



An
Bord
Pleanála

Inspector's Report

ABP-317109-23

Development

Office & retail development over five storeys. A Natura Impact Statement (NIS) has been submitted with this application.

Location

Kilkenny Abbey Quarter in the townland of Gardens, Kilkenny

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

22296

Applicant(s)

Kilkenny Abbey Quarter Development Partnership.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Alexander J Wilsdon.

Observer(s)

None.

Date of Site Inspection

15th March 2024.

Inspector

Peter Nelson

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1.0 Site Location and Description

- 1.1. The site is located in the Abbey Quarter, adjacent to Kilkenny City Centre. The Abbey Quarter was formerly the site of Smithwick's Brewery and is along the west bank of the River Nore and east of Parliament Street. Development has already taken place in the Abbey Quarter, with the Brewhouse office building, Mayfair Library, and urban landscaping along the River Nore. The current Abbey Quarter Masterplan site has an area of approximately 7.54 hectares.
- 1.2. The L-shaped site is located directly east of the new Brewhouse Building, a three-storey office building. It is currently a flat brownfield site consisting of a concrete slab and has a stated area of 0.166 hectares. The site is to the south of St. Francis Abbey, a National Monument founded in 1231. The St. Francis Abbey Brewery is a protected structure (RPS B146). The site is within a Zone of Archaeological Potential and the City Centre Architectural Conservation Area.
- 1.3. The site is visible from the surrounding area, especially St. Francis Bridge and Michael Street. The view of St. Francis Abbey from Michael Street and St. Francis' Bridge is a protected view and protected in the Kilkenny City and County Development Plan.

2.0 Proposed Development

- 2.1. The development will consist of a new mixed-use building varying in height from 4 to 5 storeys (set back at the top floor).
- 2.2. The proposed development's gross floor space is stated as 5,176 sq. m. It is for commercial use and consists of four floors of office above and ground-floor retail, office, reception, and support space.

3.0 Planning Authority Decision

- 3.1. Decision
 - 3.1.1. Kilkenny County Council requested Further Information on the 4th July 2022. The points of further information related to:

- the submission of an Archaeological Impact Assessment,
- the design of the roof,
- a rationale for a staggered line of vision and how it complies with Section 4.3.8 of the Masterplan,
- visual photomontages of the development in its context,
- an Architectural Heritage Impact Assessment,
- an assessment of the potential impacts, including lighting of the proposed development on bats in the immediate vicinity of the site.

3.1.2. After submitting Further Information, Kilkenny County Council granted permission for the proposed development on the 2nd of May 2023 subject to 12 no. conditions.

Conditions of note include:

- Condition No. 3 required revised details to be agreed for the south terminus saw tooth roof to be re-orientated to match the others and unite the rooftop profile.
- Condition No.12 requires the engagement of an archaeologist and a detailed archaeological mitigation strategy to be approved by the National Monuments Service.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points contained in the Planning Report after the submission of Further Information, dated 2nd May 2023, can be summarised as follows:

- An amended Archaeological Impact Assessment was submitted.
- The report stated that if the proposed foundations' design impacts the Medieval/Georgian soils, an appropriate mitigation strategy should be developed in conjunction with the National Monuments Service.
- The submitted Design Rational states that the south-eastern corner of the building is regarded as a prominent feature of Building 7, which merits additional height, and that the raised parapet enhances the street presence of the façade in order to frame the open space to the south.

- The applicant states that the offset in the pedestrian route is consistent with the Masterplan Pedestrian Street/Lanes Strategy.
- Photomontages and a site section have been provided to demonstrate the proposed development with the surrounding city setting.
- An Architectural Heritage Impact Assessment has been submitted.
- The Applicant states that the roofscape will positively contribute to the roofscape when viewed from the castle and St. Canice's Cathedral.
- The applicant carried out a Bat Survey and proposed construction procedures and mitigation measures to avoid impact on bats in the area.
- Due to the sensitive historical setting, the planner recommends that a tiered/stepping of the north and south elevations be required as a condition.
- Recommends that the ground floor be altered to improve the line of vision eastwards from Horse Barrack Lane, through the Brewhouse, the new square and Building 7 to the river.
- Notes the submission from the National Monuments Service and the Built Heritage sections of the Department of Housing, Local Government and Heritage, which recommend that the applicant submit Clarification of Further Information.
- Due to the legislative time frames, clarification of further information cannot be sought.

3.2.2. Other Technical Reports

Roads: 15th June 2022: No objection.

Environment: 28th June 2022 No objection subject to conditions.

Conservation Officer: 25th April 2023.No objection subject to conditions.

Chief Fire Office: 25th May 2022. No objection subject to a Fire Safety Certificate.

3.3. Prescribed Bodies

Uisce Eireann: 14th June 2022: No objection.

National Monuments Service DHLGH: 2nd May 2023:

Recommend Clarification of Further information

Built Heritage DHLGH: 27th April 2023

Recommend Clarification of Further information

An Taisce: Comments relating to materials, the urban space's design and the proposed building's height.

3.4. Third Party Observations

Two submissions were received on the planning application. The main points raised can be summarised as follows:

- Concern that the site will contain further important remains of the Franciscan Abbey.
- Pile Driving to create a reinforced concrete beam and slab foundation could significantly impact St. Francis Abbey.
- The Kilkenny Archaeological Society welcomes the opportunity to place St. Francis Abbey and its environs as the focal point of the Abbey Quarter, which could complement the medieval city.
- Given the restricted access and limited alternative transport options, it is premature to proceed with a speculative development without defining the site's limitation in relation to mobility.
- At a minimum, the use of the development should be conditional on the delivery of modal transport shifts.
- In practice, this is impossible, and the development is premature without detailed usage information.
- The 'limited new parking' within the Abbey Quarter schemes only has a temporary planning permission for seven years.

