



An
Coimisiún
Pleanála

Inspector's Report ABP-322480-25

Development	Demolition of shed and construction of 2 no. apartment blocks comprising of 40 no. apartments
Location	Deansground , Waterford Road, Kilkenny City, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2460350
Applicant(s)	Gemstack Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party Appeal
Appellant(s)	Ann Phelan Brendan & Gemma Brett
Observer(s)	None
Date of Site Inspection	1 st July 2025

Inspector

Frank O'Donnell

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1.0 Site Location and Description

- 1.1. The subject appeal site is located at Deansground, Waterford Road, Kilkenny and is within 660 metres to the southeast of High Street in the centre of Kilkenny City. The site has a stated area of 0.751 hectares and comprises a former Convent Building and associated attendant grounds. The site is accessed directly from the R910 Regional Road (Waterford Road) via an existing vehicular entrance.
- 1.2. The former Convent Building and Entrance Gates/ Railings are listed on the National Inventory of Architectural Heritage (NIAH) and are both identified as being of Regional Importance. The subject appeal site is located within a Zone of Notification of Recorded Monuments for Kilkenny City.

2.0 Proposed Development

- 2.1. The proposed development, as amended and as approved by the Local Authority, comprises the following:
- 34 no. Apartments, as follows:
 - 20 no. units in Block A, as follows:
 - Ground Floor – 6 no. units comprising 1 no. 2 Bed/3P, 1 no. 3 Bed/5P, 2 no. 2 Bed/4P and 1 no. 3 Bed/5P,
 - First Floor – 7 no. units comprising 1 no. Studio, 2 no. 1 Bed/ 2P, 3 no. 2 Bed/4P, 1 no. 3 Bed/5P,
 - Second Floor – 7 no. units comprising 1 no. Studio/2P, 2 no. 1 Bed/ 2P, 2 no. 2 Bed/2P, 1 no. 2 Bed/4P and 1 no. 3 Bed/5P.
 - Block A is shown to have a maximum height of 9.8 metres.
 - 14 no. units in Block B, as follows:
 - Ground Floor – 5 no. units comprising 2 no. 1 Bed/2P, 1 no. 2 Bed/3P and 2 no. 2 Bed/4P,
 - First Floor – 5 no. units comprising 4 no. 1 Bed/ 2P and 1 no. 2 Bed/4P,

- Second Floor – 4 no. units comprising 1 no. studio/2P, 2 no. 1 Bed//2P and 1 no. 2 Bed/4P.
- Block B is shown to have a maximum height of 10.0 metres.
- The provision of a total of 45 no. car parking spaces (existing 7 no. car parking spaces/ 38 no. residential spaces). 92 no. Bike Spaces proposed including 2 no. cargo bike spaces (total of 134 no. bike spaces provided).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Local Authority issued a Request for **Further Information** on 11th September 2025 on 9 no. main points, summarised as follows: i) The Design, Height and Overbearing nature of the proposed 2 no. Apartment Blocks and resultant impact on surrounding Residential Amenities, ii) Clarification as to the calculation of Site Coverage, Plot Ratio, Density and Open Space, iii) Provision of a Traffic and Transportation Assessment (TTA), DMURS Quality Audit, Traffic, Pedestrian Safety, Car Parking (including location of EV charging points) and Public Lighting issues, Traffic Noise Impact Assessment, iv) Conservation issues relating to the Design and Layout of the proposed 2 no. Apartment Blocks relative to the existing Convent Building, Revised proposals to the Reconstruction and Widening of the existing entrance to accommodate Access, Revised Car Parking proposals to the front of the Convent Building, v) Submission of a Draft Construction and Environmental Management Plan (CEMP) and a Construction and Traffic Management Plan, vi) Submission of a Bat Survey for the site/ proposals for Retention in Situ or for Mitigation for the consideration of the Local Planning Authority, vii) Submission of a Structural Survey/ Construction Methodology for the proposed Boundary Wall at the proposed bin storage location, viii) Detailed SUDs proposals, including an infiltration test, ix) The submission of an Uisce Eireann Feasibility Report confirming that adequate water and wastewater capacities are available for the proposed development on the Village Campus Site.
- 3.1.2. The Local Authority issued a Request for **Clarification of Further Information** on 5th February 2025 on 13 no. main points relating to i) Revised Design and Layout for

Block A, ii) Revised TTA to consider the overall site traffic and parking generated and to clearly identify all uses/ activities/ service provision, iii) Revised DMURS Quality Audit to address the requirement to consider the overall site, including other uses/ activities and service provision/ revised drawings to reflect the recommendations of the Quality Audit, iv), v) & vi) Updated Car Parking Assessment for the overall site (including the Village Campus Building), clear identification of the assignment of parking facilities and clear demonstration that access and parking provision for other facilities on the overall site (Kilkenny Social Service Facility) is not adversely impacted by the development/ containment of car parking to within the proposed redline boundary, vii) Potential Accessibility issues for the parking to the rear of the Village Campus/ Clarification if this forms part of the public space provision for the revised development, viii) Revised Assessment as part of the Road Safety Audit of the revised Yield Arrangement for access to and from the site at the main entrance/ revised drawings for final access arrangements, ix) the submission of a revised signed copy of the Bat Survey Report by the qualified ecologist who undertook the study, x) Applicant to address concern raised in one of the submissions that the footprint of no. 5 Deans Court is drawn incorrectly and that the location of Block A should be further east, fully obscuring 4 Deans Court and of 5 Deans Court, xi) & xii) Clarification by Applicant as to who will carry out a survey of the existing wastewater network as referenced by Uisce Eireann and clarification/ confirmation of correspondence to/ with Uisce Eireann in relation to potential build over/ diversions of existing potable water connections, xiii) Revised proposals for adequate design of soakaways.

- 3.1.3. The Local Authority issued a Notification of Decision to **GRANT** permission on 23rd April 2025 subject to 23 no. conditions.

Condition no. 23 reads as follows:

23. *All balconies shall be adequately screened so as not to allow for overlooking towards the existing residential units in Deans Court. Full details of the balcony boundaries shall be agreed with the Planning Authority before commencement of development.*

Reason: To protect existing residential amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered the proposed building heights to be acceptable. The buildings have been moved away from the site boundary and there is a high boundary wall to Deans Court which serves to reduce the impact of the proposed development to the lower levels of neighbouring structures. In addition, the upper levels of the proposed 3 storey structures are set back and are no higher than a two storey house and were therefore considered to not significantly impact upon neighbouring residential amenity. The Local Authority Planner considered the shortfall in Car Parking provision to be acceptable and recommended that a contribution to the overall Mobility Management of the City, in lieu of said shortfall, be applied. The existing gated entrance is to remain as is. Following a discussion with the Senior Planner, the Local Authority Planner considered that the said gates have been functioning for many years and notwithstanding an intensification of traffic, a priority traffic system can be successfully deployed. This, the Local Authority Planner considered, will further discourage car-cased trips and encourage active travel in close proximity to the City Centre.

3.2.2. Other Technical Reports

- The **Local Authority Roads Design Office** is not satisfied that the layout, as presented, will effectively serve to address the safe management and movement of traffic at the site entrance having regard to the potential traffic generation for the overall site and the volume of existing traffic on the R910 Waterford Road. The Road Design Office state that the Applicant will be requested to submit revised proposals for access at the entrance for the proposed development and overall site and that there is no objection to the re-orientation/ alteration of the existing layout to accommodate a 5.5-6.0 metres wide entrance gate to facilitate the proposed development and any future development. The Roads Design Office further consider that the Nuncio Road Roundabout could be used to facilitate right turning traffic movements for vehicles exiting the development site, minimising turning movement conflict at this restricted entrance. The Local Authority Roads Design Office state the

Applicant shall be requested to address the shortfall in parking and demonstrate there is adequate provision made for demand of other buildings on the overall site and, in particular, the Convent Building/ Village Campus. The original submission indicates that a minimum of 22 no. car parking spaces were required at the Convent Building/ Village Campus.

