



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

**RE: PART VIII - ST. MARY'S CRESCENT, HEBRON ROAD, KILKENNY CITY  
*Planning & Development Acts 2000 - 2017  
Planning & Development Regulations 2001 - 2017***

**DATE: 12<sup>th</sup> September, 2017**

Dear Councillor,

In accordance with 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended, Kilkenny County Council hereby gives notice of its intention to carry out the following development:

**Part VIII - Construction of a House at St. Mary's Crescent,  
Hebron Road, Kilkenny City**

I attach herewith report of the Director of Services, with Planner's Report attached. I am satisfied that the proposed development is consistent with proper planning and sustainable development of the area and consistent with the provisions of the County Development Plan. The site falls within a zoning of Existing Residential, within the Kilkenny City and Environs Development Plan 2014 - 2020.

I recommend for your consideration that the proposed scheme is progressed on the basis of the attached report.

  
**Colette Byrne**  
Chief Executive





# **KILKENNY COUNTY COUNCIL**

**REPORT - Dated 8<sup>th</sup> September, 2017**

**In Accordance with Section 179 of the  
Planning and Development Acts, 2000-2017**

Construction of a House at  
St Mary's Crescent, Hebron Road, Kilkenny City

**For consideration by the Elected Members  
of Kilkenny County Council  
at monthly meeting to be held  
on 18<sup>th</sup> September, 2017**



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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, 2000-2017.

## **2. Description of Proposed Development**

St Mary's Group Housing Scheme is comprised of 8 houses and was constructed in two phases between 2005 and 2007. It is proposed to construct an additional 1 no 4 bed house on an underutilised piece of land within the estate to cater for a housing need in the area.

The house type is similar to the other houses in the estate.

The project has been granted funding under the Rebuilding Ireland programme.

## **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 7<sup>th</sup> July, 2017. A Site Notice was displayed at the site location from Friday 7<sup>th</sup> July 2017.

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## **5. 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 for the area. Copy of a report to this effect from the Area Planner is appended to this report.

All conditions/comments in the Area Planners Report will be taken into account when preparing the detailed tender drawings.

## **6. Submissions Received**

No submissions were received

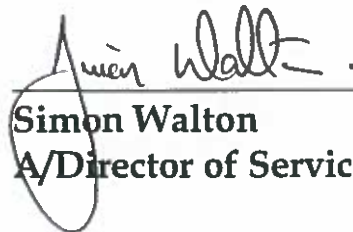
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**Kilkenny County Council's Intention Regarding Proposed  
Development**

**Proposed Development:** Part 8 Proposal  
Refurbishment of a house and B&B and  
associated site works at Greensbridge  
House, New Road, Kilkenny City

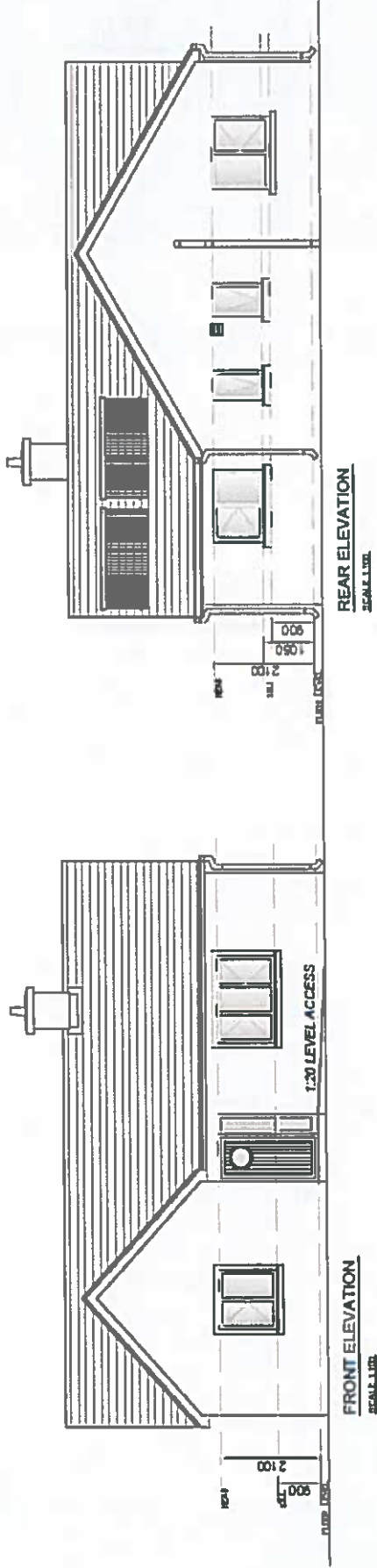
I recommend that Kilkenny County Council proceed with the proposed development in accordance with the plans made available for public inspection and taking into account the recommendations made by the Planning and other Service Departments.