- Given the missing pieces of the modal shift scheme, particularly Park & Ride, it is unclear how the needs of the Abbey Quarter office users can be met.
- The development will cause employment displacement from other locations in Kilkenny.
- No retail impact assessment is indicated for the additional street-level retail space.

4.0 Planning History

P.A. Ref: 2460029 Permission granted on the 12th March 2024 for (i) the installation of one new façade sign on the North Elevation comprising backlit individually mounted stainless steel lettering with associated backlit circular logo at high level (ii) one new façade sign on the West Elevation comprising backlit individually mounted stainless steel lettering with associated backlit circular logo at high level (iii) The repositioning of one existing backlit stainless-steel sign.

ABP Ref: 309377-21

Permission was granted on the 2nd of June 2012 for a temporary car and coach park and associated development works for a period of 7 years on the former Smithwick's Brewery Site.

ABP Ref. 307796-20 – This application, submitted by Kilkenny County Council under sections 175 and 177AE of the Planning & Development Act, 2000 (as amended) to the south and east of the site for the construction of a new Urban Park and Urban Street, was approved by the Board in 2021. The proposed development will cover an area of approx. 1.44 hectares. The urban park is located in the northern part of the Abbey Quarter and is centred around the upstanding remains of St. Francis Abbey. The urban street is aligned north-south through the Abbey Quarter, linking Bateman Quay in the south with St. Francis Bridge in the north. The street will be a shared space for pedestrians and cyclists, with limited vehicular access.

P.A. Part 8 Ref: 11/19 approved the demolition of the maturation building and provision of 6,200 sqm of commercial/office space (the Brewhouse development), 2019.

5.0 Policy Context

5.1. Development Plan

The Kilkenny City and County Development Plan 2021-2027 is the operational plan for the area. It came into effect on October 15, 2021.

The site is zoned 'General Business' with the objective 'To provide for general development.'

Objective C2A: To continue to implement the Abbey Quarter Masterplan and Urban Design Code and secure the overall development of the area in accordance with their objectives.

Objective C2B: To monitor the implementation of the Abbey Quarter Masterplan and Urban Design Code at least every 12 months from the adoption of this Plan.

Objective C3F: To provide high quality office accommodation in the Abbey Quarter appropriate to the needs of Kilkenny.

The site is included in the Abbey Quarter and therefore the following documents are of relevance:

Abbey Quarter Urban Design Code, Planning Department, Kilkenny County Council January 2018.

The Code provides important planning guidance and direction in areas such as land uses and mix of land uses, built form and the nature and use of new and refurbished public spaces in the Quarter.

Abbey Quarter Masterplan, Kilkenny County Council 2015.

The overall vision for the Abbey Creative Quarter, as set out in the Masterplan, is: "To plan the area as a seamless complement to the medieval city as an inclusive place for an inter-generational community to work, live, visit, and play with St. Francis Abbey at its core. The regeneration of the area will focus on embracing the sites' natural, cultural, and built heritage whilst maximising the benefits of the rivers Nore and Breaghagh, providing for a broad range of uses, sustaining growth in

employment, 3rd and 4th level education and advancing economic activity in a sustainable and energy-efficient fashion where innovation can flourish. The area will be a permeable expansion of the city for pedestrians and cyclists where smarter travel principles will apply throughout.”

Review of Abbey Quarter Masterplan.

In 2023, Kilkenny County Council published a Draft Abbey Quarter Masterplan Guidance Document 2023. The draft plan includes an extended Abbey Quarter Masterplan area to include Vicar Street & Greensbridge Street along with a review of policy and the Urban Design Code.

5.2. Natural Heritage Designations

River Nore: Special Area of Protection c. 82m from the appeal site.

River Barrow and River Nore: Special Area of Conservation c.76m from the appeal site.

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

The main points of appeal can be summarised as follows:

- The proposed development is located in a central location with restricted access, limited parking, and public transport facilities. It represents a major increase in the number of people who will need to move in and out of that part of the city.
- The applicant has stated that no mobility plan can be developed until the use and patterns of the occupier are known.
- The grant of permission imposed no restrictions pertaining to mobility, parking or transport patterns.
- It is premature to proceed with a speculative development without defining the site's limitations in relation to mobility.
- Given the limited access and transport options for users of the building, it is vital that the acceptable and unacceptable mobility patterns be defined and conditioned at the planning stage rather than deferred to a later stage with no consultation.
- No park and ride has been developed in the city.
- New development should be conditional on the delivery of modal shift measures.
- Other developments in less sensitive areas have been required to provide traffic studies and up-to-date parking needs assessments with their applications,
- The application refers to 'limited new parking' in the Abbey Quarter scheme but fails to state that this is temporary.
- No assessment is made of the impact of the development on the available parking spaces after the temporary car park permission expires after seven years.
- The expertise that will find employment in office environments is spread thinly across the southeast region; therefore, it cannot be reasonably expected that public transport, cycling or walking will form any significant proportion of journeys.
- The first phase of the development has resorted to the displacement of existing employment from other locations in Kilkenny.
- No retail impact assessment is included for the additional street-level retail space.

- The development is premature, speculative, and deeply flawed in its lack of realistic & practical mobility measures.

6.2. Applicant Response

The main points raised in the applicant's response can be summarised as follows:

- The points raised in the appeal relate to fundamental principles (e.g., car-parking, demand for office space, planning process) established in the Development Plan, the Abbey Quarter Masterplan or are outside the scope of this appeal.
- The proposed office/retail development is fully consistent with the 2021 Kilkenny Development Plan and the 2015 Abbey Quarter Masterplan.
- The appellant is incorrect about the relocation/displacement of the existing workforce into the now fully occupied Brewhouse office development.
- The proposed office development will equally be as in demand as the Brewhouse and will generate new employment in a central location in the city.
- The appellant's remarks on the Kilkenny workforce and the assumption that graduates would have to commute from a wider catchment area are unfounded.
- Kilkenny is the 8th largest employer centre in the country, and the Brewhouse development is consistent with RPO 12 of the RSES "to support urban regeneration through investment in the Abbey Quarter...and regenerated underuse land in the City".
- The proposed office/retail development is much needed, is demand-led and will positively contribute to Kilkenny City.
- The Mobility Management Plan details specific measures to reduce the number of people travelling to and from the development by car, promote the use of public transport, and encourage users to use more sustainable methods of travelling.
- The Abbey Quarter is based on the established and accepted principle of encouraging sustainable transport and minimising car parking and traffic generation.

