



An
Coimisiún
Pleanála

Inspector's Report ABP-319389-24

Development	Hotel with ancillary facilities, to include works to a limestone wall (part of a protected structure).
Location	Lands to the South of MacDonagh Station, Dublin Road, Kilkenny, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2360079
Applicants	Spark Way Limited.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	Mr Conor Cleary and others.
Observers	An Taisce.
Date of Site Inspection	11 th October 2024 & 9 th August 2025
Inspector	Peter Nelson

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1.0 Site Location and Description

- 1.1. The site is located in Kilkenny to the north of the city centre. The site is at the Junction of the Dublin Road and the Castlecomer Road. The site is currently being used as a surface car park. Directly to the north of the site is the MacDonagh Junction Complex and railway station. Between the site and an arch brick colonnade which was part of the railway station is a limestone retaining wall and sloped bank. To the east of the site is the entrance to the car parking for the Mac Donagh Junction Complex. The complex contains retail, commercial and residential units.
- 1.2. The site which has a stated area of 0.320 hectares is relatively flat and has open boundaries on its east, west and southern sides. There is a post and wire fence on the northern boundary.
- 1.3. On the opposite side of the Dublin Road is the Church of St. John, a protected structure. The John Street Architectural Conservation Area is also on the opposite side of the Dublin Road. Hight Hayes Terrace on the opposite side of the Castlecomer Road to the northwest of the site is also included in the John Street Architectural Conservation Area.

2.0 Proposed Development

- 2.1. The development as applied for will consist of: clearance works on a 0.3217 ha site and the construction of a 7-storey hotel (GFA 8,221 sq. m.) comprising 99 no. ensuite bedrooms, ground floor restaurant and bar, hotel foyer and reception, gym, 1st floor function room, meeting rooms, 1st floor outdoor terrace, 5th floor bar/restaurant with outdoor terraces and balcony and 6th floor outdoor swimming pool area and bar/restaurant with outdoor terrace. A public plaza area is also proposed along the west of the site. A vehicle set down area is proposed along Dublin Road. The proposal includes green roofs, 18 no. bicycle parking spaces, ESB substation, landscaping and drainage works. Works to demolish a limestone wall which is part of the protected structure of MacDonagh Station (Ref. D86) and its reuse within the site is also proposed.

3.0 Planning Authority Decision

3.1. Decision

On the 26th April 2023 Kilkenny County Council requested the applicant to submit 24no. points of further information. These points related to an Archaeological Impact Assessment, Conservation, Visual Impact, site levels, Sunlight and Daylight, Photomontages, Design, Traffic Assessment Report, Parking, Acoustic Assessment, Surface Water, Construction, Waste Management, Pedestrian Routes, Residential Amenity, AA Screening, Infrastructure and Impact on Railway Network.

On the 29th February 2024 Kilkenny County Council granted permission for the proposed development subject to 17 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report dated the 25th April 2023 highlights the reports from the Road Design Section, the Conservation Officer, the Heritage Officer, the Department of Environment Built Heritage Section, the National Monuments Services:

The planner states that he has concerns relating to the scale, height and design of the proposed development, and a lack of information in relation to a number of areas of concern. The planner recommended that the applicant submit 24no. points of further information.

The second planners report dated the 29th February 2024. The main points raised can be summarised as follows:

- Archaeology can be dealt with by a compliance condition.
- A Visual Impact Assessment was not submitted, and the design was amended.

- The Conservation Officer states that the submitted further information does not adequately address the request and that an Architectural Heritage Impact Assessment was not submitted.
- The Conservation Officer welcomes the relocation of the building 15m away from the railway brick colonnade.
- The building will, at its highest point, be between 2 and 3 meters higher than MacDonagh Junction Development including the Station Road Apartments.
- The impact of overshadowing from the proposed development will not be significant.
- The design of the eastern elevation is now acceptable subject to agreement of materials.
- The Roads Section is now satisfied with the proposed development.
- The parking at MacDonagh Junction Shopping Centre would be adequate given the central location and the proximity to the train station, to other public transport routes and the city centre.
- Noise limits will be conditioned, and noise abatement agreed. Ongoing monitoring will be required.
- Proposals for surface storage have been submitted, and rainwater harvesting is proposed. A green roof is now proposed.
- The submission of a final Construction Environmental Management Plan (CEMP) will be conditioned.
- The Outline Waste Management Plan is satisfactory.
- The revised proposal for a Civic Plaza is acceptable.
- The applicant has not submitted AA screening however there will be no potential for impact on the River Nore SAC/SPA.
- All services are to be transferred to Uisce Eireann.
- The Planning Authority is satisfied that the applicant will meet the requirements of CIE.

- It is considered that the site will lend itself to a higher building profile.
- The absence of car parking in this accessible location is considered acceptable.
- The 6th storey to the rear would be likely to be visually excessive for the area and should be omitted.
- The proposed development would have no impact on any Natura 2000 site, either on its own or in combination.

3.2.2. Other Technical Reports

Conservation Section

Report dated April 2023 the recommended Further Information be submitted.

Report dated the 27th February 2024 after the submission of Further Information recommended Clarification of Further Information

Roads Design

Report dated the 27th February 2024 after the submission of Further Information recommended conditions be attached.

Environment Department

Report dated the 24th April 2023 recommends Further Information be requested.

Heritage Officer

Report dated 29th March 2023 defers to the Architectural Conservation Officer regarding the protected structure and the ACA and states that archaeological supervision would be important on the project as there human remains being discovered on the site given its proximity to the former workhouse.

3.2.3. Conditions

- 3.2.4. The following conditions attached to the grant of permission are relevant to this appeal.

Condition no 4 requires that prior to the commencement of development the applicant shall submit a revised design which omits the 6th storey and if required the relocation of the 6th floor bar to the fifth floor.

