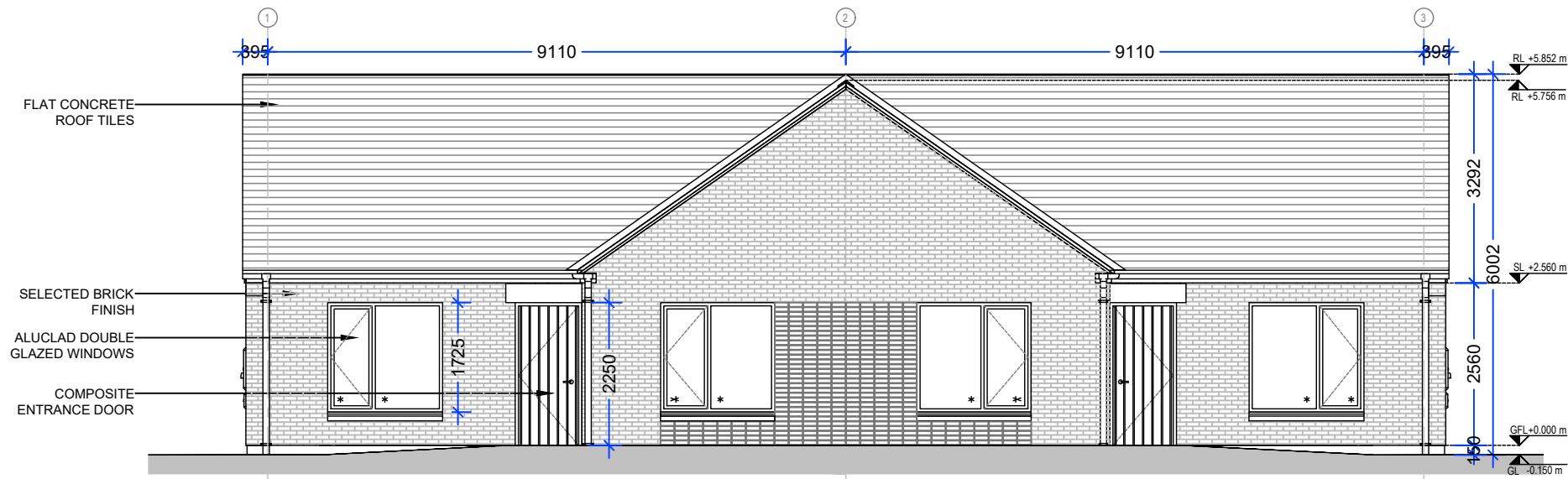
DATE: October 2023

FILE No.: HS 158

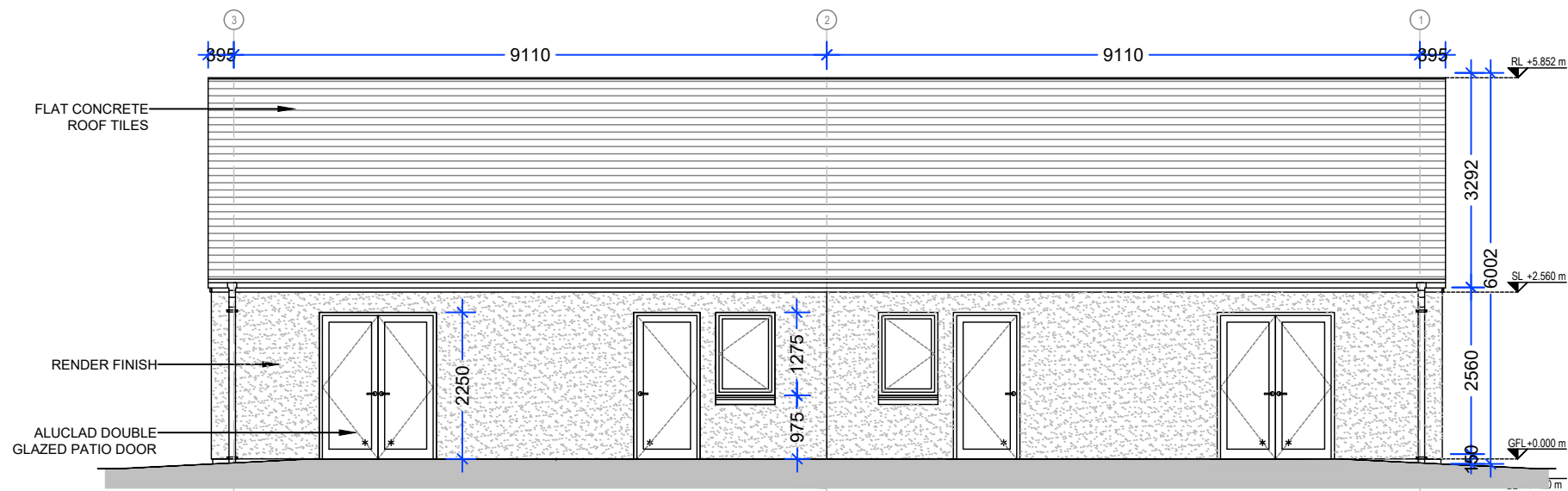
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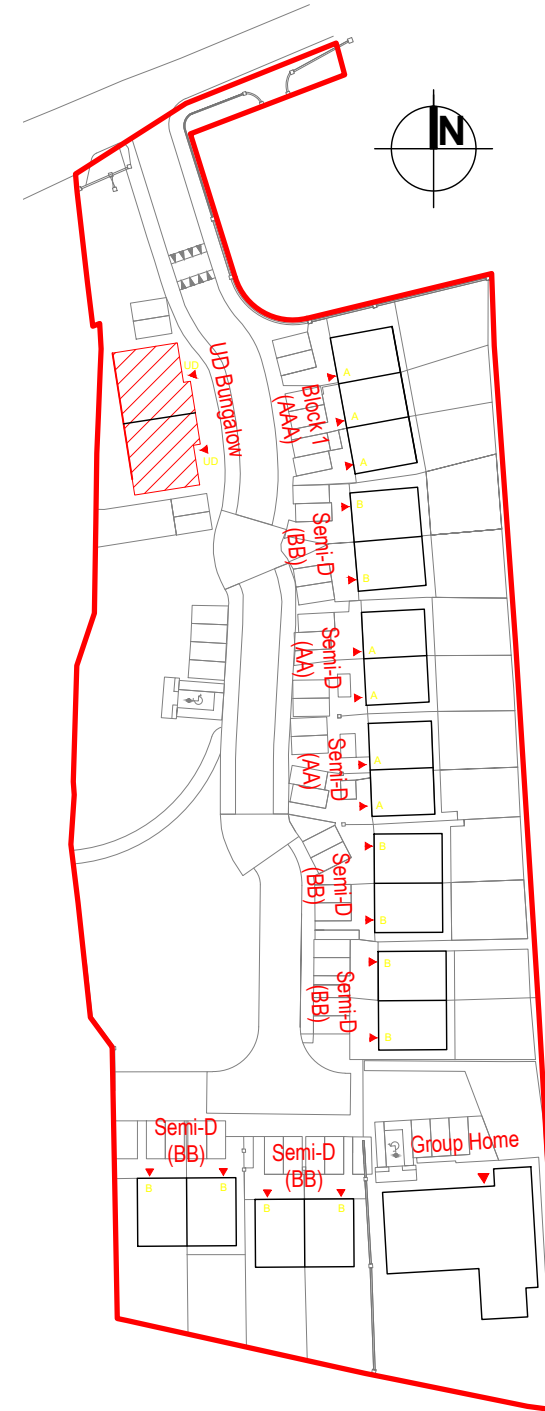




FRONT ELEVATION
SCALE 1/100



REAR ELEVATION
SCALE 1/100



KEY PLAN
SCALE 1/1000

NOTES

DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY.

VERIFY DIMENSION ON SITE AND REPORT ANY DISCREPANCIES TO KILKENNY COUNTY COUNCIL REP. IMMEDIATELY.

DRAWINGS TO BE READ IN CONJUNCTION WITH ALL SPECIFICATIONS AND OTHER DESIGN TEAM ENGINEERING DRAWINGS.

ALL CONSTRUCTION WORKS TO COMPLY WITH CURRENT BUILDING REGULATIONS.

Rev.	Description	Date

HOUSING CAPITAL SECTION



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PLANNING	<input checked="" type="checkbox"/> TENDER	CONSTRUCTION
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PROJECT: An Tobar Tobernapeastia
Freshford
UD BUNGALOW - ACCESSIBLE

DRAWING: Proposed Front & Rear Elevations

DRAWN BY:

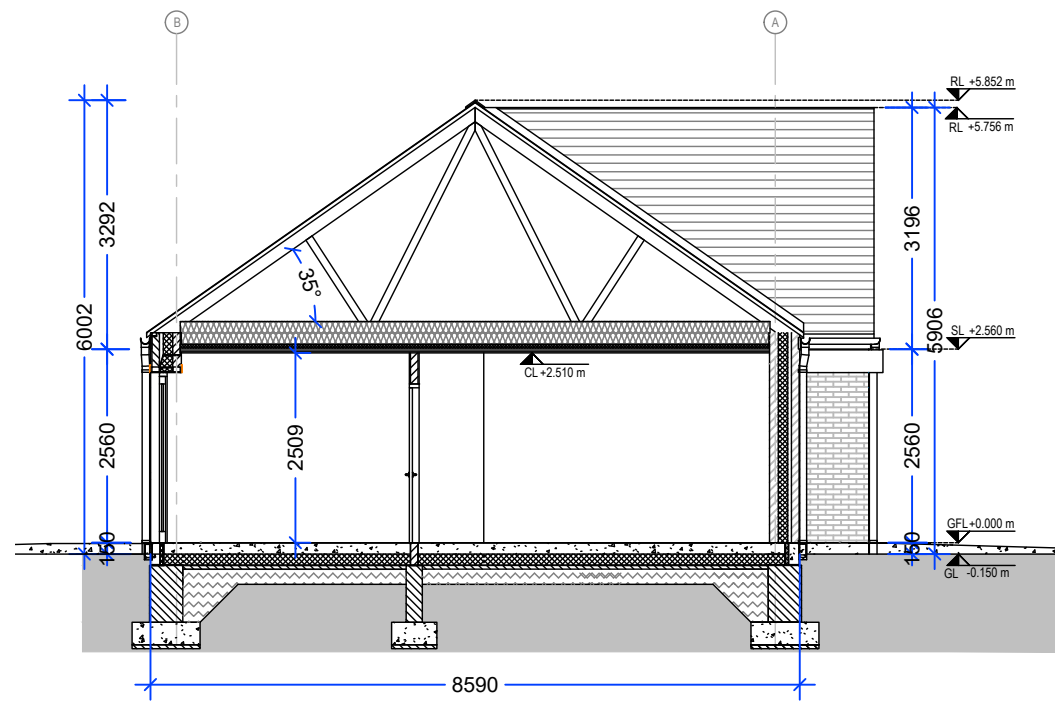
CHECKED BY:

SCALE: as shown @ A3

DATE: October 2023

FILE No.: HS 158

DRAWING No.: PL200-UD



SECTION A-A
SCALE 1/100



KEY PLAN
SCALE 1/1500

NOTES

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VERIFY DIMENSION ON SITE AND REPORT ANY DISCREPANCIES TO KILKENNY COUNTY COUNCIL REP. IMMEDIATELY.

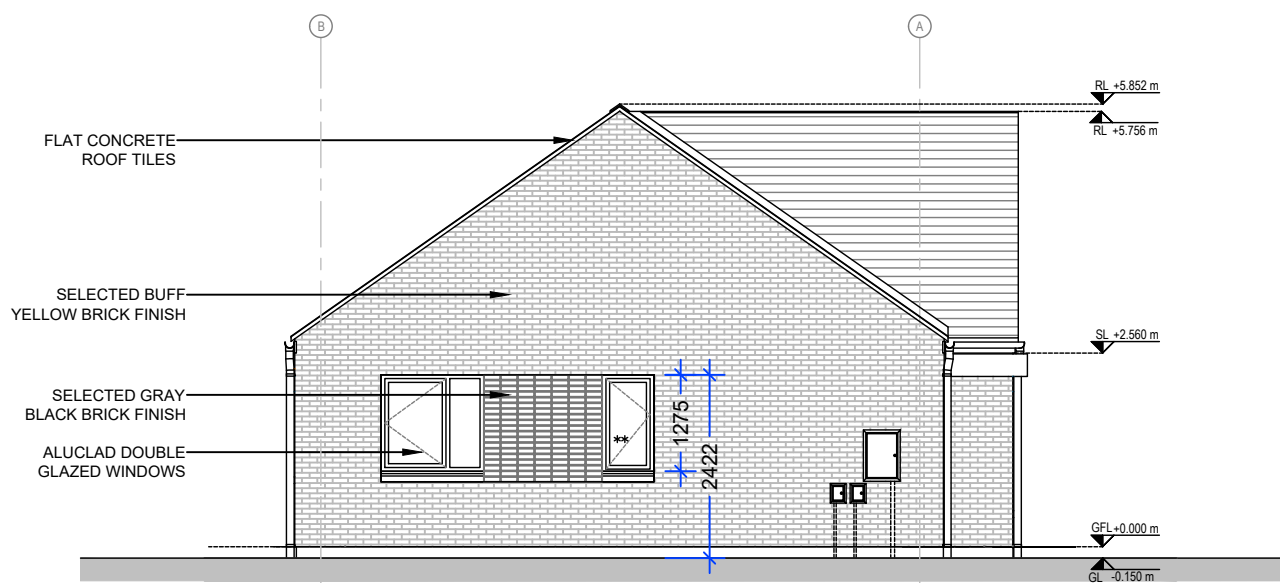
DRAWINGS TO BE READ IN CONJUNCTION WITH ALL SPECIFICATIONS AND OTHER DESIGN TEAM ENGINEERING DRAWINGS.