**SIGNED**

  
\_\_\_\_\_  
**Simon Walton**  
**A/Director of Services**

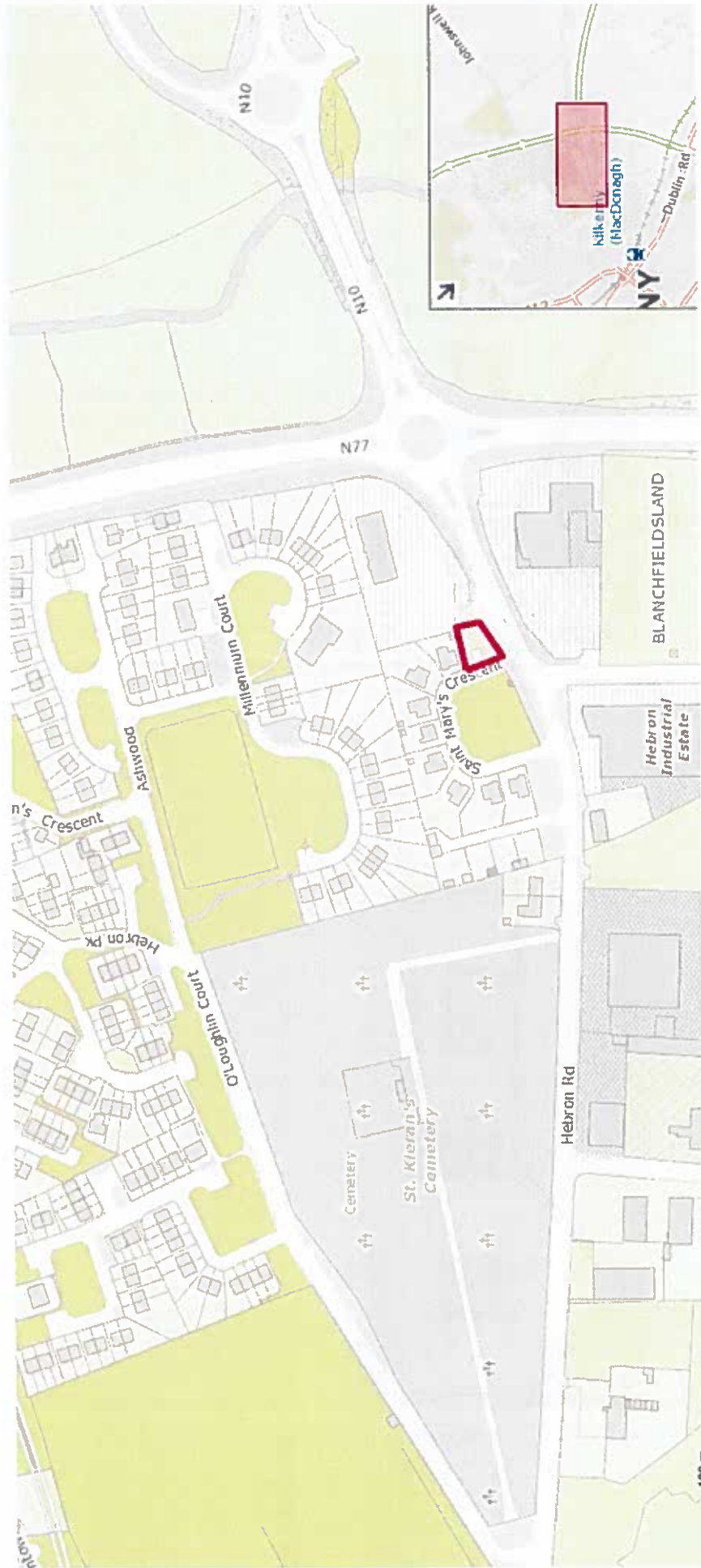


# Appendix A – Project Details



## Elevations

# Location



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## Appendix B – Planners Report