Condition No.6 requires the following:

a) All proposals in the Surface Water Management Plan shall be implemented in full. All surface water shall be infiltrated through surface water soakaways within the curtilage of the site. Surface water runoff shall not be allowed to discharge onto the public road or to adjoining properties. No surface water shall discharge directly to the river Nore SAC.

b) Only clean uncontaminated surface water generated by the proposed development shall be diverted to suitably designed and constructed soakaway/s.

c) All soakaways to be designed and installed in accordance with BRE Digest 365.

Reason: To avoid interference with other properties and to prevent damage to the public road with consequent traffic hazard

Condition No.9 requires the applicant to submit a Noise Impact Assessment.

3.3. Prescribed Bodies

Iarnród Eireann Infrastructure:

Letter dated the 11th April 2023 recommends conditions relating to design details and construction.

An Taisce:

Letter dated the 14th February 2024 states that the design is obtrusive and overbearing and fails to relate to the traditional architecture style or neighbouring buildings. The proposed development is the wrong building in the wrong place.

Irish Water:

Letter dated 31st March 2023 has no objection and recommends conditions.

Irish Aviation Authority:

Letter dated the 27th March 2023 recommends a condition.

Department of Housing, Local Government and Heritage:

Report dated 5th April 2023 raises concerns relating to the negative impact of the proposed development on the built heritage of the area. Concerns relating to the height, scale and design of the building and the materials proposed. The report recommends that the applicant submit an Archaeological Impact Assessment including a Visual Impact Assessment.

A second report dated the 9th February 2023 recommends that clarification of further information be recommended again requiring a detailed Archaeological Impact Assessment including a Visual Impact Assessment.

3.4. Third Party Observations

3.4.1. Five submissions were received. The main points raised can be summarised as follows;

- Scale and Height of the proposed development
- The proposed development will not make a positive contribution to the streetscape.
- A 7-storey hotel whose façade treatments is incompatible with the character of the area.
- The scale of the development will completely and unnecessarily dominate the surrounding landscape and street character of the Dublin Road.
- Noise from the outdoor terrace will negatively impact the amenity of the residents of the Dublin Road.
- No noise mitigation measures are proposed for the outdoor areas.
- The site construction staff, vehicles and HGV movements have not been addressed by the applicant to demonstrate capacity on site and on the surrounding roads network.
- Need to ensure that the operations at MacDonagh Junction shopping centre remain unimpeded during construction.
- Applicants need to consider likely negative impact on the residential properties on St. John's Terrace during construction.

- With recent hotel permissions this area is at capacity for hotel bed spaces.
- The scale of the development granted under ABP PL62.207285, at four storeys is more in keeping than the current proposal.
- The conservation of elements of the railway station is to be welcomed.
- The proposed development will negatively detract from the wider area and its heritage.
- The scale of the development will be visually obtrusive and without regard to the extant area character, including that of the adjoining John Street Architectural Conservation Area (ACA).
- The plot ratio of the proposed development is in excess of both 'urban' and 'all other' areas plot ratio development plan standards.
- The proposed development it is not an exceptional standard to warrant an increased plot ratio.
- There is no precedent for precedent within the surrounding area which permits a departure from established area height character.
- The proposed development does not meet the criteria within the Building Height Guidelines to justify increase height.
- The application did not include an Archaeological Impact Assessment.
- Concern over the rebuilding of the limestone retaining wall and the reuse of the limestone.

3.4.2. Issues raised after the submission of Further Information:

- Concern over impact of the construction of the proposed development on the properties of St John's Terrace.
- The noise impact from the terraces on St John's Terrace has not been assessed.
- A noise impact assessment was not submitted.

- The reduction in height is of the proposed hotel development is not sufficient. Only the Abbey Quarter area is highlighted in the development plan for higher densities.
- The applicant has not provided additional car parking.
- Impact on National Monuments have not been adequately assessed.
- A Visual and Architectural Impact assessment has not been submitted.
- The design of the development does not fit in with the surrounding area.
- The applicant failed to comprehensively address concerns as highlighted in the submissions.
- The revised proposal will still result in the loss of established city view from Station House..
- Restaurant and bar areas will create overlooking of the properties on Station House.
- An adequate sunlight/daylight assessment has not been carried out.
- The submitted imagery demonstrates the visual dominance of the proposal and its resultant negative impact on receiving streetscapes and the historic fabric surrounding the subject site.
- The impact on the architectural and archaeological heritage has not been adequately assessed.
- The justification for the lack of parking and non-compliance with established 2021 Development Plan standards cannot be supported.
- The noise mitigation and measuring proposed during the construction period is not adequate.
- Inaccuracies on the submitted documentation.
- Adequate Appropriate Assessment screening information has not been submitted.

4.0 Planning History

ACP Reg. Ref: PL62.207285

Permission granted on the 25th November 2004 for a for a mixed use scheme (retail, residential, office (inc science & technology-based, & starter units), hotel (inc leisure facilities, offices & ancillary uses)/restaurants/bars, childcare facilities, bowling alley & ancillary external plant areas & ancillary car parking) with a gross floor area of 56,792 sqm inc some 3,199 sqm of retained buildings on a 5.05 hectare site, approx. identified principally as McDonagh Station, Kilkenny (but not including the total station lands) including the former Chadwicks Builder Centre, the former Electro City retail unit, the Kilkenny Co machinery yard & buildings & the AIB carpark on the Dublin Rd

PA. Reg. Ref: P.09/990069

Permission granted on the 12th November 2009 for the extension of duration for the development as granted under ACP Reg. Ref: PL62.207285.

PA. Reg. Ref: P.14/508

Permission granted on the 9th January 2015 for extension of duration of development as granted under P.A. Reg. Ref: 03/990032.

P.A. Reg. Ref: 18762

Permission granted on the 22nd January 2019 temporary retention of a surface carpark (previously permitted Planning Ref No. 08/56 & 11990058) at a previously permitted mixed-use scheme (the 'parent permission' Kilkenny Borough Council Reg.Ref. 03/32: An Bord Pleanála Reg. Ref. PL62.207285). The temporary surface carpark is on the site of the permitted hotel (Building No.6) of approximately 0.1505 ha. forming part of the MacDonagh Junction and adjoining lands of 4.94 ha approximately, Kilkenny. The development for which temporary retention permission is sought consists of: the provision of 45 No. surface car spaces (including 2 No. disabled spaces); a turning area; drainage, lighting, flagpoles, bollards, pay and display machine; and all associated site development works. The temporary car park will revert to its permitted hotel use under Reg. Ref. 03/32 (or an amendment to that permission) once construction of that development commences.