- The **Conservation Officer** in commenting on the Response to the Request for Further Information received considers the increased set back shown on drawing '*Proposed Site Layout Plan with Ground Floor Plan_Rev A*', the revised traffic management arrangements for access to the site which will serve to retain the existing gate and piers in situ and the revised proposals reducing the number of car parking spaces to the front of the Village Campus by 18 no. spaces are all deemed to be acceptable. The Conservation Officer recommends that the conditions within the letter from the DHLGH dated 22nd August 2024 shall accompany a Grant of planning permission.
- The **Chief Fire Officer** states the development will require the benefit of a Fire Safety Certificate before works commence.
- The **Environment Section** state that all items addressed in the Clarification of Further Information documents received on 20th March 2025 have been addressed for Request items 11, 12 and 13 and that therefore there is no objection to the proposed development subject to the standard conditions applied.

3.3. Prescribed Bodies

- A total of 2 no. submissions were received from **An Taisce** dated 20th August 2024 and 21st August 2024 (both received by the Local Authority on 21st August 2024).
- In the first submission (dated 20th August 2024) An Taisce welcome the provision of residential developments which have the potential to rejuvenate the city centre of Kilkenny. The Observation is primarily concerned as to the excessive extent of car parking proposed. A case is made for a sustainable reduction in car parking provision together with the promotion of sustainable transport options. The development is stated to be at odds with the proposed

new strategy by the Government on transport (Moving Together: A Strategic Approach to the Improved Efficiency of the Transport System) and presumably with Kilkenny's proposed Sustainable Urban Mobility Plan (SUMP). The benefits of reduced car parking allocation are stated to include an allowance for more communal green space/ better community interactions/ increased biodiversity benefit.

- In the second submission from An Taisce (dated 21st August 2024) it is noted that the proposals include the removal of significant trees and hedgerow areas and that although the retention of said features is preferred, the supplementary planting of an equivalent number of native trees and hedgerow could be conditioned in the event of a Grant of permission being issued. The proposed installation of a green roof is welcomed. Reference is made to the Sustainable Residential Development and Compact Settlement Guidelines, 2024, and, in particular, to Section 4.4 (Key Indicators of Quality Design Placemaking), iii) Green and Blue Infrastructure wherein *'new development should seek to protect and enhance important natural features (habitats and species) within and around the site, should avoid the degradation of ecosystems and include measures to mitigate against any potential negative ecological impacts.'*
- A total of 2 no. submissions were received from **Department of Housing, Local Government and Heritage** dated 22nd August 2024 and 30th January 2025.
- The first submission (dated 22nd August 2024) raised no objection to the proposed development in terms of Archaeology subject to 4 no. standard Archaeological Monitoring conditions. Similarly, no objection was raised to the proposed development in terms of Nature Conservation however it was observed that the removal of trees and/ or vegetation should be carried out outside the bird nesting season (1st March to 31st August inclusive) and that all native hedgerows and scrub vegetation should be retained on site and that any supplementary or new planting should consist only of named native hedging species.

- The second submission (dated 30th January 2025) is concerned with Nature Conservation and, in particular, the Bat Survey submitted by the Applicant. Four main issues are raised in relation to the Bat Report which are stated to be concerning and may be seen as not meeting the criteria. The said issues include the fact that the Bat Report was conducted outside the optimal season (May/ June to August) with the 15th September being the last day of the optimal survey season, the omission from the survey as to the type and direction of bat activity, i.e., commuting or foraging, no indication of bat locations on site, the lack of any statistics employed during the survey which would allow for the establishment of an appropriate baseline which would allow for a full impact assessment to be made, particularly in relation to habitat loss or impacts from lighting of new development, no assessment of the hedgerow or stone wall on site or adjacent buildings (the old orphanage building). The Department of Housing, Local Government and Heritage, consider that a static deployment next summer (summer 2025) be carried out during the optimal season to establish a baseline of bat population/ activity on site and thus appropriately assess potential impacts on local bat populations on site. In tandem with this, the Department recommend a roost assessment on the adjacent buildings on site to indicate if a roost is within the red line boundary of the site and thus assess potential impact of the development (i.e. loss of commuting, foraging habitat or lighting impacts).

3.4. Third Party Observations

- 3.4.1. A total of 22 no. third party observations were received by the Local Authority, including some repeat observation submissions. There were a total of 13 no. individual observers, predominantly local residents. Issues raised are similar to those referred to in the planning authority decision but also include concerns in relation to health and safety and property devaluation.
- 3.4.2. The main issues raised in the above third party observations are covered in the Grounds of Appeal.

4.0 Planning History

4.1. Planning History on the Subject Appeal Site

- **19426:** Permission for (a) Change of use of southwestern annex of former school from disused chapel to child care facility. (b) Change of use of contiguous yard to play area associated with (a) above. (c) Traffic management measures to front of chapel. (d) Associated works. Application was WITHDRAWN on 19th October 2019.
- **Section 5 Referral/ Declaration DEC564 (ACP Referral Ref No. RL10.313060):** Whether the use of bedroom accommodation for clerical and other guests, to accommodation of guests and student accommodation is or is not development or is or is not exempted development. Decision: IS NOT DEVELOPMENT. Decision was issued on 10th July 2024.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The subject appeal site is zoned Mixed Use in the **Kilkenny City and County Development Plan, 2021 to 2027**. The relevant zoning objective for lands zoned Mixed Use is *‘to consolidate and facilitate the development of inner suburban sites for mixed use development which will allow for commercial and residential uses.’* Permitted uses on lands zoned mixed use include dwellings, open space and car parks.

Volume 1 of the Development Plan relates to Kilkenny County. Section 6.0 of Volume 1 relates to Housing and Community. Section 9 relates to Heritage, Culture and the Arts with Section 9.3 relating to Built Heritage and includes Section 9.3.1 Archaeological Heritage and Section 9.3.2 Architectural Heritage. Section 9.3.2.2 relates to National Inventory of Architectural Heritage. It is a stated Objective (Objective 9G) *‘to respond to the Ministerial recommendation to include in the RPS, structures which have been identified as being of regional, national or international significance in the National Inventory of Architectural Heritage survey and to consider for inclusion those rated as being of local significance.’*

Section 12 of Volume 1 relates to Movement and Mobility and includes Car Parking Standards set out in Section 12.12 (Table 12.3). Section 13 relates to Requirements for Developments and includes relevant development plan standards.

- 5.1.2. Volume 2 of the Development Plan relates to Kilkenny City. The stated ambition for the City is *‘to grow the City to achieve the targets set out under the RSES through: a compact form of development, the 4 neighbourhood model and City centre, the 10 minute city concept.’*
- 5.1.3. Section 4.3 of Volume 2 relates to Built Heritage. Section 4.3.1 relates to Archaeological Heritage and includes Figure HS3 which identifies the subject appeal site contained within a Zone of Notification for Recorded Monuments. It is stated that *‘an archaeological assessment of a site or a building in the City may be required before carrying out works...’*
- 5.1.4. Section 5.9 of Volume 2 relates to Car Parking and notes that the Car Parking Standards set out in Section 12.12 (Table 12.3) are maximum standards and not minimum standards.
- 5.1.5. Section 6.3 of Volume 2 relates to Residential Development. Section 6.4 relates to Infill Development where it is stated that *‘it is the Council policy to facilitate infill development where minimum requirements can be met and where the proposed development will not materially impact the residential amenity or character of neighbouring developments.’*

5.2. Guidelines/ Circulars

- Architectural Heritage Guidelines for Planning Authorities, 2011
- Sustainable Urban Housing: Design Standards for New Apartments, 2023
- Sustainable Residential Development and Compact Settlement Guidelines, 2024

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:
- River Barrow and Nore SAC (Site Code 002162), c. 0.54 km to the north.