ALL CONSTRUCTION WORKS TO COMPLY WITH CURRENT BUILDING REGULATIONS.

KEY:

- Selected Brick to Outer Leaf Type and Colour To Be Approved By The Architects
- Blockwork (Blocks to Engineers spec.)
- Concrete
- Stud Walls
- Insulation (see Architects spec.)
- Expansion Joint
- Cavity Barrier (1hour)

Rev.	Description	Date



SIDE ELEVATION 1
SCALE 1/100



SIDE ELEVATION 2
SCALE 1/100

HOUSING CAPITAL SECTION



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PLANNING TENDER CONSTRUCTION

PROJECT: An Tobar Tobernapeastia
Freshford
UD BUNGALOW - ACCESSIBLE

DRAWING: Proposed Sections & Side Elevations

DRAWN BY:

CHECKED BY:

SCALE: as shown @ A3

DATE: October 2023

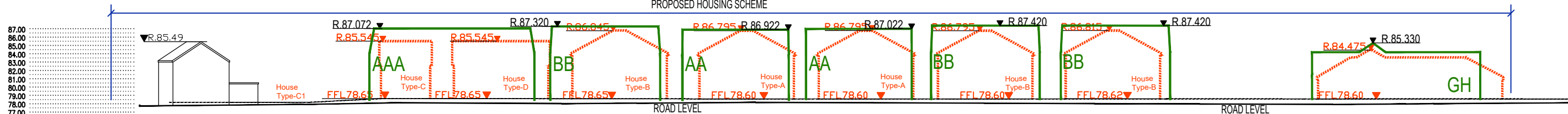
FILE No.: HS 158

DRAWING No.: PL201-UD

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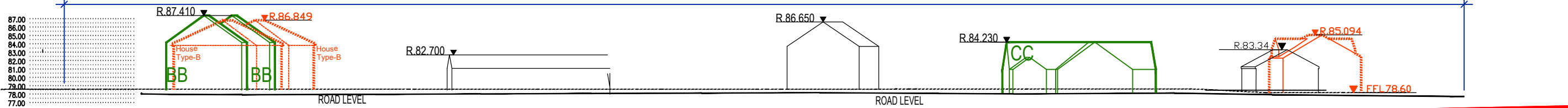
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PROPOSED HOUSING SCHEME



CONTIGUOUS SECTION 'A-A'
SCALE 1:500 @A3

PROPOSED HOUSING SCHEME



CONTIGUOUS SECTION 'C-C'
SCALE 1:500 @A3



PROPOSED SITE LAYOUT MAP
SCALE 1:500 @A3 (SITE AREA: 0.8523 HECTARES)

HOUSING CAPITAL SECTION

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PLANNING	TENDER	CONSTRUCTION
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PROJECT: FRESHFORD - TOBERNAPEASTIA

DRAWING: BOUNDARY DETAIL
SHEET 2 of 3

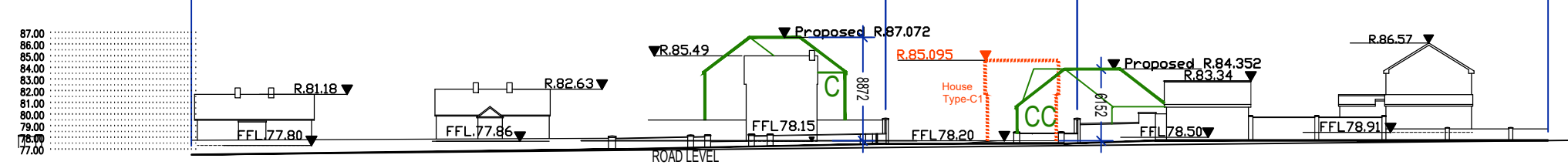
DRAWN BY: VC
CHECKED BY: RV

SCALE: 1:50
DATE: 27/10/2023

FILE No.: HS-158
DRAWING No.: PL-003

ALL ORDINANCE SURVEY DATA BASED ON ORDINANCE SURVEY OF IRELAND MAP LICENCE NUMBER '2013127/CCHA/KILKENNY'