5.0 Policy Context

5.1. Development Plan

The Kilkenny City and County Development Plan 2021-27 (KCCDP) is the operational plan for the area. The KCCDP came into effect on the 15th October 2021.

The site is zoned General Business, the objective of which is 'to provide for general development'. Hotel is a stated permitted use in this zoning.

Relevant City Zoning Maps Objectives:

Z6: MacDonagh Railway Station and MacDonagh Junction To promote a pedestrian/cycling connectivity between the railway station and the mixed-use centre and to promote connectivity between these uses and the city centre along the former railway line and St. Francis bridge.

Z16: Junction of John's Street and Dublin/Carlow Road Prepare a scheme for the junction of John's Street Upper with the Dublin/Carlow Road and Castlecomer Road to address connectivity between the Railway station/McDonagh Junction and the City centre via John's Street.

Objective 5C

To continue to develop sustainable high quality tourism, leisure and complementary activities for the City & County with the key stakeholders enhancing the position of Kilkenny as a Hero site within Ireland's Ancient East branding.

Objectives 9C

To protect archaeological sites and monuments (including their setting), underwater archaeology, and archaeological objects, including those that are listed in the Record of Monuments and Places, and in the Urban Archaeological Survey of County Kilkenny or newly discovered sub-surface and underwater archaeological remains.

9.3.2.2 Policy

It is Council policy to ensure the protection of architectural heritage by including all structures considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in the Record of Protected Structures.

Section 12.21.1 Plot Ratio (Volume 1)

It is recommended that a maximum plot ratio of 2.0 be set for urban areas and 1.0 for all other areas.

Section 13.6 Building Heights (Volume 1)

The Council will support increased building height and density in central locations with good public transport accessibility for both regeneration and infill purposes to secure the objectives of the National Planning Framework and Regional Economic and Spatial Strategy.

The Council will also ensure that proposals for urban densification make a positive contribution to the streetscape and does not detract from the historical environment/character of the surrounding area in general and/or neighbouring buildings in particular.

Development Management principles for increased height: It is important to ensure that the Development Management process sufficiently considers all relative principles to achieve higher densities whilst having due regard to the context of the proposed development. In this regard it is important that development proposals subscribe to the Development Management principles and satisfy Development management criteria as contained in the Ministerial Guidance document “Urban Development and Building Heights” (December 2018) when assessing applications for development.

ACA Development Management Requirements based on assessment of special character.

JSACA 9: To ensure there is no large-scale development which interrupts the visual pleasing skyline of the city from Dublin Road looking north west.

5.2. Natural Heritage Designations

River Barrow and River Nore Special Area of Conservation (Site Code 002162) 335 m from the subject site.

River Nore Special Protection Area (Site Code 004233) 335 m from the subject site.

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The main points of appeal can be summarised as follows:

- The lowering of the height as required by condition No.4, is considered insufficient to address concerns of the Station House residents.
- The impact of compliance with this condition will be to preclude public consultation regarding material redesign to incorporate a fifth-floor bar area with significant potential for negative noise and residential amenity impacts arising to the residents.
- Consideration should be given to the existing large range of bar and restaurant facilities along John St. towards the city centre.
- The height of the proposed development has not been adequately justified.
- The positive precedent of a four-story hotel as previously granted permission should be maintained.

- It is considered that a further lowering of the rear hotel height to four stories would integrate positively with the wider area and result in a more balanced approach to the overall MacDonagh Junction site.
- It is evident throughout the planning history associated with the subject development that the applicant has not had sufficient regard to the conservation responsibilities aligned with the subject site.
- The conservation report on file pertaining to the further information provides plans confirms this status.
- Due to the lack of detail provided by the applicant to address significant conservation concerns prior to commencement conditioning of an impact investigation cannot be supported as a condition of planning consent.
- Permission should be refused due to a lack of information relating to architectural heritage.
- There is no parking provision associated with the proposed development and the proposal will also permanently remove 45no. surface public car park spaces.
- There is no clear national policy requirement for the abolition of parking requirements for commercial development proposals.
- No commitment has been made by the management of McDonagh Junction Shopping Centre to provide dedicated hotel parking facilities.
- The proposed development will give rise to unacceptable levels of overspill and haphazard parking on adjacent roads.
- This will cause serious injury to the residents of surrounding areas and also contribute to public safety reason of traffic hazard abstraction to other road users and pedestrians.
- There is national precedent for similar hotels which were refuse consent on the basis of impacting upon the built heritage and injury to adjoining residential amenities.

- The appellant strongly objects to the development as proposed due to the negative impacts which would arise upon residential amenities, roads and cultural heritage.

7.2. Applicant Response

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

- The scale and mass of the proposed design is fitting for this location.
- Request the board reviews condition No.4 set by Kilkenny County Council to remove one story keeping the building in line with design proposed at further information stage.
- The omission of a floor would be injurious to the overall design and elevational composition of the building and the reduction in terms of impact on the surrounding is minimal.
- The building was substantially modified and redesigned a further information stage to cater for the concerns of the council and the neighbors as outlined in the submissions lodged.
- The building footprint site ratio and height were all reduced from the original design to address these concerns.
- The station house apartments are 80 meters away from the proposed development.
- The design team are cognisant of this site in terms of architectural and archaeological heritage, and their design takes these into account.
- The redesign of the building removed the need to assess the impact on the institute limestone wall as it was no longer proposed for removal.
- The applicant is not stepping away from their obligation to provide Archaeology and Conservation information but considers it more prudent to carry out the required assessment post planning permission.
- The 45no. surface public car parking spaces are not authorized development and cannot be counted.