- River Nore SPA (Site Code 004233), c. 0.7 km to the north;

5.4. EIA Screening

- 5.4.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The proposed development is the subject of 2 no. Third Party Appeals from the following:

- Ann Phealan
- Brendan & Gemma Brett

- 6.1.2. The main Grounds of Appeal can be summarised as follows:

Ann Phelan

- Separation Distance and Overbearing Impact: Block B is only 7 metres from the SOS residential home and no's 5 & 6 Deans Court. The overbearing impact is significant. Block A has not been reduced in height or mass and remains 1 to 2 metres from the boundary wall and 3 to 5 metres from residential properties in Deans Court. The City Development Plan states that new housing should be set back a minimum of 15 metres from boundary of all houses. Increased separation distances should be considered. A minimum separation distance of 13 metres is recommended between the gable of no. 2 Deans Court to the nearest point of Block A.

- Overshadowing and a Loss of Light/ Solar Energy: The proposals result in Overshadowing and a Loss of Light/ Solar Energy. Block A is located c. 4.8 metres from House no. 2 and c. 6 metres from house no. 4 Deans Court. Owing to the shallow rear gardens and the close proximity of Block A, the proposals will result in serious Overshadowing and Loss of Daylight. There will be a loss of winter sun until after midday during the winter period as per the Daylight and Sunlight Assessment Report. There is also a loss of sunshine hours in the summer, albeit to a lesser extent. The loss of Solar Access to the southeast and southwest would seriously affect the viability of solar panels erected on the Dean's Court houses into the future.
- Loss of Privacy and Overlooking: The proposals will result in a Loss of Privacy. Block B presents significant Overlooking issues particularly from the third, fourth and fifth storey and will serve to result in a Loss of Privacy and Amenity, in particular, for house no's 1 to 6, Dean's Court.
- Noise: The proposals will present a Noise Impact.
- Light Spillage: The proposals will result in Light Spillage.
- Fire Hazard: The proposals will present a Fire Hazard. There is a concern as to the potential spread of fire and the safety of adjoining residents in the event of a high level fire.
- Traffic and Parking: Traffic and Parking will be a major problem. Unauthorised Car Parking already takes place within Dean's Court. Should the development proceed, it is requested that the parking at the entrance to Deans Court be delineated and that signage is erected within Dean's Court to indicate residents parking only in the interests of road and traffic safety.
- Boundary Wall: The integrity of the Boundary wall is a significant concern.
- Bin Storage: The proposed location of the Bin Storage at the boundary wall of no's 5 & 6 Deans Court is not appropriate, will generate refuse odours and will increase the risk of vermin. The Bin Storage structure should be entirely independent of the shared boundary wall.
- Design, Height, Mass and Scale: There is no drawing presented which shows the Mass and Scale of the proposed Apartments from Deans Court. The

extent of setback is unacceptable and will result in a visually imposing and dominant built form upon the dwellings at Deans Court. Separation and offset distances should be increased. The development is Out of Scale and Character with the existing buildings at Deans Court. A reduction of at least 1 no. floor should be considered in order to assist in mitigating the proposed Height, Mass and Scale of the development.

- Density: The part of the subject site proposed to be developed is estimated to equate to 0.94 acres. This provides a density of c. 43 units per acre which is excessive and will serve to detract from the established character and amenity of the adjoining houses at Dean's Court.

Brendan and Gemma Brett

- Validity of Planning Application:
 - The electronic Application Form is in error, unsigned and undated and should be automatically invalid.
 - The Cover letter is signed by the agent, but the online form is not signed.
 - The guidance provided in relation to online form states that valid login credentials will satisfy signature requirements. This is incorrect, the appellant refers to Article 22 (3) of the Planning and Development Regulations.
 - The Regulations also require the Applicant/ or appointed Agent to provide a positive declaration as to the accuracy of the information provided. A digital log in does not satisfy the statutory declaration in this regard.
- Online Portal:
 - The terms and conditions of the online portal are in error. The wrong terms and conditions have been applied in the wrong place. A declaration requires a positive affirmation and cannot be applied by default or unilaterally. The positive term confirming the affirmation is not captured in the online portal on signing up.

- Any unsigned online statement would also require the express consent of the planning authority as set out in the regulations.
- No exception is made in the guidelines of the Local Authority for online applications. The default is that the online application is still required to be signed.
- There are clear errors and misrepresentations in the documentation as set out below.
 - The form indicates a named individual as the applicant's representative as opposed to the appointed Architectural Firm. The Cover Letter is signed by the same individual in his capacity of Director of the said Architecture Firm.
 - Land Registry records the site as 0.7 hectares. A site area of 0.751 is indicated on the Application form. If there are lands outside the control and/ or ownership of the Applicant, this should be shown outlined in blue on the accompanying map and a letter of consent should be provided.
 - The incorrect registered address of the applicant is provided.
 - The form is not signed.
 - The Application is invalid.
- Extent of Applicants Land Ownership/ Control:
 - As per Land Registry, the site area is 0.7 hectares. The stated site area is however 0.751 hectares. The lands to the north east appear to have been assimilated into the site to provide additional car parking and a service road. It is clear the site is not within the express ownership and control of the Applicant' and this has not been identified. This represents a Material Omission particularly where the statutory declaration is not signed. No letter of consent is provided or a map of the lands outlined in blue. The Planners Report identifies site ownership and boundary as a material issue.

- Access and Car Parking:
 - The Road Design Office raise concern in relation to the safety of the proposed access. The access to the site is clearly inadequate and dangerous. A temporary Construction site access off the roundabout would have been preferable but was not proposed/ provided. The observations submit that a Right Turning manoeuvre is difficult at present. No road or access drawings are provided which show how access is to be provided, tables of statistical analysis are instead provided and relied upon.
 - There is a shortfall in Car Parking provision.
- Environmental Issues/ Impact of Protected Species (Bats):
 - The Local Authority Planner's Report (23rd April 2025) has not properly considered the environmental issues. A brief four line appraisal Environmental Impact Assessment is provided in the report. The AA Screening Form appears to have been completed on 22nd April 2025, i.e. only on the day of writing the report. The Screening form describes the development as a One Off House/ Small Extension/ Alteration to existing building. The incorrect form was used and there appears to have been pressure to sign off on it. It should have been considered much earlier in the process.
 - EIA Guidelines, 2018 require an EIA Screening Determination to be made within a period of 8 weeks and this time period can only be extended in exceptional circumstances.
 - In terms of Appropriate Assessment there are disused buildings in this area which may be used by Bats and Birds for nesting. This was not considered or addressed as no appropriate screening was carried out by way of site visit by the Local Authority Planner. ABP is respectfully requested to carry out a site inspection in this regard.
 - The applicant has submitted a Bat Survey Report. The Report is not signed as referenced by the Local Authority Planner. Reports

accompanying planning applications, as per the Building Regulations, are required to be signed.