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



**To :** Simon Walton, D.o.S. Housing

**From:** Arlene O' Connor, Senior Executive Planner

**Date:** 6/9/2017                      **Part VIII Ref:**P.8/3/17

**Re:** Construction of 1 no. 4 bed house at St. Marys Group Housing Scheme, Hebron Road, Kilkenny.

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**Part VIII Proposal**

The proposal is to build a new residential unit within the existing St. Mary's Housing Scheme on the Hebron Road. Currently there are 8 houses within the scheme and this will be the 9<sup>th</sup> unit at the end of a crescent.

**Zoning**

The site falls within a zoning of Existing Residential, within the Kilkenny City and Environs Development Plan 2014 – 2020. Thus the proposed new house is acceptable within this zoning.

**Heritage**

*Protected Structure* – None in the immediate area.

*Recorded Monument* – Not applicable.

*ACA* – The site does not fall within any Architectural Conservation Area.

*SAC* – The site falls beyond the River Nore cSAC.

*SPA* – The site falls beyond the River Nore SPA.

*pNHA* – The site is not within any pNHA.

**Appropriate Assessment**

The site has been screened in relation to the Habitats Directive Project Screening Assessment and there are no impacts determined on any Natura 2000 site.

**Relevant Planning Policy and Guidelines**

Kilkenny City and Environs Development Plan 2014 – 2020

Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)

**Planning History**

No recent planning history associated with this site.

**Pre-Planning Advice**

The following was advised in relation to the future proposal for the new dwelling;

- 
- House is of similar height as the adjoining houses
  - Parking spaces be provided on site, as per adjoining houses
  - The site layout plan should indicate the existing street light and whether it is staying as is or being relocated
  - There are two manholes on site and these would have to be relocated and their relocated positions shown on any site layout plan.
  - Site layout plan must show if all existing boundaries are being maintained and the front boundary should match in to that already existing for the other houses within this estate.

### **Internal Departmental Reports**

*Irish Water* – No returned report to date.

*Area Engineer* – No returned report to date.

### **Third Party Submissions**

No third party submissions lodged in relation to this application.

### **Assessment**

The *existing residential* zoning at this location is suitable for the proposal and in turn the proposal will finish off the end of crescent development on this currently vacant site, which serves no purpose as there is a considerable green area to the fore of the houses within this scheme. There are no issues from a planning perspective to the house type as proposed as it blends into the house types on adjoining sites within this estate.

In relation to the boundary treatments for this site, the existing wall to the rear and the northern boundary will be retained whilst a new 1.2 metre block wall will be constructed along the front boundary. The existing rail and wall boundary on the Hebron Road bounding will be replaced with a new 1.8 metre block wall along the entire length of the new site.

It is unclear from drawings however if the existing street light is being removed and relocated.

All details of drainage are shown on the site layout plan and all services appear to be accessible from the front of the house.

### **Recommendation**

In principle there are no objections to this proposal from a planning perspective.

It is therefore recommended that the Part 8 application for the construction of 1 no. 4 bed house at St. Marys Group Housing Scheme, Hebron road, Kilkenny, be approved by Council.

Signed:   
Senior Executive Planner

Date: 6/9/2017

Signed:   
Senior Planner

Date: 6/9/2017



## Habitats Directive Project Screening Assessment

Table 1: Project Details

Development Consent Type	Part VIII Proposal
Development Location	St. Marys Green Housing Scheme, Heddon Road, Kesh
Planning File Ref	Part 8/03/17
Description of the project	4 bed house

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.