- The applicant intends to come to a formal agreement with the shopping center management on the provision of car parking prior to commencement on site.
- The applicant operates hotels in Dublin, Cork and Galway, all without dedicated parking provision. This proposal is based on a sustainable approach.
- The proposed development does not conflict with the planning objectives for the Kilkenny City Architectural Conservation Area.

7.3. Planning Authority Response

The main points raised by Kilkenny County Council in their letter dated the 24th April 2024 can be summarised as follows:

- The planning authority considers that the lowering of the profile of the proposed development would be very similar to the Station House complex and would accord with the character of the immediate area and the city in general.
- The Planning Authority focusing on the promotion of active travel and the use of other sustainable transport modes including the city bus service took the decision not to require additional parking.
- It should be noted that the Development Plan's car parking standards are maximum.

7.4. Observations

Observations have been received by An Taisce. The main points raised can be summarised as follows:

- The scale and design of the proposed development contravenes the urban design objective in Section 4.4 of the Development Plan and would have an adverse impact on the character and conservation and design objectives of the adjacent John St. ACA.

- The proposed scheme is obtrusive and overbearing in its relation to the neighboring buildings and streetscapes fronting the ACA boundaries.
- The proposed hotel fails to complement or relate to the protected red brick arcade wall of the former railway station building to the north of the application site.
- The comments from the Conservation Officer of Kilkenny County Council were not addressed in the final planner's report.
- Any application on this site needs to be part of an overall integrated plan for the appropriate treatment and use of all the historic railway station buildings.
- There have been important archaeological finds within 50 meters of the subject site and no archaeological impact assessments were submitted with the application prior to Kilkenny County Council's grant of permission.

8.0 **Assessment**

8.1. 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:

- Residential Amenity
- Scale and Design of the Proposed Development
- Archaeology
- Car Parking.

8.2. **Residential Amenity**

8.2.1. The appellants have raised concerns that the proposed development will be injurious to the residential amenity to the occupants of the Station House Apartments which are located to the north and northwest of the appeal site. While recognising

Condition No.4, which requires the omission of the 6th floor and if required the relocation of the 6th floor bar to the fifth floor, the appellant considers that the impact of compliance with this condition will be preclude public consideration regarding a material redesign within the scheme with significant potential for negative noise and residential amenity impacts.

- 8.2.2. It is standard planning practice to use compliance conditions for non-material alterations to a proposed development. I consider that the potential relocation of the proposed bar area from the sixth floor to the fifth floor, with significant reduced terraced areas would not be prejudicial to third parties as it would a lesser development than that originally applied for.

Noise

- 8.2.3. A Noise Impact Assessment was not submitted with the applicant. At further information stage the applicant was requested to submit a Noise Impact Assessment to include likely noise levels emanating from outdoor terraced areas, bars, function rooms and restaurants and projected noise levels readings at noise sensitive receptors. Details of any required noise mitigation measures were also requested.
- 8.2.4. In reply to the further information, the applicant states that the terraces are located on the southern side of the fourth and fifth floors, facing the Dublin Road. The nearest receptor is residential housing located 50m southeast of the development.
- 8.2.5. The applicant stated the existing Dublin Road traffic noise and noise from the existing station terminal which is active 24/7 365 days a year by Irish Rail would already result in significant noise level which would be in exceedance of recommended guidance limits for noise.
- 8.2.6. A Noise Impact Assessment would have been beneficial in assessing the development and its impact on the surrounding residential development.
- 8.2.7. I note that the distance from the Station House apartments to the rear of the proposed hotel development is between c.45 and c. 85m. The applicant states that the terrace areas are seating only with no music.
- 8.2.8. Having regard to the distance of the proposed hotel development to the apartments, the existing ambient traffic and rail noise in this urban area I consider that with regard to noise that the proposed development will not be seriously injurious to the

residential amenity of the area. Notwithstanding this, if permission is to be granted, I recommend condition be attached restricting amplified music or other entertainment noise emission from the terraces.

Overlooking

- 8.2.9. The appellant raised concerns in their submission on the planning application that the proposed development will cause overlooking of the Station House Apartments. As stated above the apartments are between 45m and 85m from the northern elevation of the proposed hotel. Given these distances in this urban context, I do not consider that the proposed hotel development will create significant overlooking or loss of privacy to the existing residential properties.

Loss of Aspect

- 8.2.10. In the ground of appeal, the applicant states that the proposed development, even after the removal of the sixth floor as required by the Condition no.4, will interrupt extant views afforded to the Station House Apartments.
- 8.2.11. Section 4.6 *Kilkenny City Views and Prospects* of Kilkenny City and County Development Plan Volume 2 lists view where it is a development management requirement to protect said view and prospects. The views from the MacDonagh Station Complex to the wider city are not included in this list. The site is located in an evolving urban environment and while I recognised that the views from the Station House Apartments will be altered, given the distance from the apartments and its significantly lower ground floor level, I do not consider that the proposed development will appear overbearing when viewed from the apartments.

8.3. Scale and Design of the Proposed Development.

As part of the Planning Authorities request of further information the applicant was requested to *‘Significantly reduce the building height. Please submit for consideration a revised design which reduces the building to no more than 4/5 storeys to the front, potentially stepping up to 5/6 storeys where set back from the road.’* The applicant was also requested to reduce the overall scale of the building to include for a maximum plot ratio of not greater than 2.0 for this site. A revised scheme was submitted as significant further information. I note that, although

requested by the Local Authority a Visual Impact Assessment (VIA) was not submitted as part of Further Information. No verified photomontages of the revised scheme were submitted as part of the further information. I note that in the response to the appeal the applicant has stated that once on site the applicant is committed to providing the requisite VIA. A VIA was requested to assess the visual impact of the proposed development on the historic setting and once on site a VIA would be redundant. Given the prominent nature of the site and its proximity to St. John's Church and the Railway Station, both of which are protected structures and the John Street Architecture Conservation Area the lack of certified photomontages and a VIA and is regrettable.