- The Appellant quotes directly from the Nature Conservation comments set out in the observation submission lodged by the Department of Housing, Local Government and Heritage (DOHLGH) dated 30th January 2025 which specifically relate to Bat Species.
- The Appellants have commissioned their own Bat Survey Report prepared by Environmental Consultants and based on statistics. The Appellant quotes directly from Section 4.0 Discussion & Conclusion of this Report wherein five of the resident nine Irish bat species were found on the site, the bat detector found rarer woodland bats not usually found within a City, the proximity to the eastern woodland bordering the River Nore probably provides connective features that could allow these rarer bats into the City, there is a possibility the old growth orchard contains a variety of invertebrates suitable for hunting bats. The Appellants Bat Survey finds the site to be of high value for Common, Soprano Pipistrelle and Leisler's bats and suspects that a Leisler's roost and a Soprano Pipistrelle roost very close by.
- All Bat Species are protected are listed in the Red Data Book of Irish Mammals and are strictly protected under the 1976 Wildlife Act, as amended and under EU Habitats Directive as Annex IV species.
- Bats are highly vulnerable to changes including loss of habitat and food (insects) and are sensitive to light and human activity and would be detrimentally impacted upon at all stages of the development.
- The Appellant submits that Kilkenny County Council has a duty of care to ensure that bat roosts are protected and that the conservation status of protected species is not negatively affected in the planning process, that protected species are taken into account as a material consideration when determining planning applications and that this may involve refusal, deferral, conditions or agreements. The Local Authority is obliged to satisfy itself that developers have satisfactorily assessed the presence of bats and the potential impact on bats on the proposed development.

- Incongruous Design (Height, Visual Impact, Overlooking, Inconsistent with the Character and History of Neighbouring Properties):
 - The onus is upon the Local Authority to promote appropriately designed and suitably sensitive urban development. The Local Authority is obliged to have regard to observations made which include concerns in relation to overlooking, access and traffic.
 - No updated Shadow analysis or Visual Impact Assessment provided following design amendments.
 - The height, scale, mass and highly modern architectural design is out of character with the established character and pattern of development in the area.
 - The proposed Apartment Blocks present a Visual Impact on the surrounding area.
 - The proposed development, if permitted, will serve to present 2 no. towering, 3 storey, highly modern Apartment Blocks on a prominent approach to the Medieval City Centre. The proposals contravene the development plan and Section 13.6 Building Heights, particularly where it is stated that *'ensure that proposals for urban densification make a positive contribution to the streetscape and does not detract from the historical environmental/ character of the surrounding area in general and/ or neighbouring buildings in particular.'*
 - The drawings show the imposing height and dominance of the proposed Block A on the streetscape, surrounding residential development and proximate heritage buildings. Block A presents an overbearing impact. The proposed Apartment Blocks will dominate the skyline and that of other prominent historic heritage, educational and ecclesiastical buildings in the area as shown in the submitted 3D visualisations.
 - The site is highly restricted. The proposed development equates to a 50% site coverage and a density of 59 units per hectare. The density is too high and will serve to materially impact on the established character and amenity of the area.

- The proposals contravene the Development plan in terms of the density proposed and resultant impacts on surrounding residential amenities.
- The buildings are proposed to be positioned too close to their surroundings and will serve to block existing views of the heritage buildings. The proposals conflict with the development plan which states that *'new housing should be set back a minimum of 15m from the boundary of all housing within the plan area existing at the time of the adoption of this plan.'*
- The proposals conflict the development plan in terms of overshadowing, the impact on existing residential amenity, the character of the area by reason of increased height and the visual impact presented upon the existing heritage buildings/ loss of privacy.
- The proposals conflict with the Guidelines on Sustainable Residential Development in Urban Areas (Section 4.12) which states *'south-facing elevations should not be overshadowed by other buildings or planting; ideally, a distance of 21m between two-storey dwellings is needed to provide reasonable sunlight in winter, due to the low angle of the sun.'*
- The reduction of Block A to 3 Storeys and the proposed stepped design is not sufficient to mitigate the major impacts over overlooking, overshadowing, loss of light and sunlight, loss of privacy, and noise pollution.
- The Appellant requests that:
 - An appropriate screening be carried out by ABP.
 - That a site visit takes place to examine the access and environmental and layout concerns.
 - That the application for permission be refused by the Board on consideration of the appeal.

6.2. Applicant Response

6.2.1. An initial Response was received from the Applicant on 5th June 2025, the main points of which can be summarised, as follows:

- The Applicant refers to the existing setting and context of the site, the mixed use zoning and relevant zoning objective to consolidate the development of inner suburban sites for mixed use development which will allow for commercial and residential uses. There are no Protected Structures on the site and the site is not located within an Architectural Conservation Area (ACA). The former convent School and Gateway feature on the National Inventory of Architectural Heritage (NIAH). The sole planning history on the site, as planning reg. ref. no. 19426 refers was withdrawn. The initial proposals were amended in Response to Further Information and Clarification of Further Information. The approved development is for a reduced number of Apartments (34 no.) from the initial 40 no. Apartment development presented. Both Blocks A and B are now three storeys in height and the proposal includes improved landscaping arrangements, reduced car parking provision and retains the existing access to the site.
- Height and Massing:
 - Both blocks A and B have been reduced to three stories in height. Block A is now set back further from the boundary wall and is not overly dominant. Revised external materials and appropriate set-backs from the boundary and each floor serve to help assimilate the proposals into the site and do not present a visually dominant design.
- Residential Amenity:
 - The revised proposals will not cause substantial Overshadowing or Overlooking.
 - Overshadowing: There would be no unacceptable or harmful impact to neighbouring daylight or sunlight as a result of the proposed development. The Local Authority is satisfied that the proposed development has been suitably redesigned so as to avoid overshadowing.

- Overlooking: The proposals satisfy SPPR1 of the Sustainable Residential Development and Compact Settlement Guidelines, 2024, in terms of a minimum separation distance of 16 metres. Owing to the high boundary wall (up to 3.9 metres) and set back distances, the orientation of the windows and the reduction in height, there is no direct overlooking as a result of the proposed development.
- Access and Parking:
 - Access: The Local Authority has approved the proposed access arrangements. A Yield arrangement is proposed for vehicles exiting the site and this has been appraised as part of the Road Safety Audit where no issues of concern are raised. Condition no. 13 relates to a CEMP which includes proposals for traffic management during the construction phase, including safe access and egress. Such a CEMP will be agreed with the Local Authority prior to the commencement of work on site.
 - Reduced Car Parking: A reduced car parking provision of a total of 62 no. spaces for the overall site is compliant with recommendations contained in the Sustainable Residential Development and Compact Settlement Guidelines, 2024 (SPPR3).
- Environmental Impact:
 - Appropriate Assessment: An appropriate assessment screening report found that the site is a significant distance from any protected European Site. An NIS was not required.
 - Bat Survey: The Applicant submitted a Bat Survey Report. 3 Bats species were recorded over the course of the emergence survey. No bat roosts were recorded within the subject shed on-site during the surveys and no bats were recorded on the orchard trees. There is therefore no potential for direct disturbance to bats as a result of the proposed development. The Bat Survey Report was updated to include the identification and signature of the qualified Ecologist who undertook the study. There were no further concerns on the issue of bats or ecology.

- Other Matters
 - Boundary Wall: The applicant submitted a visual inspection and structural survey/ analysis of the boundary wall and finds the wall to be structurally stable. The erection of the proposed bin store will also enhance the stability of the wall.
 - Bin store location: The location and principle for a Bin Store has been approved by the Local Authority. Condition no. 22 relates to same, including the control of odours.
 - No drawing showing view from Deans Court: This was not necessary.
 - Electronic Submission: The application was deemed valid by the Local Authority.
 - Lands outside the control of the Applicant: Item 3 (d) of the Request for Further Information and Item 6 of the Request for Clarification of Further Information relate to the issue of car parking, see the revised proposals which show all serviceable and useable land to be within the red line boundary without impacting on Kilkenny Social Services.

6.2.2. A subsequent Response was received from the Applicant on 16th June 2025, the main points of which can be summarised, as follows:

- Legal Issues:
 - Some elements of the planning documentation, particularly the planning application form, were not signed. This is because the application was uploaded to the eportal, and it is not possible for the proposing architect to sign such a form. A letter from the Architect is instead required and this was submitted.
 - The application was deemed by the Local Authority to be valid. It is not the role or responsibility of the Board to question the validity or otherwise of the application.
- Variation to the proposals:
 - The Applicant submits that the Local Authority was within its rights to reduce the height of the proposed development. The Applicants' response

includes 3 no. Photomontage viewpoints of the original proposal compared to the approved proposal.