- A Parking Options Report (POR) for the masterplan area recommended that parking could be provided on Abbey Quarter Land on a temporary basis to serve uses already permitted and to complement the Council's wider traffic/parking strategy.
- A temporary car park has been provided in the area. (7-years).
- One of the key findings of the POR is that there is an over-provision of car parking within the City.
- Sustainable modes of transport are already in place, such as the bicycle parking and shower facilities in the Brewhouse, the extensive bicycle parking in the Abbey Quarter public areas and the city-wide bike scheme. (Bolt electric bikes).
- The appellant claims that there are no residential or apartment developments in the city to support sustainable transport.
- There is a total housing stock in Kilkenny of 10,769 (2016 census), with permission granted for an additional 1,055 units.
- Abbey Quarter Urban Design Code 2018 allows for 35% of development to be residential. (150-200 homes).
- The Council's decision to grant permission on lands zoned 'general business' is fully consistent with the Abbey Quarter Masterplan and the proper planning and sustainable development of the area.
- The proposed retail floor space, which is just 408 m², is in a town centre location. It is consistent with the site's zoning objective and is also in accordance with the master plan and the Abbey Quarter Urban Design Code.
- The proposed retail floor space will add to the vibrancy and vitality of the Abbey Quarter.

6.3. Planning Authority Response

The main points of the Planning Authority Response can be summarised as follows:

- The Abbey Quarter is considered to be a City Centre Development which can and will make full use of the range of sustainable mobility measures currently

considered for the city, including the existing public bus transport system and the rollout of walking, and cycling infrastructure.

- The completion, adoption and implementation of the Local Transport Study and the Sustainable Urban Mobility Plan (SUMP) will be prioritised to address the parking demand generated by further planned and proposed development within the city.
- The 2016 Kilkenny City Parking Study concludes that a significant number of car parking spaces are still available that could potentially be used by the proposed development.
- It has been recognised that public car parking has come under additional pressure in the city centre since 2016.
- The parking study is to be reviewed as part of the SUMP, and a new parking strategy will consider park and ride/stride options for the city.
- It is considered that a relaxation of car parking standards is justified, and a contribution was applied for the shortfall, which will, over the medium to long term, be ploughed back into the sustainable mobility provisions of the SUMP.
- The CSO Educational Attainment Map for 2022 does not reflect a difference in 3rd-level attainment for Kilkenny as suggested by the Appellant. Therefore, along with the provision of significant housing numbers within the city centre, Kilkenny City should not be reliant on a workforce that has to commute into the city from afar.
- The voluntary relocation of any peripheral development to a city centre is an indication of the attractiveness of the city centre. It creates opportunities as appropriate for those premises voluntarily vacated in favour of the city centre.

6.4. Observations

None

6.5. Further Responses

None

7.0 **Assessment**

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

- Zoning and Abbey Quarter Masterplan
- Parking and Mobility
- Office Use
- Retail Use
- Other Matters

7.2. **Zoning and Abbey Quarter Masterplan**

The site is zoned ' General Business ' in the Kilkenny City and County Development Plan. The objective of this zoning is 'to provide for general development'. Offices and retail are permitted uses in this zoning. The proposed development will contribute to achieving the Development Plan Objective CF3, which 'is to provide high-quality office accommodation in the Abbey Quarter appropriate to the needs of Kilkenny'.

The site is in an area covered by the Abbey Quarter Master Plan and Urban Design Code. This Code sets out objectives, guidance, and direction for a key part of the Quarter and is complementary and ancillary to the Abbey Quarter Master Plan.

The site is designated as Block B-7 in the Urban Design Code. The proposed development will create a robust perimeter block with an active frontage at ground floor level on a new mixed-use street as granted under permission ABP Ref. 307796-20. I consider that the proposed development substantially complies with the objectives for Block B-7 of the Urban Design Code.

7.3. **Car Parking and Mobility**

Mobility Plan

The appellant states that the Council's planning decision is flawed as the development is to proceed speculatively without an occupier or the completion of the Council mobility plan. (SUMP). The appellant refers to the mobility plan submitted with the planning application. It is stated in this plan that it is an initial mobility plan that sets out the key infrastructure proposals and modal split targets for the development and, in general terms, will be further developed when the building is occupied.

I note that the Kilkenny Sustainable Urban Mobility Plan (SUMP) is still to be finalised. The plan is a 'strategic plan designed to satisfy the mobility needs of people and business in cities and their surroundings for a better quality of life.' Two relevant core principles of the plan are:

1. Integrate land-use and transport planning to support the realisation of the 10-minute city, thereby reducing transport demand and avoiding unsustainable journeys.

2. Facilitate the transition to a low carbon and climate resilient city through supporting a shift to sustainable mobility options and reducing greenhouse gas emissions, air and noise pollution and energy consumption from transport, thereby improving the quality of life of people in Kilkenny City.

It is a Strategic Objective of the Kilkenny City and County Development Plan 2021-2027 to '*support and encourage sustainable compact growth and settlement patterns, integrate land use and transportation, and maximise opportunities through development form, layout and design to secure climate resilience and reduce carbon emissions.*'

It is also a strategic aim, as stated in Chapter 12: Movement and Mobility of the development plan, '*to co-ordinate transport and land use planning, reducing the demand for travel and the reliance on the private car in favour of public transport, cycling and walking by providing for a greater mix of suitable uses and by promoting and facilitating the transition to electrification of our transport modes moving away carbon intensive modes to new technologies such as electric vehicles.*'

The submitted mobility plan outlines the public transport options currently available in the city, including the train service to Dublin and Waterford, the rail station that is a

15-minute walk from the site, the KK1 and KK2 bus services in proximity to the site and city centre taxi services.