NEIGHBORING DWELLING | PROPOSED HOUSING SCHEME | NEIGHBORING DWELLING



CONTIGUOUS SECTION 'B-B' - COMPARISON
SCALE 1:500 @A3

PREVIOUS PLANNING PROPOSED

Appendix B

1. Pre-planning Report
2. Appropriate Assessment (AA) Screening

**Comhairle Chontae Chill Chainnigh
Kilkenny County Council Pre-Planning
Report**



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

Planning Ref: Section 179A Housing Development

**Subject: Housing Section proposed housing development at Tobernaeiste,
Freshford, Co. Kilkenny.**

Site History

P19/99 – Permission granted for - Demolition of existing single dwelling and associated sheds - Provision of 19 no. dwellings comprising 2 no. two-bed detached dormer style units, 2 no. two-bed semi-detached dormer style units, 10 no. three-bed two storey semi-detached units, 4 no. two-bed two storey semi-detached units and 1 no. four-bed single storey community dwelling - Provision of new vehicular entrance to the proposed development - Alterations to front boundary wall and provision of new vehicular entrance to neighbouring existing dwelling - Provision of a new pedestrian access to neighbouring Woodview Estate - Alterations to the public footpath and provision of new pedestrian crossing on the adjacent Bohercrussia Street - All associated site development works

Legislation

The provisions of the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended apply.

Planning and Development Act 2000, as amended, Part XI Section 179A ‘Local Authority own housing development’ states as follows:

179A. (1) This section applies to housing development—

- (a) that is carried out by, on behalf of, or jointly or in partnership with, a local authority pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity,*
- (b) that does not materially contravene the development plan or local area plan for the area,*
- (c) that is in accordance with the strategy included in the development plan for the area in accordance with section 94(1),*
- (d) that is not subject to a requirement, in accordance with the Environmental Impact Assessment Directive, for an assessment with regard to its effects on the environment,*

(e) *that is not subject to a requirement, in accordance with the Habitats Directive, for an appropriate assessment,*

(f) *that is on land—*

(i) *that is owned by a local authority or a State Authority,*

(ii) *that is zoned for residential use, and*

(iii) *that has access, or can be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development, and*

(g) *that is commenced on or before 31 December 2024.*

(2) Prior to the commencement of development to which this section applies, the chief executive of the local authority shall inform the members of the local authority in relation to the development and shall provide documents, particulars or plans relevant to the development to the members.

Having regard to the documentation submitted from the Housing Section in support of the proposed development, I consider that the requirements of Section 179 A. (1) (a) – (g) will be satisfied in respect of the proposed development.

Development Plan Zoning

The site is located within the settlement boundary for Freshford village as per Figure 4.9 of the Kilkenny City and County Development Plan 2021 – 2027. The settlement boundaries define an area within which development will be encouraged.

The proposed development is in accordance with the Development Plan policies and objectives for Freshford.

Site location and description

The site is located within the settlement boundary for Freshford village, on the western approach into the settlement along the local road. There are two existing dwellings located to the front of the site, one of which it is proposed to retain and the second dwelling is proposed to be demolished. The site is a long narrow site extending from Bohercrussia Street in a southerly direction. The rear garden of the dwelling fronting onto Bohercrussia Street adjoins the site to the east. To the west of the site is the established residential development of Woodview. To the west are also sports fields and associated clubhouse/dressing rooms. There is an agricultural field to the south of the site. There are mature site boundaries around the site.

Referrals (by proposing section)

- Planning

Proposed development

It is proposed to replace the two-bedroom dwelling at the front of the site with 2no. two-bedroom accessible bungalows to bring the total number of dwellings on the site to 20no. Elevational and layout changes are proposed to the other dwellings on the site.

The proposed layout consists of the following:

- 2no. two-bed accessible bungalows
- 3no. two-bed terraced houses

- 4no. two-bed, two storey semi-detached units
- 10no. three-bed, two storey semi-detached units
- 1no. five-bed single storey community dwelling



The main changes proposed to the scheme are outlined below:

- The previously permitted House No. 01 (Type C1) at the entry to the site, which was a two-bedroom detached dormer dwelling is now proposed as 2no. two-bedroom accessible bungalows.
- The previously permitted House No. 02 (Type C) which was a two-bedroom, detached dormer dwelling, is now proposed as part of a terraced unit along with the previously permitted semi-detached dormer houses No. 03 and 04. It is proposed to change the dormer construction of these dwellings to a traditional two-storey construction to simplify the roof to a more economical form. It is proposed to reduce the floor area from 92.9m² to 86.4m² to make it closer to the target floor areas as set out in the document ‘Quality Housing for Sustainable Communities.’