- Conservation Issues
 - The former Convent and Gates are not Protected Structures but are listed as being of Regional Importance on the National Inventory of Architectural Heritage (NIAH). This does not mean that development cannot take place alongside the said features, but such development should not detract from their special character. The proposed development does not detract from the said features and is contemporary and of appropriate design. Any works to the said heritage facilities will be carried out by specialist conservation contractors with suitable experience.
- Bats
 - Background: The Environmental Consultants were commissioned to carry out a Bat Survey of the shed and orchard. The Request for Further Information issued on 11th September outside the May to August timeframe. The survey was conducted in favourable weather conditions on 24th September.
 - Bat Survey: In relation to the shed, no evidence of bat usage was found during the daylight roost inspection survey of this structure and, in relation to the orchard trees, all identified PRF's were directly examined by the surveyor who found no bats or evidence of bat usage. The incidental bat activity recorded during the emergence survey is described in the Report.
 - As noted in the Report, the impact of habitat loss upon the bats was assessed as Long-Term Not Significant Negative effect. This was due to the scale of habitat to be removed relative to available surrounding habitats, the results of the bat survey and the lack of roosting bats within the areas to be removed. The habitat loss is not considered to be a unique or scarce resource in the surrounding area. More structurally diverse and high value foraging habitat is available in the surrounding area.

- Comments:
 - Bat Detector: The Applicant considers that owing to the location and type of static bat detector utilised there is no certainty as to the proportion of recorded bat activity which can be attributed to the subject appeal site.
 - The bat detector utilised does not record the location of bat calls or indeed the number of bats encountered. The recorded data needs to be analysed in order to determine activity levels.
 - Assigned activity levels:
 - The methodology used by the Appellant to analyse the recordings from the bat detector are based on the Ecobat system. As noted in the Appellant's Report the said Ecobat system has not been operational since 2022. The Author of the Appellants Bat Survey therefore utilised personal data collected from other sites to form the reference range dataset. The Applicant considers it to be unclear as to whether or not the data used to assign the reference range dataset aligns with the Ecobat tool limits in relation to location, seasonality and detector make. In reference to the results of the Static Detector (Table 0-1) and the Activity Calculator (Table 0-2) set out in Appendix A and to the Assigned Activity Levels set out in Table 3-3 of the Appellants Bat Survey Report, the Applicant questions the findings. In particular, the Applicant notes that where only 2 passes were recorded over an entire night this is indicated as moderate-low activity and that low activity was recorded as 1 pass per night. The Applicant states that prior to the adoption of Ecobat, the analysis of data recorded from static detector surveys typically used bat passes per hour to assess levels of bat activity and that as per Tosh et al (2014) low bat activity is defined as < 2.5 passes per hour.

6.3. Planning Authority Response

6.3.1. The Local Authority submitted a Response to the Appeal dated 5th June 2025 wherein the following main points are raised:

- The proposed development, as presented, is considered by the Local Planning Authority to be acceptable in principle as an urban infill site having regard to the National Planning Framework, where infill and compact growth is encouraged, the Development Plan, Government Guidelines on Sustainable Residential Development and Compact Settlements and Apartment Standards and the appropriate design and density of the proposed development proximate to the city centre and within ease of access by means of active travel modes. The original proposals have been reduced in terms of height and scale and are comparable to the ridge height of adjacent two storey dwellings at Deans Court and lower than St. Josephs. The visual impact of the proposed development is considered to be significantly mitigated for by the height of the existing neighbouring boundary wall to Deans Court.
- As per SPPR 3 of the Compact Settlement Guidelines, 2024 and owing to the location of the site proximate to the City Centre, a reduced car parking requirement is considered to have been suitably justified. The design and location of the bin store is considered to be appropriate and with the appropriate condition as imposed should prevent any nuisance arising from the same to the neighbouring properties.

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 and the reports of the planning authority and having inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Zoning
- Bat Surveys
- Design, Scale, Mass and Height
- Impact on Residential Amenities
- Access and Traffic/ Car Parking
- Other Matters
 - *Sufficient Legal Title/ Landownership*
 - *Validity of Planning Application/ Online Portal*
 - *Noise*
 - *Devaluation of Property*
 - *Fire Safety*

7.2. Zoning

7.2.1. The subject appeal site is zoned 'Mixed Use' in the Kilkenny City and County Development Plan, 2021 to 2027, as varied. The relevant zoning objective is '*to consolidate and facilitate the development of inner suburban sites for mixed use development which will allow for commercial and residential uses.*' Permitted uses on lands zoned mixed use include dwellings, open space and car parks. I am satisfied that the principle for residential development on the subject appeal site is acceptable subject to compliance with normal planning and environmental considerations.

7.3. Bat Surveys

- 7.3.1. The issue of the potential impact of the proposed development upon Bat populations was raised in the initial third party observations. Point no. 6 of the Request for Further Information related to the issue of a Bat Survey for the site. In response, the Applicant provided a Bat Survey Report which details the results of bat surveys carried out at the proposed development site in September 2024 (a Roost Inspection Survey and an Emergence Survey were both carried out on 24th September 2024). The Roost Inspection Survey included a thorough search of the structure (existing shed proposed for demolition) and a ground level visual inspection of the subject orchard trees within the proposed development site. The Emergence Survey was carried out at dusk using direct observation and hand-held bat detectors. In addition, a high sensitivity thermal imaging camera was also utilised. The survey commenced 15 minutes prior to sunset and concluded c. 2 hours post sunset. The results of the Bat Survey are set out in Section 4.0 of the Report. In respect of the subject shed, which is proposed to be demolished, it is stated that no droppings or evidence of bat presence were recorded during the roost inspection survey. The Applicant further states that the subject shed is considered to be of Low suitability for roosting bats, containing no notable features for roosting bats. In respect of the existing trees, the survey found that the orchard contained a total of 26 no. fruit trees and found Potential Roost Features (PRFs) on a number of said trees within the orchard. The PRFs were associated with older larger trees located at the western end of the orchard (T17 to T26). All identified features were further examined with an endoscope and no bats were recorded in any of the features. The Emergence survey recorded no bats emerging from the shed however some incidental bat activity was recorded within the surrounding area during the survey. The Applicant states that overall, the bat activity recorded was low. The bat species recorded during the course of the emergence survey were the Common Pipistrelle, Soprano Pipistrelle and Leisler's bat. The first recorded bat, at 18 minutes post sunset, was a Leisler's bat travelling over the wide site, the second bat recorded was a Common Pipistrelle briefly recorded foraging to the north of the site at 44 minutes post sunset with a similar observation at 59 minutes post sunset. The final bat recorded was a Soprano Pipistrelle recorded foraging along the boundary of the site at 63 minutes post sunset. Section 5.0 of the Bat Survey Report relates to Impact Assessment. The

Applicant considers there is no potential for direct disturbance to bats as a result of the proposed development as no bat roosts were recorded within the subject shed on-site during surveys and all identified PRF's on the subject orchard trees were examined and no bats were recorded. The Applicant notes the loss of potential minor foraging habitat for bat species in the form of the orchard and boundary hedge. The Applicant notes however that recorded bat activity during the emergence survey on site was low, with most observations outside the site and that there is an abundance of more suitable foraging habitat for bats in the wider locality. The Applicant therefore considers that the loss of a minor area of habitat within the site is therefore considered to be a Long-term **Not Significant** Negative effect. Based on the survey results where general low bat activity was recorded together with the context of the proposed development, the Applicant considered that the additional lighting proposed does not comprise a significant impact on local bat populations. In Section 6.0 of the Bat Survey, the Applicant Concludes, inter alia, that no significant impacts are predicted on local bat populations as a result of the proposed development.