It is a strategy of the Abbey Quarter Masterplan to limit new car parking in the master plan area, primarily for loading/unloading and for mobility-impaired drivers. Car parking inventories taken when preparing the masterplan indicated that there were approximately 1,400 free or daily rate parking spaces within or on the periphery of the city centre. Since the preparation of the masterplan, permission was granted for a temporary car and coach park for a period of 7 years, permission ref: ABP-309377-21. This allows for 120no. car parking spaces and 7no. coach parking spaces. The proposed parking is within 100m of the appeal site. I note that condition no. 2 of the permission stated that the car park shall only cater for coach parking and those working within the Abbey Quarter.

Given the masterplan strategy to limit new car parking in the plan area, the current provision of public transport and the planned temporary car park within close proximity of the site, I consider that the non-provision of parking for the proposed development is acceptable and will contribute to reducing the demand for travel and the reliance on the private car and will therefore comply with one of the strategic aims of the Kilkenny City and County Development Plan, 2021-2027.

7.4. Office Use

- 7.4.1. The appellant contends that the proposed office units will fail to meet the City & County's Objective to attract foreign direct investment and that the Brewhouse development has failed to meet this objective as it has resorted to displacing existing employment for other locations in Kilkenny. The appellant suggests that an assessment of the office space needs is required in advance of a speculative development.
- 7.4.2. The site's zoning is 'General Business'. Offices are permissible in this zoning, and the Abbey Quarter Urban Design Code 2018 allows for office use on the upper floors of any proposed building on this site.
- 7.4.3. In their appeal response, Kilkenny City and Council states that the Abbey Quarter promotes compact growth and the location of compatible uses in the City Centre in

accordance with the Abbey Quarter Masterplan, which aligns with the National, Regional, and Local compact growth, climate change, and sustainability objectives.

- 7.4.4. One of the main objectives of economic development in the Abbey Quarter is to provide a strategic location for inward investment, particularly foreign direct investment (FDI).
- 7.4.5. I consider that the provision of office development in this city centre location complies with the Abbey Quarter Masterplan and with Kilkenny City and Council Development Plan Objective C3A which is to *‘ensure an adequate amount of employment and enterprise land is available within the City at the appropriate strategic locations’*. Therefore, I consider that additional office use in this city centre location is acceptable.

7.5. Retail Use

- 7.5.1. The appellant states that no retail impact assessment of the wider impact the proposed retail space would have on the city centre has been included with the application. The site is within the Kilkenny City Centre, and the combined area of the proposed retail space is 408 m². It is currently proposed as two units, one of which has the option of being divided into three units.
- 7.5.2. Policy 5 of the Retail Policies in the development plan requires a retail impact assessment for retail development with more than 1,000 m² of net floor space in Kilkenny City. As the proposed retail floor space is 408 m², there is no requirement for a retail impact assessment.
- 7.5.3. In the Abbey Quarter Urban Design Code 2018, the target land use mix allows for a retail content of between 15% and 20%. The street on which the proposed building is located is designated a mixed-use street with small plots. The Code highlights the significant potential to provide for smaller-scale specialist retail to expand the existing range of the City Centre. I consider that the proposed retail units will comply with the Abbey Quarter Urban Design Code, will provide for mixed uses in the Masterplan area and will complement the existing city centre retail offering.

7.6. Other Matters

- 7.6.1. Roof Profile

I note that the Planning Authority had concerns relating to the roof's design and form and attached a condition requiring the reorientation of the sawtooth roof element on the southern terminus to unite the rooftop profile. I consider that this is not necessary as the proposed south elevation, as proposed, will present a strong urban edge and corner element when viewed from the proposed urban street. If the Board is minded to grant permission, I recommend that a condition requiring alterations to the roof profile not be attached.

7.6.2. Archaeology

A report was received on the planning application from the National Monuments Service DHLGH, dated 2nd May 2023, while recommending clarification of further information, it recommended the attachment of a condition if the Planning Authority make the decision to grant permission. If the Board is minded to grant permission, I recommend that the said condition be attached.

8.0 **AA Screening**

8.1.1. Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that the proposed development is likely to have a significant effect on the:

Water course of plain to montane levels,

- Sea Lamprey,
- Brook Lamprey,
- River Lamprey,
- Atlantic Salmon,
- White-clawed crayfish,
- Freshwater pearl mussel,
- Otter,

of the River Barrow and River Nore SAC and Kingfisher of the River Nore SPA 'alone' in respect to effects associated with surface water pollution and noise disturbance.

- 8.1.2. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

See Appendix 2 for further explanation.

9.0 Appropriate Assessment

- 9.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site

- 9.2. Compliance with Article 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development is not directly connected to or necessary for the management of any European site and, therefore, is subject to the provisions of Article 6(3).

9.3. Screening Determination

Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development, which consists of a mixed-use development in the Abbey Quarter Kilkenny, individually or in-combination with other plans or projects will have a significant effect on the following European sites (i.e. there is the possibility of significant effect):

- River Barrow and River Nore SAC
- River Nore SPA

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

9.4. The Natura Impact Statement

The application included a NIS for the Abbey Quarter Building 7 dated the 20th December 2021 which examines and assesses potential adverse effects of the proposed development on the following European Sites.

- River Barrow and River Nore SAC
- River Nore SPA

The applicant's NIS was prepared in line with current best practice guidance and provides and is considered to contain adequate information and an adequate assessment.

The applicant's NIS concluded that *'the Proposed development and all associated site works, alone or in-combination with other projects, will not adversely affect the*

integrity and, conservation status of any qualifying interests of the River Barrow and River Nore SAC and the River Nore SPA'.