- It is proposed to reduce the floor area of the previously permitted semidetached three-bedroom dwellings from 110.2m² to 97.5 m² and simplify the form of construction by changing the hipped roofs to gabled roofs and the removal of the bay windows on the front elevation.
- It is proposed to reduce the floor area of the previously permitted semidetached two-bedroom dwellings from 93.3m² to 86.4m² and simplify the form of construction by changing the hipped roofs to gabled roofs.
- Community Dwelling: The proposed layout is very similar to the previously permitted layout, with the same number of accessible bedrooms, however an additional staff bedroom has been included and the floor area has increased from 230m² to 239.8m². Similar to the other buildings, the roof line has been simplified with gable ends.
- Finishes. It is proposed to change the finishes to the front elevation of the houses to include an element of selected face brickwork as a robust, low maintenance finish to the public face of the development.
- Nature Based Solutions to be included in the development to reduce the size of required stormwater attenuation tanks.

Landowner

The Local Authority is the stated landowner.

Impact on Natura 2000 site

A Screening exercise was completed, which showed that no significant environmental impact is likely on any Natura 2000 site.

EIA Conclusion

A preliminary examination of the nature, size and location of the proposed development has been carried out which determines that there is no real likelihood of significant effects on the environment arising from the proposed development. It is therefore concluded that an EIAR is not required.

S.179A Recommendation:

The following shall be addressed by the Housing Section:

1. Boundary treatment/s and landscaping of area to front of site requires detailing to ensure an appropriately defined streetscape is provided along Bohercrussia Street.
2. Landscaping of remainder of site to be detailed to ensure hard landscaped surfaces do not dominate the site.
3. Site Notice: Site notices to be erected at entrance to site from public road and at location of proposed pedestrian entrance from neighbouring Woodview estate.



12/12/2023

D. Breen, Executive Planner



03/01/'24

N. Louw, Senior Executive Planner

AA: Screening Form

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	
(b) Brief description of the project or plan:	Change to previously permitted housing development at Tobernapeiste, Freshford, Co. Kilkenny
(c) Brief description of site characteristics:	The site is located in Freshford village. The boundary of the River Nore SAC is located approx. 4km east of the site. The Monabrika stream is approx. 150m south of the site which is a tributary of the Nuenna River.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

Natura 2000 European Site	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
See tables 2 and 3 below	See tables 2 and 3 below	See tables 2 and 3 below	Yes/No	Yes/No
River Nore SAC 4km east	Set out below	4km	None	No

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² If the site or part thereof is within the European site or adjacent to the European site, state here.

Table 2: Identification of Natura 2000 sites (SACs and SPAs) which may be impacted by the proposed development

Please answer the following five questions in order to determine whether there are any Natura 2000 sites which could potentially be impacted by the proposed development. If the answer to all of these questions is no, significant impacts can be ruled out for habitats and bird species. No further assessment is required. Please refer to tables 3 and 4 where the answer to any of these questions is yes.

Section 179A Freshford housing development

	<i>Using the Source – Pathway- Receptor model, please consider the following</i>	Y/N
1	ONE-OFF HOUSE /SMALL EXTENSION/ ALTERATION TO EXISTING BUILDING	N/A
1a	<p>Is the development a one- off house/small extension/alteration to existing building within an SAC/SPA or within 100m of an SAC/SPA and likely to discharge pollutants or nutrients of a significant nature and amount to surface water within catchments of and SAC/ SPA as part of its construction or operational phase (including the installation of waste water treatment systems; percolation areas; septic tanks within SAC/SPA or very close proximity)?</p> <p>If the answer to the above question is: - no, then no appropriate assessment required - yes, then an appropriate assessment is required - not sure, then an appropriate assessment is required in accordance with the precautionary principle</p>	
2	DEVELOPMENTS OTHER THAN THOSE DESCRIBED IN 1 ABOVE	Y
2a	<p>Impacts On Freshwater Habitats <i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats, or in the catchment of same and does the development propose to discharge water to or abstract water from the habitat?</i></p> <p>Sites to consider: Lower River Suir, River Barrow, River Nore. (these sites also include many tributaries – check on NPWS website)</p> <p>Habitats to consider: Alluvial Wet Woodland, (Lower River Suir and Nore), Dry Heath (some steep slopes along River Barrow and its tributaries) Rivers, Streams, Lakes and Lagoons, Old Oak Woodland, floating river vegetation,</p> <p>Species to consider: River Lamprey, Brook Lamprey, Freshwater Pearls Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, Vertigo Moulinsiana,</p>	N
2b	<p>Impacts On Wetland Habitats <i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats, or likely to discharge water to or abstract water from the wetland?</i></p> <p>Sites to consider: Hugginstown Fen, Galmoy Fen, The Loughans, Flood Plain wetlands</p> <p>Habitats to consider: Bogs, Alkaline Fens (Hugginstown and Galmoy), Turloughs (The Loughans), wet grassland and Marsh (river floodplains)</p>	N
2c	<p>Impacts on Intertidal and Marine Habitats <i>Is the development located within a Special Area of Conservation whose qualifying interests include intertidal and marine habitats and species, or within the catchment of same and likely to discharge water to or abstract water from the habitats.</i></p> <p>Sites to consider: Lower River Suir</p> <p>Habitats to consider: <i>Atlantic Salt meadows, Mudflats, sandflats, saltmarsh, estuary</i></p> <p>Species to consider: Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter.</p>	N
2d	<p>Impacts On Woodlands And Grasslands <i>Is the development within a Special Area of Conservation whose qualifying habitats include terrestrial habitats, or in close proximity to same with a likely ecological impact?.</i></p> <p>Sites to consider: Spa hill and Clomantagh Hill, Cullahil Mountain, River Barrow, River Nore, Lower River Suir</p> <p>Habitats to consider: <i>Alluvial Wet Woodlands</i> (River Nore below Inistioge and River Suir at Fiddown Island and Carrick on Suir), Eutropic tall herb vegetation (River Suir at Fiddown Island and Carrick on Suir), and grasslands (Spa hill and Clomantagh Hill, Cullahil Mountain)</p> <p>Oak Woodlands in old estates next to the Nore and Barrow</p>	N