- 7.3.2. I note the Department of Housing, Local Government and Heritage (DHLGH), as per the submission dated 30th January 2025, raise significant concerns as to the appropriateness of the Applicants Bat Survey including the timing of the surveys, the nature type, direction and location of bat activities, and a lack of the deployment of statics which would allow for the establishment of an appropriate baseline. In the absence of such information, the Department consider a full impact assessment cannot be made, particularly in relation to habitat loss or impact from lighting of new development. The Department note there is no assessment of the hedgerow or stone wall on the site and that an assessment of the adjacent buildings (the old orphanage building) for potential roosts would help in assessing if the new build may impact on local bat populations. The Department considers that in order to provide a solid impact assessment that a static deployment in the summer of 2025 takes place during the optimal season in order to establish a baseline of bat population/ activity on site which would allow for a full assessment as to the potential impacts of the proposed development on bat populations. The Department also recommends that in tandem with this and, where possible, a roost assessment of the adjacent buildings on site would indicate if there is a roost within the red line boundary of the site and

therefore assess the potential impact of the development, i.e. loss of commuting, foraging habitat or lighting impacts.

- 7.3.3. Point no. 9 of the Request for Clarification of Further Information, as issued on 5th February 2025, queried who undertook the Bat Survey and requested that a signed copy of the Report be forwarded by the qualified ecologist who undertook the study. In Response, the Applicant submitted an updated Bat Survey Report dated February 2025 which includes a Statement of Competency in Section 1.2 and provides details of the Authors (Ecologist) qualifications and background. The revised Bat Survey Report received from the Applicant (dated 7th February 2025), aside from clarifying the qualifications and background of the Author (Statement of Competency – Section 1.2) does not suitably address the issues raised by the Department although it is accepted that point no. 9 of the CFI request does not make specific reference to same.
- 7.3.4. The Local Authority Planner raised no concern as to the potential impact of the proposed development on Bat Species and no specific conditions are attached in this regard as part of the Notification of Decision to Grant permission, as issued.
- 7.3.5. One of the Third Parties, as part of their appeal submission, has provided a separate independent Bat Survey prepared by Ecological/ Environmental Consultants. The said Bat Survey Report is dated 13th May 2025. The Appellant erected a static bat detector on the boundary of St. Joseph's former orphanage on the Waterford Road in Kilkenny from 27th July 2024 to 17th August 2024. The analysis is stated to have found high Common and Soprano Pipistrelle Bat activity by the detector with a roost for Leisler's and Soprano Pipistrelle close to the detector with early recordings of both of the said species. The recordings indicate several social calls of the Leisler which appear to relate to bats in flight, over a foraging area when at least two individuals are in the same airspace. The Appellants analysis considers this to indicate there is a Leisler's bat roost very close by (to the detector). The same conclusion is reached in relation to the location of a Soprano Pipistrelle Roost, i.e. a bat roost very close by. Although rarer bat activity was recorded, i.e. Brown Long-eared bats and a Natterer's bat, which is not typical in cities and suggests the site could have connectivity with ecological corridors such as the Nore River, there is no indication that roosts for said species are likely to be close to the site.

7.3.6. I note the Applicant has provided further commentary from the appointed Ecological/ Environmental Consultants who prepared the Applicant's Bat Survey Report which is summarised further above in Section 6.2.2. of this Report.

7.3.7. In conclusion, although the Request for Further Information was issued on 11th September 2024, i.e. prior, albeit only 4 days, to the last day of the bat surveying season on 15th September, the Applicant's Bat Survey was nonetheless conducted on 24th September 2024 which is 9 days outside the last optimal day for Bat Surveys (15th September). I share the concerns of the Department (DHLGH) in relation to the appropriateness of the Bat Survey as set out in the submission dated 30th January 2025 which provides insufficient information to enable a solid bat impact assessment to be carried out. The Appellants Bat Survey, which forms part of the Appeal submission, clearly indicates the likely presence of very close by bat roosts for both Leisler's bat and Sporano Pipistrelle bat. Based on the information received from the Applicant, it has not been definitively established as to whether or not there are existing bat roosts within the overall site, as defined by the proposed redline boundary and which includes the adjacent heritage building (former Convent Structure), various trees, hedging and walls, which present potential locations for such bat roosts. Without a reliable bat survey, which includes correct baseline information, it is my view that an appropriate bat impact assessment of the proposed development cannot be carried out. Having regard to the foregoing, I recommend that permission be refused.

7.4. Design, Scale, Mass and Height

- *Unit Mix*

7.4.1. The proposed development comprises 2 no. 3 Storey Apartment Blocks (Blocks A & B). Block A has a maximum height of 10 metres and comprises a total 20 no. Apartments. Block B has a maximum height of 9.97 metres and comprises a total of 14 no. Apartments. The proposed Apartment Breakdown (34 no. units) is as follows:

- 3 no. Studio/2P Apartments (9%)
- 14 no. 1 Bed/2P Apartments (41%)
- 2 no. 2 Bed/3P Apartments (6%)
- 11 no. 2 Bed/4P Apartments (32%)

- 4 no. 3 Bed/5P Apartments (12%)

7.4.2. The proposed housing mix satisfies Specific Planning Policy Requirement 1 (SPPR1) of the Sustainable Urban Housing: Design Standards for New Apartments, 2023 in terms of the breakdown of unit percentages. The proposed unit mix is therefore acceptable, in my opinion.

- *Apartment Size*

7.4.3. All of the proposed Apartments satisfy, and in some cases, exceed minimal internal floorspace, storage and private open space requirements as set out in Appendix 1 of the abovementioned Standards. The proposed Apartment sizes are therefore acceptable in my opinion.

- *Residential Density*

7.4.4. The proposed development is for a total of 34 no. Apartments on an overall site of 0.751 hectares. The Gross Residential Density is therefore 45 units per hectare. The issue of density arose under point no. 2 of the Request for Further Information where the Local Authority state the site is considered to be a Key Town Urban Extension as per the Sustainable Residential Development and Compact Settlement Guidelines, 2024 and that the proposed density should accord therefore with same.

7.4.5. I note as per recommendations presented in Table 3.5 of the Guidelines, it is stated that *'it is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns, and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).'* In determining the appropriate residential density for the site, the key test therefore, in my view, is whether or not the site is an 'accessible' suburban/ urban extension location. In this regard, the following definition is provided in Table 3.8 of the Guidelines as to what is an accessible location:

'Accessible Location: *Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus service.'*

7.4.6. I note the Applicants' Response to this point of Further Information where a revised site area of 0.58 hectares is referenced, and which excludes St. Joseph's former school building and associated structures. The proposed net residential density therefore equates to 58 units per hectare. I also note the case presented by the Applicant in this said response in relation to the accessibility of the site. I note there is an existing local bus service which passes the main entrance to the subject site along the Waterford Road to the southwest, namely the KK1. According to the July 2025 timetable (valid from 27/7/2025) which is available online on the TFI website, the KK1 route runs from Danville Business Park through the centre of Kilkenny to the N77 Roundabout to the north of Kilkenny. From Monday to Saturday, the service stops every half hour on Waterford Road from 6.10 am to 23.38 pm and in the opposite direction every half hour from 06.22 am to 23.22 pm. I do not consider the KK1 service to be a high frequency bus service as per the above description for an Accessible Location as set out in Table 3.8 of the Guidelines. I estimate the site is located within c. 700 metres (10 minutes) walking distance to the southeast of High Street in the centre of Kilkenny City and within c. 1.7 km (24 minutes) walking distance of Kilkenny Train Station. In my opinion, the subject site cannot be considered to be an accessible location as defined in the Guidelines and therefore, it is my view that the proposed development, as presented, and which represents a net residential density of 58 units per hectare is excessive for the subject site. In the absence of a clear and definitive case for an increased residential density at this location, in accordance with recommendations set out in the Guidelines, it is my opinion that the proposed residential density is not justified in this instance and is excessive.