9.5. Summary of consultations and submission

There have been no submissions relating to the Appropriate Assessment of the proposed development.

Having reviewed the documents, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the following European sites alone or in combination with other plans and projects:

- River Barrow and River Nore SAC
- River Nore SPA

9.6. Appropriate Assessment of implications of the proposed development.

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

The following guidance was adhered to in my assessment:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin EC (2002)
- Assessment of plans and projects significantly affecting Natura 2000 sites.

- Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC June 2020 59 EC (2018) Managing Natura 2000 sites.
- The provisions of Article 6 of the Habitats Directive 92/43/EEC
- OPR Practice Note: Appropriate Assessment Screening for Development Management. (2021)

9.7. European Sites

The following sites are subject to Appropriate Assessment:

- River Barrow and River Nore Special Area of Conservation
- River Nore Special Protection Area.

A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in Tables 1 and 2 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

9.8. Aspects of the proposed development.

The main aspects of the proposed development that could adversely affect the conservation objectives of the site include:

- Potential adverse effect through water quality deterioration during construction.
- Noise disturbance during construction.

The site is located in the Abbey Quarter masterplan area and surface water will connect to into the granted drainage network for the Kilkenny Abbey Quarter Urban Park and Street (Planning reference: ABP 307796-20). This application was Appropriately Assessed. Green roofs and rainwater recovery systems will be installed on-site to help attenuate and reduce the volume of stormwater runoff. I therefore consider that the proposed development during operation will not

adversely affect the conservation objectives of the two protected sites due to a deterioration in water quality.

The site is located in the city centre. I do not consider that the proposed development, during operation, will cause significant additional noise in the area that would adversely affect the conservation objectives of the two protected sites.

Table 1 AA Summary Matrix: River Barrow and River Nore Special Area of Conservation

River Barrow and River Nore Special Area of Conservation Code:002162 Summary Of key issues that could give rise to adverse effect: <ul style="list-style-type: none"> • Decrease in water quality during construction. • Noise during construction. 					
Summary of Appropriate Assessment					
Qualify Interest	Conservation Objectives, Targets and Attributes	Potential adverse effects	Summary Mitigation measures	In - combination Effects	Can adverse effects on integrity be excluded?
Water courses of plain to montane levels with the Ranunculon fluitantis and Callitricho-Batrachion vegetation [3260]	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculon fluitantis and Callitricho-	Decrease in water quality during construction.	Construction Surface water pumped into holding tanks and then to primary and secondary settlement tanks. Bund storage for hydrocarbons and chemicals. Fuel tanks with integrated pumps are to be stored in a secure bund-protected area. All drainage infrastructure works to be checked in advance of connection to	None	Yes

	Batrachion vegetation		<p>proposed onsite drainage system (ABP-307796-20)</p> <p>Any waste oils contained in drip trays or the bunded area will be emptied into a waste oil drum stored within the bund.</p> <p>Contingency plans to be set up to deal with emergency accidents or spills.</p> <p>Any spillage of contaminated material will be cleaned up immediately.</p>		
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition of Otter, Distribution: No significant decline	<p>Decrease in water quality during construction.</p> <p>Noise during construction.</p>	<p>Construction Surface water pumped into holding tanks and then to primary and secondary settlement tanks.</p> <p>Bund storage for hydrocarbons and chemicals.</p> <p>Fuel tanks with integrated pumps are to be stored in a secure bund-protected area.</p> <p>All drainage infrastructure works to be checked in advance of connection to proposed onsite drainage system (ABP-307796-20)</p> <p>Any waste oils contained in drip trays or the bunded area will be emptied into a waste oil drum stored within the bund.</p> <p>Contingency plans to be set up to deal with emergency accidents or spills.</p> <p>Any spillage of contaminated material will be cleaned up immediately.</p> <p>Noise to be monitored during critical periods of the works and at sensitive locations.</p>	None	Yes

			Careful selection of quiet plant and machinery. Barriers erected around noisy processes and ancillary plant. Audible warning systems will be switched to the minimum setting required by HSE & HSA		
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea lamprey. Distribution target: greater of main stem length of rivers accessible from estuary.	Decrease in water quality during construction.	Construction Surface water pumped into holding tanks and then to primary and secondary settlement tanks. Bund storage for hydrocarbons and chemicals. Fuel tanks with integrated pumps are to be stored in a secure bund-protected area. All drainage infrastructure works to be checked in advance of connection to proposed onsite drainage system (ABP-307796-20) Any waste oils contained in drip trays or the bunded area will be emptied into a waste oil drum stored within the bund. Contingency plans to be set up to deal with emergency accidents or spills. Any spillage of contaminated material will be cleaned up immediately.	None	Yes
Lampetra planeri (Brook Lamprey) [1096]	To restore the favourable conservation condition of Brook lamprey. Distribution target: access to all	Decrease in water quality during construction.	Construction Surface water pumped into holding tanks and then to primary and secondary settlement tanks. Bund storage for hydrocarbons and chemicals.	None	Yes

	watercourses down to first order streams.		<p>Fuel tanks with integrated pumps are to be stored in a secure bund-protected area.</p> <p>All drainage infrastructure works to be checked in advance of connection to proposed onsite drainage system (ABP-307796-20)</p> <p>Any waste oils contained in drip trays or the bunded area will be emptied into a waste oil drum stored within the bund.</p> <p>Contingency plans to be set up to deal with emergency accidents or spills.</p> <p>Any spillage of contaminated material will be cleaned up immediately.</p>		
Lampetra fluviatilis (River Lamprey) [1099]	<p>To restore the favourable conservation condition of River lamprey.</p> <p>Distribution: greater than 75% of main stem and major tributaries down to second order accessible from estuary</p>	Decrease in water quality during construction.	<p>Construction Surface water pumped into holding tanks and then to primary and secondary settlement tanks.</p> <p>Bund storage for hydrocarbons and chemicals.</p> <p>Fuel tanks with integrated pumps are to be stored in a secure bund-protected area.</p> <p>All drainage infrastructure works to be checked in advance of connection to proposed onsite drainage system (ABP-307796-20)</p> <p>Any waste oils contained in drip trays or the bunded area will be emptied into a waste oil drum stored within the bund.</p> <p>Contingency plans to be set up to deal with emergency accidents or spills.</p> <p>Any spillage of contaminated material will be cleaned up immediately.</p>	None	Yes

Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Salmon. Distribution target: 100% of river channels down to second order accessible from estuary	Decrease in water quality during construction.	Construction Surface water pumped into holding tanks and then to primary and secondary settlement tanks. Bund storage for hydrocarbons and chemicals. Fuel tanks with integrated pumps are to be stored in a secure bund-protected area. All drainage infrastructure works to be checked in advance of connection to proposed onsite drainage system (ABP-307796-20) Any waste oils contained in drip trays or the bunded area will be emptied into a waste oil drum stored within the bund. Contingency plans to be set up to deal with emergency accidents or spills. Any spillage of contaminated material will be cleaned up immediately.	None	Yes
Austropotamobius pallipes (White-clawed Crayfish) [1092]	To maintain the favourable conservation condition of White-clawed crayfish No distribution reduction from baseline. Water quality: At least Q3-4 at all sites	Decrease in water quality during construction.	Construction Surface water pumped into holding tanks and then to primary and secondary settlement tanks. Bund storage for hydrocarbons and chemicals. Fuel tanks with integrated pumps are to be stored in a secure bund-protected area. All drainage infrastructure works to be checked in advance of connection to proposed onsite drainage system (ABP-307796-20) Any waste oils contained in drip trays or the bunded area will be emptied into	None	Yes

			<p>a waste oil drum stored within the bund.</p> <p>Contingency plans to be set up to deal with emergency accidents or spills.</p> <p>Any spillage of contaminated material will be cleaned up immediately.</p>		
<p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p>	<p>Status under review.</p>	<p>Decrease in water quality during construction.</p>	<p>Construction Surface water pumped into holding tanks and then to primary and secondary settlement tanks.</p> <p>Bund storage for hydrocarbons and chemicals.</p> <p>Fuel tanks with integrated pumps are to be stored in a secure bund-protected area.</p> <p>All drainage infrastructure works to be checked in advance of connection to proposed onsite drainage system (ABP-307796-20)</p> <p>Any waste oils contained in drip trays or the bunded area will be emptied into a waste oil drum stored within the bund.</p> <p>Contingency plans to be set up to deal with emergency accidents or spills.</p> <p>Any spillage of contaminated material will be cleaned up immediately.</p>	<p>None</p>	<p>Yes</p>

Overall Conclusion: Integrity Test

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Table 2 AA Summary Matrix: River Nore Special Protection Area

River Nore Special Protection Area Code:004233 Summary of key issues that could give rise to adverse effect: <ul style="list-style-type: none"> • Decrease in water quality during construction. • Noise during construction. 					
Summary of Appropriate Assessment					
Qualify Interest	Conservation Objectives, Targets and Attributes	Potential adverse effects	Summary Mitigation measures	In - combination Effects	Can adverse effects on integrity be excluded?
Kingfisher (Alcedo atthis) [A229]	To maintain or restore the favourable conservation	Decrease in water quality during construction.	Construction Surface water pumped into holding tanks and then to primary and secondary settlement tanks. Bund storage for hydrocarbons and chemicals.	None	Yes

	condition of the bird species listed as Special Conservation Interests for this SPA (Kingfisher)	Noise during construction.	<p>Fuel tanks with integrated pumps are to be stored in a secure bund-protected area.</p> <p>All drainage infrastructure works to be checked in advance of connection to proposed onsite drainage system (ABP-307796-20)</p> <p>Any waste oils contained in drip trays or the bunded area will be emptied into a waste oil drum stored within the bund. Contingency plans to be set up to deal with emergency accidents or spills. Any spillage of contaminated material will be cleaned up immediately.</p> <p>Noise to be monitored during critical periods of the works and at sensitive locations.</p> <p>Careful selection of quiet plant and machinery.</p> <p>Barriers erected around noisy processes and ancillary plant.</p> <p>Audible warning systems will be switched to the minimum setting required by HSE & HSA</p>		
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Overall Conclusion: Integrity Test

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

9.9. Mitigation Measures

Noise mitigation measures during construction include:

- Noise will be monitored during the critical periods of the works and at sensitive locations throughout the construction phases of the proposed development.
- Hoarding will be erected onsite to a height 2.4m.
- Quiet plant and machinery will be selected.
- Barriers will be erected as necessary around noisy processes and ancillary plant such as generators.
- Handling of all material on site will take place in a manner that minimises noise emissions.
- Audible warning systems will be switched to the minimum setting required by the Health & Safety Executive or the Health & Safety Authority.

Water Pollution Mitigation Measures:

- Works to be undertaken in accordance with the submitted Outline Construction Management Plan (CMP) and the Outline Construction and Demolition Waste Management Plan.
- Surface water arising on site during construction will be pumped to a holding tank on site, then pumped to settlement tanks. The discharge water will be routed to the existing surface water system.
- All construction works associated with the additional drainage infrastructure onsite will be completed and checked in advance of connection to the existing/proposed onsite drainage system permitted under planning ref: ABP-307796-20.

Specific mitigation measures to reduce risk from contamination measures include:

- Servicing of machinery before being mobilised onsite.
- Maintenance logs to be kept on site.