Section 179A Freshford housing development

	Using the Source – Pathway- Receptor model, please consider the following	Y/N
	Species to consider: Greenwinged, Frog and Bee Orchids (Cullahill and Clomantagh Hill), Nettle Leaved Bellflower and Autumn Crocus	
2e	<p>Impacts On Birds <i>Is the development within a Special Protection Area, or likely to discharge water to same or likely to have another significant impact on the habitats of Birds in same?.</i></p> <p>Sites to consider: River Nore</p> <p>Species to consider: River Nore: Kingfisher (Alcedo Atthis) – Nesting in river banks</p>	N

Table 3: Determination of possible impacts on Natura 2000 sites.

Where it has been identified in table 2 that there is a Natura 2000 site within the potential impact zone of the proposed development, it is necessary to try to determine the nature of the possible impacts. Please answer the following questions as appropriate.

	Using the Source – Pathway- Receptor model, please consider the following- notwithstanding distance any direct link needs consideration	N/A
1.	<p>Impacts on designated freshwater habitats (rivers, lakes streams and lagoons).</p> <p><i>Please answer the following if the answer to question 2a in table 2 was yes.</i></p> <p><i>Does the development involve any of the following:</i></p>	
1.1	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge	
1.2	Abstraction from surfacewater or groundwater within 1km of SAC/SPA.	
1.3	Removal of topsoil within 100 m of watercourses with potential for surface water runoff.	
1.4	Infilling or raising of ground levels within 100m of watercourses with potential for surface water runoff.	
1.5	Construction of drainage ditches within 1km of SAC/SPA.	
1.6	Construction within a floodplain or within an area liable to flood.	
1.7	Crossing or culverting of rivers or streams within 1km of SAC/SPA.	
1.8	Storage of chemicals hydrocarbons or organic wastes within 100 m of a watercourse.	
1.9	Development of a large scale which involves the production of an EIS.	
1.10	Development of quarries, particularly where abstraction is below water table. Provision of process water silt management systems	
1.11	Development of windfarms within 1km of an SAC or with the risk of runoff to an SAC/SPA, particularly during construction.	
1.12	Development of pumped hydro electric stations.	
2	<p>Impacts on designated wetland habitats (bog, heath, marsh, fen).</p> <p><i>Please answer the following if the answer to question 2b in table 2 was yes.</i></p>	