- *Character/ Impact on Built Heritage*

7.4.7. I note the concerns raised by the Appellants in relation to the impact of the proposed development upon existing Built Heritage. I note the Applicants' Architectural and Built Heritage Assessment Report prepared by the Project Conservation Architect (Grade 1) and presented as part of the planning application documentation. I note the Conclusions and Recommendations set out in Section 6.0 which state, inter alia, that *'whereas the proposed development will have an impact on the buildings on the site it is considered that it will make a positive contribution and provide necessary residential accommodation.'* A further recommendation is provided in relation to the

protection of the existing building, gates and piers during construction works and that the said gates and piers be retained intact and that a traffic management system be employed to allow for adequate traffic access.

- 7.4.8. I note the buildings and features on the subject appeal site are not listed as Protected Structures in the Development Plan and that the site is not located within a defined Architectural Conservation Area. As previously noted, the main convent building and the main entrance gate and railings are listed on the National Inventory of Architectural Heritage (NIAH) and are categorised as being of Regional Importance. I note the former convent school to the north, which is located outside the defined redline boundary is also listed on the NIAH, ref. 12002002, and is also categorised as being of Regional Importance. No construction works/ modifications or alterations are proposed to these said buildings or features as part of the current proposals presented under the subject application.
- 7.4.9. The general character of the area to the immediate south, west and north is residential in nature and comprises a mix of single and two storey detached and terrace dwellings. The said dwellings generally have an external smooth or dry dash plaster finish and either slate or concrete tile finishes. Other buildings of note in the general area of the subject appeal site include the two storey former school buildings to the immediate southeast (currently in use by Kilkenny Social Services and for training purposes), a more modern two storey office building located to the immediate east and recently constructed two storey part red brick houses and 3 storey apartment blocks located on the site further to the northeast, all accessed from Nuncio Road. I consider the proposed apartment design and choice of external building materials are not out of character with the setting of the subject site and the wider area.
- 7.4.10. I note the final Contextual Elevation drawings presented in Response to the Request for Clarification of Further Information and, in particular, Proposed Contextual Elevation 4.4 (Drawing no. 3.1.404) which illustrates the relationship between the proposed Apartment Block A and the Former Convent Building. The Former Convent building is shown to have a ridge height of 72.88 metres whereas the proposed Apartment Block A has a proposed parapet height of 71.6 metres which is 1.28 metres below that of the existing building and, in my view, subservient to the existing Former Convent Building. I also note the proposed separation distance of 9.5 metres

at this location between the Former Convent Building and proposed Apartment Block A. Drawing no. 3.1.400, Rev. B titled '*Existing and Demolition Removal Works Contextual Elevation 1.1 and Proposed Contextual Elevation 1.1*' shows the existing and proposed relationship between proposed Apartment Block A, the Former Convent building and existing two storey dwellings to the immediate northwest at Deans Court.

7.4.11. Having regard to the character and setting of the subject appeal site and that of the surrounding area, the underutilised nature of the subject appeal site, the established character and setting of the former main Convent Building, the extent of works proposed which do not include any works to the existing buildings and features of interests and serve to ensure they remain intact, the subservient nature of the proposed 2 no. Apartment Blocks in terms of height and form and the choice of external building materials and finishes, I am satisfied that the proposed development, as presented, is acceptable in terms of its impact upon the established Built Heritage of the subject Appeal site and that of its immediate surroundings.

7.4.12. I note the Conservation Officer raised no objection to the proposed development, subject to conditions, as per the final Report dated 14th January 2025. I further note the Application was referred to the Department of Housing, Local Government and Heritage and that no Built Heritage concerns were raised. Notwithstanding the merits of the scheme in terms of its built heritage impacts, there are more substantive issues raised further above which, in my opinion, mean the overall principle of the proposal development is not acceptable.

- *Boundary Wall/ Bin Store*

7.4.13. A concern is raised by one of the Appellants in relation to the integrity of the boundary wall between the subject appeal site and Deans Court to the immediate northwest. I note that in response to Point no. 7 of the Request for Further Information, the Applicant submitted a survey and visual inspection report of the existing boundary wall and proposed bin store. I note the findings of the Applicants' assessment which states that they have '*carried out a structural analysis of the wall and based on the two leafs it is structurally stable. The erection of the Bin Store will enhance the stability of the wall as it will provide a buttress to the wall.*' The submitted Report also includes a Construction Methodology. I am satisfied that the

proposed development, as presented, including the proposed bin store, will not serve to impact negatively upon the structural stability of the existing party wall. I therefore consider this element of the proposed development to be acceptable.

- *Overbearing Impact*

- 7.4.14. I note the initial proposals presented to the Local Authority comprised 40 no. Apartment units in 2 no. Blocks (A&B). Block A was proposed to have five floors and a parapet level of 77.75 metres and Block B to the rear comprised four floors and a proposed parapet level of 74.74 metres. As part of the Response to Further Information and subsequent Response to Clarification of Further Information, the initial proposals have been reduced in both height and scale, and it is now proposed to provide for a total of 34 no. Apartment Units with 20 no. Apartments in Block A and the balance of 14 no. Apartments in Block B. The Commission will note the revised proposals for both Apartment Blocks now comprise 2 no. three storey buildings with respective proposed parapet levels of 71.6 metres for Apartment Block A and 71.94 metres for Block B. This represents a reduction of 6.15 metres in height in the case of Block A and a reduction of 2.8 metres in height for Block B.
- 7.4.15. Block A, which is proposed to have a minimum separation distance of 3.3 metres at ground level from the shared party boundary wall to the northwest is also proposed to be stepped up and away from this boundary at first and second floor level where a maximum separation distance of 11.1 metres is shown between the proposed second floor and the rear elevation of the two storey dwelling to the northwest, no. 3 Deans Court. The reduction in scale and height from the previous proposals is clearly shown on the final Proposed Contextual Elevation 4.4, Drawing, no. 3.1.404.
- 7.4.16. I note the concerns of the Appellant in relation to the proposed separation distances and in this regard, I refer to SPPR1 of the Sustainable Residential Development and Compact Settlement Guidelines, 2024 where it is stated, inter alia, that '*separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.*' The proposed relationship between Block A and the rear of adjacent dwellings at Deans Court, in my opinion, satisfies

the above guidance and I therefore consider the proposed separation distances to be acceptable.

7.4.17. Block B is also proposed to be stepped up and away from the northwestern site boundary with a maximum separation distance of 13.3 metres shown between the proposed second floor level and the rear of the adjacent single storey 'commercial building' to the immediate northwest of same. The relationship between Block B and the said adjacent Commercial Building is best illustrated on revised drawing 'Proposed Contextual Elevation' drawing no. 3.1.403, submitted to the Local Authority in response to the Request for Further Information.

7.4.18. I note a maximum separation distance of 12.4 metres is shown between the private open space for Apartment no's 4 and 9 on the ground and first floors and the rear northeast boundary. I also note the adjacent former school building to the northwest (St. Joseph's Girls Convent School) which is listed on the NIAH as being of Regional Importance, Ref. no. 12002002 is set back off this shared boundary by a further 3.3 metres and that the said building is indicated to be in current use as a Woodwork Workshop. This represents a maximum separation distance of 15.7 metres at this location. I note that although the areas of private open space for Apartment no's 3 and 4 on the Ground Floor and Apartments 7 and 8 on the First Floor are closer to the northeast boundary they do not directly face the opposing first floor windows of the said Woodwork Workshop building.