- Double-skinned metal fuel tank to be stored in a secure bund-protected area on site.
- Bunds for the storage of Hydrocarbons and chemicals will have a holding capacity of 110% of the volume to be stored.
- Refuelling of plant and machinery will be completed in a controlled manner using drip trays (bunded container trays)
- Any gas bottles will be stored in a caged area at a secure location onsite.
- Procedures and contingency plans will be set up to deal with emergency accidents or spills.
- All contractor workers will be appropriately trained in the use of spill kits.
- Any spillage of cementitious material will be excavated and stored in appropriate sealed containers for disposal offsite in accordance with all relevant waste management legislation.

Given the site's contained nature in its urban location, I consider that the mitigation measure, when implemented, will be adequate to ensure that the protected sites conservation objectives will not be adversely affected.

9.10. In Combination Effects

The proposed development is part of the Abbey Quarter Masterplan Area. The riverside garden, the new City Library and the redevelopment of the Brewhouse building have been constructed. Future works include the buildings between the subject site and the River Nore.

A Natura Impact Statement was prepared, and an Appropriate Assessment was undertaken for the overall Urban Design Framework for Abbey Creative Quarter. The Riverside Garden Project, the City Library and the redevelopment of the Brewhouse building were all subject to Appropriate Assessments. The AAs concluded that there would be no direct or indirect adverse effects on the Natura 2000 sites as a result of the developments.

Given that the existing developments and the Abbey Quarter Masterplan will not result in any adverse effects to the River Barrow and River Nore Special Area of Conservation and River Nore Special Protection Area and having regard to the

nature and location of the proposed development and the mitigation measures proposed I conclude that the proposed development will not cause any effected on the integrity of the River Barrow and River Nore Special Area of Conservation and River Nore Special Protection Area in combination with other plans and projects.

9.11. Integrity Test

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of River Barrow and River Nore Special Area of Conservation and River Nore Special Protection Area in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

9.12. Appropriate Assessment Conclusion

The Mixed Used development: Building 7, has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on River Barrow and River Nore Special Area of Conservation and River Nore Special Protection Area. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites No 002162 & 004233, or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project, including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the River Barrow and River Nore SAC & River Nore SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of River Barrow and River Nore SAC,
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of River Nore SPA.

10.0 Recommendation

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

11.0 Reasons and Considerations

11.1. Having regard to the provisions of the Kilkenny City & Environs Development Plan 2021-2027 and to the documents prepared for the future redevelopment of the area of which the site forms part, i.e. Urban Design Framework Masterplan for Abbey Creative Quarter (2015) and Abbey Quarter Urban Design Code (2018), and to the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed mix-use development would be acceptable in terms of zoning and land use and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 6th day of April 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation measures contained in the Stage 2: Appropriate Assessment – Natura Impact Statement submitted by the applicant shall be carried out.

Reason: In the interest of the protection of the River Barrow and River Nore Special Area of Conservation (Site Code 002162) and River Nore Special Protection Area (Site Code 004233).

3. (a) Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

(b) Details of signage for the building, including illumination, shall be submitted to and agreed upon in writing with the planning authority prior to the commencement of development. Internal illumination of the signage is not permitted.

Reason: In the interest of visual amenity.

4. The construction of the development shall be managed in accordance with a finalised Construction Management Plan, which shall be submitted to, and

agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of environmental and public health.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

7.

- a) The applicant shall engage the services of a suitably qualified Archaeologist to carry out a programme of additional Archaeological Monitoring of site investigation works and the removal of the concrete ground slab.
- b) A detailed archaeological mitigation strategy shall be drafted at this point, for the approval by the National Monuments Service that seeks to include more expansive archaeological testing/excavation across the proposed development site. It shall include consideration of the results of previous testing undertaken, which clearly indicates the potential of the site to retain archaeology, including structures, deposits and archaeological objects.
- c) All archaeological mitigation shall be undertaken under licence issued by the National Monuments Service and under Ministerial Consent, where applicable (under the National Monuments Acts 1930-20140 and in accordance with an

agreed and approved method statement. (Note: a period of 4-5 weeks should be allowed to facilitate processing and approval of the licence and/or consent application, method statement.)

- d) Additional Test/Excavation trenches, as proposed in the strategy, shall be placed at locations chosen by the archaeologist, having consulted the site drawings. Excavation shall take place to the uppermost archaeological horizons only, where they survive. Where archaeological material is shown to be present, the archaeologist shall stop works pending further advice from NWS. (Note: all features/archaeological surfaces within the test trenches are to be hand cleaned and clearly visible for photographic purposes.)
- e) Based on more expansive archaeological works, further mitigation measures may be required and may include redesign to allow for preservation *in situ*, excavation and/or monitoring as deemed appropriate.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 8. The proposed mitigation measures in relation to the protection of bats shall be implemented in full as part of the development.

Reason: In the interest of wildlife protection.

- 9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of

the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

Peter Nelson
Planning Inspector

5th June 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	317109-23			
Proposed Development Summary	The development will consist of a new mixed-use building varying in height from 4 to 5 storeys, comprising 3 to 4 floor of office accommodation together with plant above ground-floor mixed uses including reception, offices, retail, and support space together with signage and associated site development works.			
Development Address	Kilkenny Abbey Quarter, Kilkenny			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Schedule 5: Part 2, 10 (b)(iv)		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317109-23	
Proposed Development Summary	The development will consist of a new mixed-use building varying in height from 4 to 5 storeys, comprising 3 to 4 floor of office accommodation together with plant above ground-floor mixed uses including reception, offices, retail, and support space together with signage and associated site development works.	
Development Address	Kilkenny Abbey Quarter, Kilkenny	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed office and retail development is not exceptional in the context of the city centre environment.</p>	NO
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed office and retail development will not result in the production of any significant waste, emissions, or pollutants.</p>	NO
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>Given the emerging context of the Abbey Quarter the proposed development of 4-5 storeys is not considered to be exception an in the context of the existing environment.</p>	NO

Are there significant cumulative considerations having regard to other existing and/or permitted projects?	While noting the neighbouring Brewhouse building and the masterplan for the area, I do not consider there are significant cumulative considerations having regard to other existing and/or permitted projects.	NO
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The proposed development is not located on an ecologically sensitive site. It is located c.82m from the River Nore Special Area of Protection and c. 76m from the River Barrow and River Nore Special Area of Conservation. The development does not have the potential to significantly impact these sites. (See Appropriate Assessment)</p> <p>The proposed development does not have the potential to significantly affect any other significant environmental sensitivities in the area.</p>	<p>NO</p> <p>NO</p>
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required.	There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	There is a real likelihood of significant effects on the environment.