- 8.3.1. One of the issues raised in the appeal is that the height of the proposed development has not been adequately justified. The observation received from An Taisce also raises concerns that the proposed scheme is obtrusive and overbearing in its relation to the neighboring buildings and streetscapes fronting the ACA boundaries.

Plot Ratio.

- 8.3.2. The revised proposed development now has now a gross floor area of 5,408m² on a site with an area of 0.3217ha. The plot ratio of the proposed development is now 1.68. In Section 13.21.1 Plot Ratio of the Kilkenny City and County Development Plan sets out a maximum plot ratio of 2.0 be set for urban areas and 1.0 for all other areas. The proposed development, therefore, complies with the development plan requirement. I consider that in principle the quantum of development is acceptable on this site subject to the height and design as assessed below.

Height and Design

- 8.3.3. Section 13.6 of the Kilkenny City and Development Plan Volume 1 states that the Development Plan does not provide for blanket numerical limitations on building height and states that Council will also ensure that proposals for urban densification make a positive contribution to the streetscape and does not detract from the historical environment/character of the surrounding area in general and/or neighbouring buildings in particular.

- 8.3.4. The development plan requires that for higher buildings, an applicant for a proposed development should demonstrate to the planning authority that the development management criteria as contained in the 'Urban Development Building Heights Guidelines (2018)' have been met.
- 8.3.5. As stated above the appellant considers that the height of the proposed development has not been adequately justified.
- 8.3.6. The revised proposed development submitted as part of further information consists of a six-story building with the fifth and sixth floor being set back from the south (front) and east elevation. The overall height of the building is now 23.3m from the lower ground floor level.
- 8.3.7. In terms of national policy, the 'Urban Development and Building Heights Guidelines' promotes Development Plan policy which supports increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in city cores and urban locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights.
- 8.3.8. In principle I would consider that the proposal assists in securing the NPF objectives of focusing development on key urban centres and fulfilling targets supporting the National Strategic Objective to deliver compact growth in our urban centres.
- 8.3.9. Given the requirements of the development plan, I will assess the proposed development against the development management criteria contained in the 'Urban Development Building Heights Guidelines (2018)
- 8.3.10. ***At the scale of the relevant city/town:***

- *The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.*

The site is well served by public transport being adjacent to the railway station with regular services to the Dublin and Waterford and bus services. The site is located in the city area and is within walking distance to the city centre and Kilkenny Castle.

- *Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.*

As stated above a Visual Impact Assessment (VIA) was not submitted with the revised proposal submitted as further information. I note that as part of the further information request the applicant was requested to submit a more detailed Architectural Heritage Impact Assessment. This was not submitted as the applicant considered that the *‘design does not, in our view, negatively impact the character of the historic John Street area, being separated by an exceptionally wide road reading as a distinct unrelated zone.’*

I note that in their report dated the 9th February 2024, the Department of Housing Local Environment and Heritage state that given the potential negative visual impact and or change in setting in regard to views towards the St. Canice’s Cathedral by the proposed development that a Visual Impact Assessment is required and should be included in a clarification of Further Information. I note that in the Development Plan there are no protected views from the Dublin Road to St. Canice’s Cathedral. There is a Development Plan ACA Development Management Requirement *‘To ensure there is no large-scale development which interrupts the visual pleasing skyline of the city from Dublin Road looking north west.’* While I consider that a building on this site may not have a negative impact on the long view toward St. Canice Cathedral or the skyline of the city from Dublin Road looking north west, the submission of a Visual Impact Assessment could have confirmed this.

While I accept that there is a separation between the John Street Architecture Area and the site, I consider that the site is in an architecturally sensitive area, given its proximity to St. John’s Church and the Railway Station which includes the brick colonnade, the limestone wall, Continent House, both of which are protected structures and the John Street Architecture Conservation Area.

Of the railway station the National Inventory of Architectural Heritage state 'Positioned on slightly elevated grounds on an important corner site the collective complex forms a prominent landmark in the townscape of Kilkenny.'

I appreciated that there are constraints on this site and that the revised design submitted as further information has been reduced in scale and height. Effort has been made to allow for views of the arches of the historic railway terminus and the setting back of the building will allow for the retention of the limestone wall. This wall will be visible with the ground floor lobby bar through a glazed wall.

Not only is the site located in an architecturally sensitive area, but it is also a very prominent and significant site being the entry point to Kilkenny City when arriving from train.

I consider that the proposed development and its associated visual and townscape impact not be of sufficient architectural design to allow for a successfully integrate and enhancement the character of the historically sensitive area. It can be seen from the submitted images contained in the Architects reply to Further Information that due to the architectural treatment that the proposed development will appear dominant in its receiving environment and will not be sensitive to the area. This especially true on the eastern and western elevations of the development.

• On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

The narrow nature of the site and the changes in levels between the site and Railway Station does not facilitate the creation of new streets. Any development on this site will result in a diminution of the views of the railway station brick colonnade and the limestone retaining wall. The revised scheme as submitted as further information allow for views towards the retained limestone wall from within the building. In comparison to the scheme originally submitted with this application the revised scheme allows for increased views to the brick colonnade.

8.3.11. At the scale of district/ neighbourhood/ street:

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape*

I consider that the proposed design and materials to be used have not adequately considered its architecturally sensitive receiving environment. The architectural treatment of the fibre cement cladding section of the facades and its openings will create a very dominant intervention into the streetscape and will lack an architectural sensitivity that is required for this site. I consider that the proposed development does not adequately respond to the existing built environment.

Section 13.6 Building height of the Development Plan (Volume 1) states that the ‘Council will also ensure that proposals for urban densification make a positive contribution to the streetscape and does not detract from the historical environment/character of the surrounding area in general and/or neighbouring buildings in particular.’ As the development will make a negative dominant contribution to the streetscape and will detract from the historic character of the surrounding area, I consider that the proposed development is contrary to the provisions of Section 13.6 of the Development Plan.