Section 179A Freshford housing development

	<i>Does the development involve any of the following:</i>	
2.1	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge.	
2.2	Construction of roads or other infrastructure on peat habitats within 1km of a Natura 2000 site of which qualifying interests include peat, fen or marsh. (Only Peat habitat at Bruckana – consider Galmoy fen – impact unlikely	
2.3	Development of a large scale within 1km within a Natura 2000 site, whose qualifying features include fen or marsh, which involves the production of an EIS.	
3	<p>Impacts on designated intertidal and marine habitats (mudflats, sandflats, estuaries, reefs and sea cliffs).</p> <p><i>Please answer the following if the answer to question 2c in table 2 was yes.</i></p> <p><i>Does the development involve any of the following:</i></p>	
3.1	Impacts on intertidal and marine habitats from potential development which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge	
3.2	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a Natura 2000 site whose qualifying features include intertidal or marine habitats.	
3.3	Dredging within 5km of a Natura 2000 site whose qualifying features include intertidal or marine habitats.	
3.4	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge.	
3.5	Removal of topsoil or infilling within 100m of Natura 2000 sites whose qualifying features include intertidal or marine habitats where potential for surface water runoff exists.	
3.6	Development of a large scale within 1km of Natura 2000 sites whose qualifying features include intertidal or marine habitats, which involves the production of an EIS.	
4	<p>Impacts on other designated woodlands and grasslands (woodland, upland grassland, lowland grassland, coastal grassland including dunes).</p> <p><i>Please answer the following if the answer to question 2d in table 2 was yes.</i></p> <p><i>Does the development involve any of the following:</i></p>	
4.1	Works within the boundary of a Special Area of Conservation whose qualifying interests include woodland or grassland habitat types.	
4.2	Development within 200m of Natura 2000 site with woodland or grassland habitats.	
4.3	Development of a large scale within 1km of Natura 2000 site with woodland, grassland or coastal habitats which involves the production of an EIS.	
5	<p>Impacts on birds in SPAs</p> <p><i>Please answer the following if the answer to question 2e in table 2 was yes.</i></p> <p><i>Does the development involve any of the following:</i></p>	
5.2	Erection of wind turbines within 1km of an SPA.	

Section 179A Freshford housing development

5.3	All construction works within 100m of SPA (River Nore), including the development of cycle ways or walking routes	
5.4	Infilling of coastal habitats within 500m of intertidal SPA.	
5.5	Works within 1km of coastal SPA which will result in discharges to rivers or streams that are directly connected to designated sites.	

Conclusion: If the answer to question 1 and 2a-e are no or n/a, significant impacts on habitats within Natura 2000 sites and on SPAs can be ruled out. No further assessment is required in relation to habitats or birds. If the answer to any question in table 2 is yes, you may require further information, unless you are satisfied that the project proponents have incorporated adequate mitigation into their design to avoid impacts on the Natura 2000 site (eg water pollution protection measures). Such information should be provided in the form of a Natura Impact Statement which should address the particular issues of concern as identified through the above.

Table 4: Consideration of potential impacts on protected species

Many of our Special Areas of Conservation are designated for species as well as for habitats. These are listed below, alongside the sites for which they are designated. Included is a short list of the types of activities which could have an impact on these species. Please tick if you are concerned that the proposed development could have an impact on these species.

Species	Relevant Sites	Activities which could have impacts on species	Possible Impacts Identified? Y/N
Otter	River Nore River Barrow Lower River Suir Note: Otters are a strictly protected species. All breeding sites and resting places are protected regardless of whether or not they are within or external to Special Areas of Conservation.	Activities that interfere with river banks.	N
NAtlantic Salmon	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	N
River Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	N
Brook Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	N
Sea Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality or the river bed – estuarine areas;	N
Twaite Shad	Lower River Suir	Activities that interfere with water quality or the river bed – estuarine areas;	N
Crayfish	Lower River Suir	Activities that interfere with water quality or the river bed;	N
Freshwater Pearl Mussel	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed ;	N
Nore Freshwater Pearl Mussel	River Nore	Activities that interfere with water quality, levels or the river bed ;	N

Section 179A Freshford housing development

Conclusion: If the answer to all of the above is no, significant impacts on species can be ruled out. If the answer to any of the above is yes, then further information is likely to be required in relation to potential for impact on that particular species. Where potential impacts are identified on Otters or on Bats outside designated sites, then further information should be sought in the form of a species specific survey. In these cases, appropriate assessment is not required.

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None anticipated
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None anticipated
In-combination/Other	

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI 	None anticipated
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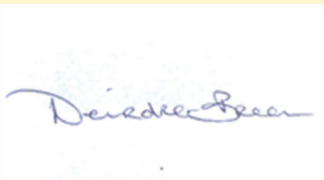
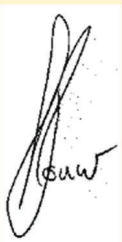
Section 179A Freshford housing development

- Interference with the key relationships that define the structure or ecological function of the site

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

Step 4: Habitats Directive Screening Conclusion Statement

Conclusion:		
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	X	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 12/12/2023	
		

Appendix C

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:

Changes to the permitted development ref PL 19/99 to replace the two-bedroom dwelling at the front of the site with 2no. two-bedroom bungalows to bring the total number of dwellings to 20no. Changes also include reconfiguring the site layout and changes to the other house types to provide 7no. two-bedroom semi-detached and terraced 2-storey dwellings, 10no. three-bedroom semi-detached 2-storey dwellings and a single storey four-bedroom plus carer community home on the site at Tobernapeiste, Freshford, 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