Appendix 2
Appropriate Assessment Screening

Screening for Appropriate Assessment
Screening Determination

Description of the project

I have considered the proposed Office and Retain development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located In the Abbey Quarter in Kilkenny. The site is 82m from the River Barrow and River Nore Special Area of Conservation and 76km from the River Nore Special Protection Area

The proposed development comprises a mixed-use building varying in height from 4 to 5 storeys, comprising 3 to 4 floors of office accommodations together with plant above ground-floor mixed uses including reception, offices, retail and support space together with signage and associated site development works.

Potential impact mechanisms from the project.

The site is a city centre location, however given the proximity of the site to European Sites the precautionary approach is applied. The proposed development could generate temporary impacts during the construction phase. Direct impacts could include:

- Habitat loss or deterioration
- Species disturbance or mortality

Indirect Impacts could include:

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Ground water pollution/ alteration of flows- effects on groundwater dependent habitats.
- Noise disturbance

European Sites at risk

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Surface water pollution (Effect A)	Proximity to protected site	River Barrow and River Nore SAC	Estuaries Mudflats and Sandflats. Salicornia. Atlantic salt meadows. Mediterranean salt meadows. Petrifying Springs with tufa Formation. Hydrophilous tall herb. Old Sessile Oak woods. Alluvial Forests. European Dry Heaths. Water course of plain to montane levels. Sea Lamprey. Brook/River Lamprey. Atlantic Salmon. White-clawed crayfish. Nore Freshwater pearl mussel. Freshwater pearl mussel. Otter
		River Norre SPA	Kingfisher
Noise Disturbance (Effect B)	Proximity to protected site	River Barrow and River Nore SAC	Otter
		River Nore SPA	Kingfisher

The River Barrow and River Nore SAC consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties – including Kilkenny, Major towns includes Kilkenny. The larger of the many tributaries includes the King's River on the Nore, which is located 100m north of the subject site.

The River Nore SPA is a long, linear site that the Kings River from its junction with the River Nore to a bridge at Mill Island, Co. Kilkenny. The site includes the river channel and marginal vegetation. The River Nore SPA is of high ornithological importance as it supports a nationally important population of Kingfisher, a species that is listed on Annex I of the E.U. Birds Directive.

Likely significant effects on the European sites 'alone'

Taking account of baseline conditions, and the effects of ongoing operational plans and projects, it was considered whether there is a likely significant effect 'alone'. The question being asked was whether it is possible that the conservation objectives might be undermined from the effects of the project 'alone'.

European Site and qualifying feature	Conservation objective (summary) [provide link/ refer back to AA Screening Report]	Could the conservation objectives be undermined (Y/N)?	
		Effect A	Effect B
Estuaries.	To maintain the favourable conservation condition of Estuaries	N	N
Mudflats and Sandflats.	To maintain the favourable conservation condition of the Mudflats and sandflats not covered by seawater at low tide	N	N
Salicornia.	To maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand	N	N

Atlantic salt meadows.	To restore the favourable conservation condition of Atlantic salt meadows	N	N
Mediterranean salt meadows.	To restore the favourable conservation condition of Mediterranean salt meadows	N	N
Petrifying Springs with tufa Formation.	To maintain the favourable conservation condition of Petrifying springs with tufa formation	N	N
Hydrophilous tall herb.	To maintain the favourable conservation condition of Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels.	N	N
Old Sessile Oak woods.	To restore the favourable conservation condition of Old oak woodland with Ilex and Blechnum i	N	N
Alluvial Forests.	To restore the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	N	N
European Dry Heaths.	To maintain the favourable conservation condition of European dry heaths.	N	N
Water course of plain to montane levels.	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation	Y	N
Sea Lamprey	To restore the favourable conservation condition of Sea lamprey in the River Barrow and River Nore SAC	Y	N
Brook Lamprey.	To restore the favourable conservation condition of Brook lamprey	Y	N
River Lamprey.	To restore the favourable conservation condition of River lamprey	Y	N

Atlantic Salmon.	To restore the favourable conservation condition of Salmon	Y	N
White-clawed crayfish.	To maintain the favourable conservation condition.	Y	N
Nore Freshwater pearl mussel.	To restore the favourable conservation condition of the Nore freshwater pearl mussel	N	N
Freshwater pearl mussel.	The status of the freshwater pearl mussel (<i>Margaritifera margaritifera</i>) as a qualifying Annex II species for the River Barrow and River Nore SAC is currently under review.	Y	N
Twaite Shad	To restore the favourable conservation condition of Twaite shad	N	N
Desmoulins's whorl snail	To maintain the favorable conservation condition.	N	N
Killarney Fern	To maintain the favourable conservation condition of Killarney Fern	N	N
Otter	To restore the favourable conservation condition of Otter	Y	Y
Kingfisher	To maintain or restore the favourable conservation conditions of the bird species	Y	Y

I conclude that the proposed development would have a likely significant effect 'alone' on [insert qualifying features] of [insert European site(s)] from effects associated with [insert effects]. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that the proposed development is likely to have a significant effect on the:

Water course of plain to montane levels,

Sea Lamprey,

Brook Lamprey,

River Lamprey,

Atlantic Salmon,

White-clawed crayfish,

Freshwater pearl mussel,

Otter, of the River Barrow and River Nore SAC and Kingfisher of the River Nore SPA 'alone' in respect of effects associated with Surface water pollution and noise disturbance.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.