- *The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.*

The horizontal nature of the site has been emphasised by the horizontal nature of the fibre cement cladding façade architectural treatment which is contrary to the streetscape quality of the adjoining area. In this regard I consider that the proposed architectural treatment and proposed material have not been well considered for this prominent site.

- *The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).*

A development of this site will create a sense of enclosure to the Dublin Road and has the potential to provide an active street frontage.

- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.*

As stated above I consider that the proposed development will create a dominant intervention in the existing environment and will therefore not integrate in a cohesive manner.

- *The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.*

Given the location of the site adjoining the railway station and bus routes and the proximity of the city centre, I consider that the proposed hotel use will positively contribute to the mix of uses adjoining the MacDonagh Junction complex.

8.3.12. At the scale of the site/building:

- *The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*

As stated above in Section 7.2 I do not consider that the proposed development will create overshadowing of the nearest residential receptors and will not appear overbearing when viewed from the Station House Apartments. It is considered that the hotel rooms will receive adequate natural daylight.

- *Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.*

Given the distance from the proposed development to the nearest residential receptor I consider that the application has adequately demonstrated that the

proposed development will not be seriously injurious to the residential amenity of the area due to loss of light.

8.3.13. Conclusion

To conclude I do not consider that the proposed development will adequately assimilate into its sensitive townscapes and prominent location and will create a dominant intervention in an area adjacent to protected structures and to John Street Architectural Area. Due to the architectural approach and material to be used I consider that the scale and height of the proposed development cannot be justified, and the proposed development would be contrary to Section 13.6 of the Kilkenny City and County Development Plan the provisions of the Urban Development and Building Height – Guidelines for Planning Authorities. 2018.

8.3.14. I note the attachment of a condition on the grant of permission requiring the omission of the 6th floor. While this will reduce the impact of the proposed development, I still consider that the proposed development will not adequately assimilate into its sensitive environment. I consider a more considered and sensitive approach to the design for a building on this site is required.

8.4. Materials

- 8.4.1. As part of the request of Further Information the applicant was requested to 'Moderate the overwhelming use of brick in favour of more varied finishes.' The revised scheme has removed the brick finishes. The proposed development now consists of a combination of coloured cement fibre and rainscreen cladding panels.
- 8.4.2. In the second planning report it is stated that while the use of brick has been omitted, the finishes for the building can be further softened and varied which can be done by agreement with the Planning Authority.
- 8.4.3. Having regard to my comments relating to the design and architectural treatment, I would have concerns relating to the proposed material being used for this architectural treatment of the elevation. I consider that the proposed materials will further accentuate the bulk of this building and the unsuitability of the proposed design for the site.

8.5. Archaeology

- 8.5.1. St. Johns Church which is on the opposite side of the Dublin Road to the application site is a recorded monument (KK019-026029). The site also includes a significant medieval pottery production centre which was excavated as part of the construction of the MacDonagh Junction Shopping Centre. The kiln site was situated 150m to the West of a contemporary corn drying-kiln (KK019-026213-), oven and other features. Features such as pottery and corn drying kiln, and a large burial ground connected with the 19th century workhouse was discovered to the east of the site during the works for the MacDonagh Junction development.
- 8.5.2. As part of the request of further information the applicant was requested to submit an Archaeological Impact Assessment including a Visual Impact Assessment. This was not submitted. A letter from an Archaeologist was submitted acknowledging that there is a probability that archaeological deposits may be present on site and requested that the archaeological resolution of the site be undertaken as a planning condition. The Conservation Officer in their report dated the 27th February 2024 noted this and recommends that the applicant be given the opportunity to address this outstanding issue by way of clarification of further. The Planner's second report states that Archaeology shall be a precondition for development. The reports states that the Visual Impact Assessment (VIA) was not submitted, and the design was amended completely. The report recognises that a VIA of the revised design would have assisted to consider the impact on St. Johns Church and John Street ACA. I have assessed the impact of the proposed development on St. Johns Church and John Street ACA in section 7.3.
- 8.5.3. I note that in their report dated the 9th February 2024, the Department of Housing Local Environment and Heritage recommend the applicant be requested to submit an Archaeological Impact Assessment as Clarification of Further Information.
- 8.5.4. While I acknowledge the Department of Housing Local Environment and Heritage recommendation and that an Archaeological Impact Assessment has not been carried out, I consider that a predevelopment compliance condition would highlight any potential archaeological concerns. Therefore, if permission is to be granted, I recommend that a condition be attached requiring the developer to engage a suitably qualified licence eligible to carry out pre-development archaeological testing in areas

of proposed ground disturbance in advance of any site preparation works or groundworks, including site investigation works.

8.6. Car Parking

- 8.6.1. The proposed development does not provide car parking. I note as part of a request for further information the applicant was requested to submit a detailed car parking assessment for the proposed hotel, associated use and staff parking requirements. In the response to the request the applicant highlights that Section 5.9 of the Kilkenny Development states that the car parking standard contained in Table 12.3 are considered to be maximum standards and that the Council will take into account the need to promote a shift towards more sustainable forms of transport. The standard for a hotel as stated in Table 12.3 is a maximum of 1 car parking space per bedroom. They state that an agreement can be readily entered into between the Hotel Operator and the Operator of McDonagh Junction Car Park (adjacent to the site), to adopt and agree parking allocation/availability & parking rates for hotel users if deemed necessary. A letter was included from the MacDonagh Junction stating that they have capacity most of the time to accommodate hotel visitors. The car park is open from 8am to 8pm and they are not in a position to provide access and egress during non-trading hours. The letter states that they could discuss overnight rates.
- 8.6.2. The appellant highlights that no commitment has been provided by the management of MacDonagh Junction Shopping Centre to provide dedicated hotel parking facilities and that the centre does not operate on a 24hr basis. The appellant states that the proposed development will give rise to unacceptable levels of overspill and haphazard parking on adjacent roads will endanger public safety by reason of traffic hazard/obstruction to other road users and pedestrians.
- 8.6.3. Section 5.4.2 Land Use Objectives of Volume 2 of the Kilkenny City and Council Development Plan states that it is a Development Management Requirement that *‘All non-residential development proposals will be subject to maximum parking standards as a limitation to restrict parking provision to achieve greater modal shift.’*

- 8.6.4. The proposed hotel is located immediately adjacent to the rail station. The railway station also serves as a stop for regional and local bus services. The site of the proposed development is located c. 0.5km from St Johns Bridge and the City Centre and c.0.7km from Kilkenny Castle.
- 8.6.5. Given that the city centre is within easy walking distance of the site and adjacent to a transport hub, an existing commercial car park, I consider that the non-provision of car parking for a hotel on this site is accessible as it will help to achieve a greater modal shift and is therefore acceptable.