		Y/N
<b>1</b>	<b>ONE- OFF HOUSE /SMALL EXTENSION/ ALTERATION TO EXISTING BUILDING</b>	Y
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>	N
<b>2</b>	<b>DEVELOPMENTS OTHER THAN THOSE DESCRIBED IN 1 ABOVE</b>	
2a	<p><b>Impacts On Freshwater Habitats</b>                      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?</p> <p>Sites to consider: Lower River Suir, River Barrow, River Nore.</p> <p>Habitats to consider:                      Alluvial Wet Woodland, (Lower River Suir), 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, Twalte Shad, Atlantic Salmon, Otter, Vertigo Moulinsiana,</p>	
2b	<p><b>Impacts On Wetland Habitats</b>                      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?</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)</p>	

		Y/N
2c	<p><b>Impacts on Intertidal and Marine Habitats</b>  <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><b>Sites to consider:</b> Lower River Suir</p> <p><b>Habitats to consider:</b> Atlantic Salt meadows, Mudflats, sandflats, saltmarsh, estuary</p> <p><b>Species to consider:</b> Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter.</p>	
2d	<p><b>Impacts On Woodlands And Grasslands</b>  <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><b>Sites to consider:</b> Spa hill and Clomantagh Hill, Cullahill Mountain, River Barrow, River Nore, Lower River Suir</p> <p><b>Habitats to consider:</b>  <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, Cullahill Mountain)</p> <p>Oak Woodlands in old estates next to the Nore and Barrow</p> <p><b>Species to consider:</b> Greenwinged, Frog and Bee Orchids (Cullahill and Clomantagh Hill), Nettle Leaved Bellflower and Autumn Crocus</p>	
2e	<p><b>Impacts On Birds</b>  <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><b>Sites to consider:</b> River Nore</p> <p><b>Species to consider:</b>  River Nore: Kingfisher (Alcedo Atthis) – Nestling in river banks</p>	

**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.

1.	<p><b>Impacts on designated freshwater habitats (rivers, lakes streams and lagoons).</b></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.	
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	Impacts on designated wetland habitats (bog, heath, marsh, fen).  <i>Please answer the following if the answer to question 2b in table 2 was yes.</i>  <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	Impacts on designated intertidal and marine habitats (mudflats, sandflats, estuaries, reefs and sea cliffs).  <i>Please answer the following if the answer to question 2c in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
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	Impacts on other designated woodlands and grasslands (woodland, upland grassland, lowland grassland, coastal grassland including dunes).  <i>Please answer the following if the answer to question 2d in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
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><b>Impacts on birds in SPAs</b></p> <p>Please answer the following if the answer to question 2a in table 2 was yes.</p> <p>Does the development involve any of the following:</p>	
5.2	Erection of wind turbines within 1km of an SPA.	
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.	
5.6	.	

**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	<p>River Nore River Barrow Lower River Suir</p> <p>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.</p>	Activities that interfere with river banks.	
Atlantic Salmon	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	
River Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	
Brook Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	
Sea Lamprey	River Barrow River Nore	Activities that interfere with water quality or the river bed – estuarine areas;	

Species	Relevant Sites	Activities which could have impacts on species	Possible Impacts Identified? Y/N
	Lower River Suir		
Twaite Shad	Lower River Suir	Activities that interfere with water quality or the river bed – estuarine areas;	
Crayfish	Lower River Suir	Activities that interfere with water quality or the river bed;	
Freshwater Pearl Mussel	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed ;	
Nore Freshwater Pearl Mussel	River Nore	Activities that interfere with water quality, levels or the river bed ;	

**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.

**Habitats Directive Screening Conclusion Statement**

Development Type	Part VIII Proposal
Development Location	St. Marys Group Scheme, Heblin Road, Uls
Natura 2000 sites within impact zone	None
Planning File Ref	Part VIII 03/17
Description of the project	4 bed house within existing housing scheme
Describe how the project or plan (alone or in combination) could affect Natura 2000 site(s).	
No impacts due to distance from any watercourse	
if there are potential impacts, explain whether you consider if these are likely to be significant.	
No impacts	
<p><b>Conclusion of assessment</b>          Having regard to the precautionary principle, it is considered that:</p> <p><input checked="" type="checkbox"/> Significant impacts can be ruled out or AA not required (if project is directly connected or necessary to Management of Natura 2000 site (determined in consultation with NPWS)).</p> <p>or</p> <p><input type="checkbox"/> Significant impacts are certain, likely or uncertain (cannot be ruled out), Natura Impact Statement (NIS) is required. Project must be subject to appropriate assessment.</p>	
Documentation reviewed for making of this statement. All Guidance Documentation 2007+	
Kilkeny City, Envision Dev. Plan 2014-2020	
Completed By	CEC/SJL
Date	7/2/17