9.0 AA Screening

I draw the Commission attention the Kilkenny County Council's request for Further Information. Point No. 21. Stated:

'Having regard to the potential hydrological link via stormwater disposal between your site and the River Nore, which forms part of the River Nore and River Barrow Special Area of Conservation (SAC), and River Nore Special Area of Conservation, Natura 2000 sites, you are required to submit, in accordance with Section 177 (U) 3 of the Planning and Development Act 2000 (as amended), such information to enable the Planning Authority to screen your proposed development for appropriate assessment. This screening is to determine whether or not your proposed development is likely to affect the integrity of the Natura 2000 site. The screening information should have regard to the conservation objectives for the qualifying interest habitat and species and consider any impact, alone or in combination with other proposed or actual developments or activities, on the targets for the habitats and species. This shall be carried out by an ecologist or similar competent professional. Screening shall be carried out in the absence of mitigation measures; please note that hydrocarbon interceptors may be deemed mitigation measures.'

The applicant did not provide a screening report and did not provide any information on the potential impact of the proposed development on the conservation objectives and targets for the qualifying interests. There is a directly discharge from the existing

site to the River Nore. In the FI response the applicant's states that during the construction phase, mitigation measures will be put in place to prevent Hydrocarbon being washed into the storm network. Mitigation measures are proposed, and a petrol inceptor has been specified. The mitigation measures are specified in the submitted CEMP. I consider that these mitigation measures are wholly or partially included in order to avoid or reduce the impacts of the proposed development on the River Nore and River Barrow SAC and the River Nore SPA and therefore they cannot be considered at screening.

For this reason, I disagree with the conclusion of Kilkenny County Council's Appropriate Assessment Screening as it appears that the Planning Authority has considered the mitigation measures in reaching their conclusion of no significant effect.

On the basis of the information provided and lack thereof with the application and appeal and in the absence of a Natura Impact Statement I cannot be satisfied that the proposed development individually, or in combination with other plans or projects

would not result in adverse effects on the integrity of in view of the site's Conservation Objectives. For the followings reasons:

- The location of the site in relation to the River Nore
- The existing discharge from the site to the River Nore.
- The scale of construction involved.
- The freshwater Qualifying Interest of the River Barrow and River Nore Special Area of Conservation and River Nore Special Protection Area.

In such circumstances the Commission is precluded from granting approval/permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).

10.0 Water Framework Directive

- 10.1. The subject site is located in the urban area of Kilkenny City directly adjacent to the MacDonagh. The site is 335 m from the River Nore.
- 10.2. The proposed development comprises Hotel with ancillary facilities, to include works to a limestone wall.
- 10.3. No water deterioration concerns were raised in the planning appeal.
- 10.4. I have assessed the proposed hotel and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.5. The reason for this conclusion is as follows:

- Nature of works to construct the hotel in an urban area.
- The Location-distance from nearest Water bodies
- The construction and operation mitigation measures.

10.6. **Conclusion**

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 **Recommendation**

I recommend that permission be refused for the following reasons:

12.0 **Reasons**

1. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of River Nore and River Barrow SAC and the River Nore SPA in view of the site's Conservation Objectives. For the followings reasons:
 - The location of the site in relation to the River Nore
 - The existing discharge from the site to the River Nore.
 - The scale of construction involved.
 - The freshwater Qualifying Interest of the River Barrow and River Nore Special Area of Conservation.

In such circumstances the Commission is precluded from granting approval/permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).

2. Having regard to the prominent and sensitive location of the site adjacent to John Street Architectural Conservation Area and St John's Church and MacDonagh Railway Station which are protected structures, and having regard to Section 13.6 of the Kilkenny City and County Development Plan Volume 1. It is considered that the proposed development by reason of its architectural design, scale and use of materials would seriously detract from the ACA and protected structures and would therefore adversely affect the character of the adjoining St John Street ACA and the settings of the MacDonagh Railway Station, St. John's Church. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. The proposed development by reason of its architectural design, height and massing would appear incongruous and dominant in the context of the nearby properties and would have an adverse impact on the character and visual amenity of the area. The proposed development would therefore seriously injure the amenities in the vicinity and wider townscape, contrary to the provision of Section 13.6 of the Kilkenny City and County Development Plan (Volume 1) and the provisions contained within the 'Urban Development and Building Heights- Guidelines for Planning Authorities 2018'. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

22th August 2025

Appendix 1: EIA Screening

Form 1 - EIA Pre-Screening

Case Reference	319389
Proposed Development Summary	Hotel with ancillary facilities, to include works to a limestone wall (part of a protected structure)
Development Address	Lands to the South of MacDonagh Station, Dublin Road, Kilkenny, Co. Kilkenny
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	319389
Proposed Development Summary	Hotel with ancillary facilities, to include works to a limestone wall (part of a protected structure)
Development Address	Lands to the South of MacDonagh Station, Dublin Road, Kilkenny, Co. Kilkenny
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposed building contains 89 bedrooms and has a total floor area of 5,408sqm. The existing site is a surface car parking. No significant demolition is required. It is not considered that there will be significant production of waste or use of natural resources. Given the hotel use the proposed development will not cause significant pollution and nuisance or will not represent a risk of accidents or disasters and to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The site is located in a built-up urban area. The site is at a major junction and adjacent to the railway station. The development in the area includes retail, commercial and residential. The site is adjacent to John Street Architectural Conservation Area. The site is located adjacent to the Kilkenny Railway Station which is a protected structure and a potential archaeological site. The nearest European Sites are located approximately 335m from the site. The site is not adjacent to densely populated areas.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. It is considered that the effects of the proposed development on the environmental sensitivity of the area, such as the protected structure and archaeology will not

cumulative effects and opportunities for mitigation).	be of a character magnitude, duration or intensity, which will alter sensitive aspect of the environment. The effect of the development on the environment will not be significant.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is 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.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2: AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Hotel with ancillary facilities, to include works to a limestone wall (part of a protected structure). See full description in Section 2.0 of Inspectors Report
Brief description of development of site characteristics and potential impact mechanisms	The proposed site is located in the urban area of Kilkenny and adjacent to the Railway Station and the MacDonagh Junction Shopping Centre. The site is currently in use as a surface car park. River Barrow and River Nore Special Area of Conservation (Site Code 002162) and River Nore Special Protection Area (Site Code 004233) are 335 m from the subject site.
Screening report	N
Natura Impact Statement	N
Relevant submissions	One submission stated that Adequate Appropriate Assessment screening information has not been submitted, as requested as part of the further information request.
<p>Storm Water from the site currently discharges to the River Nore unattenuated.</p> <p>The applicant was requested as part of a Further Information request to submit an AA Screening Report. This was not done.</p> <p>In their reply the applicant states:</p>	

‘The proposed development has no car parking facilities, there is no likelihood of hydrocarbons discharging to the river Nore from the proposed development. During the construction phase of the development, mitigation measures will be put in place to prevent oil (Hydrocarbon) being washed into the storm network, see attached CEMP for details.’

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
River Barrow and River Nore Special Area of Conservation (Site Code 002162)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the</p>	335km	Y Currently a discharge to the Nore from the site	Y

	<p>montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>			
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	Vandenboschia speciosa (Killarney Fern) [6985]			
Special Protection Area (Site Code 004233)	Kingfisher (Alcedo atthis) [A229]	335km	Y Currently a discharge to the Nore from the site	Y

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: River Barrow and River Nore Special Area of Conservation (Site Code 002162) Qualifying Interests: Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	Direct: None Indirect: Negative impact (temporary) on surface water/water quality due to constructure related emissions including increased sedimentation and construction related pollution.	Negative affect on habitat quality/ function undermine conservation objectives related to water quality, especially for fresh water QIs sensitive to siltation and where the objective is to restore. The possibility of significant effects cannot be ruled out without further analysis and assessment.

<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p>		
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Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]		
	Likelihood of significant effects from proposed development (alone):Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* Y	
	Impacts	Effects
Site 2: River Nore Special Protection Area (Site Code 004233) Qualifying Interest Kingfisher (Alcedo atthis) [A229]	Direct: None Indirect: Negative impact (temporary) on surface water/water quality due to constructure related emissions including increased sedimentation and construction related pollution.	Negative affect on habitat quality/ function undermine conservation objectives related to water quality
	Likelihood of significant effects from proposed development (alone): Y/N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.		

Step 4 Conclude if the proposed development could result in likely significant effects on a European site.

It is not possible to exclude the possibility that proposed development alone would result significant effects on River Barrow and River Nore Special Area of Conservation (Site Code 002162) and River Nore Special Protection Area (Site Code 004233) from effects associated with potential reduction of surface water/water quality.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Significant effects cannot be excluded.

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on River Barrow and River Nore Special Area of Conservation and River Nore Special Protection Area in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The location of the site in relation to the River Nore
- The existing discharge from the site to the River Nore.
- The scale of construction involved.
- The fresh water Qualifying Interest of the River Barrow and River Nore Special Area of Conservation and River Nore Special Protection Area

Appendix 3: Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	319389	Townland, address	High Hayes, Kilkenny City
Description of project		Hotel with ancillary facilities including a swimming pool and include works to a limestone wall.	
Brief site description, relevant to WFD Screening,		The site is located on an existing surface car park adjacent to the MacDonagh Railway Station. There is a direct surface water discharge to the River Nore.	
Proposed surface water details		Surface water run-off from the proposed hotel development shall drain by gravity and discharge to the existing 450mm surface water sewer on the Dublin Road. Surface water discharges from the development will be restricted in line with Kilkenny County Council's requirements with storm attenuation provided in an underground watertight in-situ concrete storage tank to the east of the site. SuDS measures will be incorporated into the development to reduce the quantity of water discharging into the receiving sewerage system	
Proposed water supply source & available capacity		Existing water supply connection to the site to be used and is a 100mm valved connection from the existing 150mm main on the Dublin Road / MacDonagh Station underpass. Available capacity for the city. LoS improvement required.	

Proposed wastewater treatment system & available capacity, other issues			Available capacity in the Kilkenny City and Environs WWTP for the proposed development.			
Others?			Not applicable			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	200m	Nore_170 IE_SE_15N011950	Good	Not at risk	None	Direct discharge to River Nore

Groundwater waterbody		Underlying site	Killkenny- Ballynakill Gravels IE_SE_G_163	Good	Not at risk	None	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	River	Nore _170 IE_SE_15N011950	Direct Discharge	None Hydrocarbon Spillages	None Standard Construction Measures / Conditions Use of hydrocarbon interceptor-.	No	Screened out

3.	Ground	Killkenny- Ballynakill Gravels IE_SE_G_163	Drainage	Hydrocarbon Spillages	None Standard Construction Measures / Conditions. Use of hydrocarbon interceptor.	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Nore _170 IE_SE_15N011950	Discharge	None	None Use of hydrocarbon interceptor- attenuation, SuDS	No	Screened out
4.	Ground	Killkenny- Ballynakill Gravels IE_SE_G_163	Drainage	None	None Use of hydrocarbon interceptor- attenuation, SUDS	No	Screened out
DECOMMISSIONING PHASE							
5.	N/A						