7.4.19. I am satisfied that the proposed development, as presented, will not serve to present an overbearing impact on surrounding properties in the area. Notwithstanding, the merits of the scheme in terms of the proposed Design, Height and Scale, there are more substantive issues raised further above which, in my opinion, mean the overall principle of the proposal development is not acceptable.

7.5. Impact on Residential Amenities

- *Overshadowing and Loss of Daylight/ Solar Energy*

7.5.1. I note the concerns raised by the Appellants relating to Overshadowing and Loss of Daylight. The Application, as initially presented, was accompanied by a Daylight and Sunlight Assessment Report. I note the content and findings of this said Report. The proposals have since been further amended. The current proposal, as approved by the Local Authority, is for 2 no. 3 storey Apartment Blocks (A & B). I note the

relationship between the proposed 2 no. Apartment Blocks and established surrounding development including existing residential development positioned to the immediate northwest of the site at Deans Court.

- 7.5.2. I note the Applicants' Response to point no. 1 of the Request for Further Information which shows the proposed relationship between Block B and the adjacent single storey SOS Kilkenny building to the immediate northwest. Block B is stepped off the northern boundary as shown on Proposed Contextual Elevation 3-3, Drg. No. 3.1.403 and as shown in the Applicants' FI Cover Letter/ Response to point no. 1 of the Further Information Request, an unobstructed 25 degree view of the sky is shown to be observed from the centre of the rear ground floor window of the existing building to above the first floor of Block B. This, in my view, clearly illustrates that Block B will not result in any undue Overshadowing or Loss of Daylight for the building to the immediate northwest of Block B.
- 7.5.3. Contextual Elevation drawing no. 3.1.404, presented as part of the Applicants' Response to Clarification of Further Information, shows Apartment Block A is also stepped away from the northern boundary. I note the Applicant has clearly demonstrated an unobstructed 25 degree view of the sky from the rear upper first floor window of no. 3 Deans Court towards and beyond Apartment Block A. This, similarly, in my view, clearly illustrates that Block A will not result in any undue Overshadowing or Loss of Daylight for the existing dwellings to the immediate northwest of Block A at Deans Court.
- 7.5.4. I note the concerns raised in relation to a perceived future Loss of Solar Access for the property of one of the Appellants at Deans Court. As solar panels are typically roof mounted and as there is no significant Overshadowing anticipated to the rear of the properties at Deans Court, it is my opinion, owing to the proposed design and orientation of Block A, in particular, that the proposed development will not serve to significantly hinder the Appellants' ability to avail of sufficient solar energy to serve roof mounted solar panels should the need arise into the future.
- 7.5.5. I am satisfied the proposed development, as presented, would not serve to present any significant negative impact on surrounding properties, including the residential properties at Deans Court, by means of Overshadowing or any significant Loss of Daylight.

- *Loss of Privacy/ Overlooking*

- 7.5.6. I note the concerns raised by the Appellants in relation to Loss of Privacy/ Overlooking. I have reviewed the submitted plans and drawings as approved by the Local Authority. I note, as shown on the Proposed Sections and Elevations Drawing (Drg. No. 3.1.301, Rev A), that the side (northwest) elevation of Apartment Block B, at first floor level, has a high level window serving bedroom no. 1 of Apartment no. 9 and a full length window serving the living room/ kitchen/ dining room of Apartment no. 8. At second floor level it is proposed to install a small high level window to serve an internal corridor and a full length window to serve the living room/ kitchen/ dining room of Apartment no. 13. I also note that all balconies include obscure glass screens to the side to a height of 1.8 metres.
- 7.5.7. In respect of Apartment Block A, I note the revised drawings submitted as part of the Response to Clarification of Further Information, including Drawing no. 3.1.201 (Rev A) Block A – Proposed Sections and Elevations. I note there are no windows proposed on this elevation and that all balconies are shown to have obscure side glazing to a height of 1.8 metres.
- 7.5.8. I note that between the rear of Block A and the front of Block B, a separation distance of 18.8 metres is proposed to be observed.
- 7.5.9. I note condition no. 23 of the Local Authority Notification of Decision to Grant Permission issued on the 23rd April 2025 which relates to adequate screening of all balconies at this location. Subject to the attachment of a similar condition in the event of a Grant of permission being issued, it is my opinion that the proposed development would not give rise to any significant impact upon surrounding residential amenities in terms of direct overlooking or loss of privacy.

- *Light-spillage*

- 7.5.10. I note the concern raised by one of the Appellants in relation to anticipated future Light Spillage from the proposed development. I note point no. 3 f) of the Request for Further Information sought the submission of a lighting design for the proposed scheme including the site road frontage. I note the Applicants' Response which includes an Outdoor Lighting Report and a Lighting Layout Plan both prepared by the Appointed Lighting Designers. Although the proposed Lighting Plan, as shown on the proposed Lighting Plan Layout, relates to an earlier layout it nonetheless clearly

shows the proposed public lighting scheme does not result in any light spillage for adjacent residents in Deans Court or indeed any other surrounding residential development in the immediate area. Owing to the proposed orientation of habitable rooms within Apartment Block A, I would not anticipate any undue light spillage from the proposed apartments within the scheme to surrounding residents including those within Deans Court. I am therefore satisfied that the proposed development, as presented, is acceptable in terms of potential Light Spillage.

- *Residential Amenities - Conclusion*

7.5.11. Although, as set out above, the proposed development, as presented is, in my opinion, acceptable in terms of its anticipated impacts on the future residential amenities of surrounding residents, there are more substantive issues raised further above which, in my opinion, mean the overall principle of the proposal development is not acceptable.

7.6. Access and Traffic/ Car Parking

- *Access and Traffic*

7.6.1. It is proposed to provide vehicular access to the site via the existing 1 no. single point of entry at the existing main entrance off the R910, positioned along the southwestern site boundary. No alterations are proposed to the existing walled entrance, piers and/or gates as part of the development approved by the Local Authority. It is proposed to introduce a yield system for vehicles exiting the development. This arrangement has been appraised under an independent Road Safety Audit (RSA) submitted as part of the planning application documentation. The yield system is shown on the final site layout map drawing 3-1-101, Rev B. The existing entrance is shown to measure 3.65 metres in width and caters for single lane traffic only.

7.6.2. I note the concerns of both Third Party Appellants in relation to the issues of access, traffic and car parking. With regard to access and traffic, in particular, reference is made to the concerns raised by the Road Design Office in terms of traffic safety at the proposed site access arrangement. The Appellants also raise concerns in relation to a right turning manoeuvre for vehicles exiting the site, construction access arrangements and preference to provide a temporary construction access from the Nuncio Road roundabout and the lack of road/ access drawings.

- 7.6.3. In the first instance, the Commission will note the abovementioned single lane yield access arrangements presented on drawing no. 3-1-101, Rev B. I am satisfied the Applicant has clearly presented their proposed access arrangements on this said drawing and within the supporting drawings and documentations including a Traffic and Transportation Assessment (TTA) and an independent Road Safety Audit (RSA).
- 7.6.4. The existing single lane access serves the subject appeal site as well as the adjacent site to the immediate north and the rear of adjacent buildings to the southeast. It is accepted the proposed development will result in an increase in traffic movements from the site. I am satisfied, as per the Applicants' Response to Point no. 2 of the Request for Clarification of Further Information (CFI) which includes an updated Traffic and Transportation Assessment and Road Safety Audit, that the Applicant has clearly demonstrated there is more than ample spare capacity at the subject junction/ gateway to accommodate both the existing and proposed development.
- 7.6.5. Although not expressly raised as a concern of the Appellants, I note the issue of sightlines arose as part of the submissions received on the planning file. The existing sightline towards the City Centre (i.e. to the northwest from the bell mouth site access) is stated in one of the submissions to be very poor. I note the site entrance is located within the 30 km/h speed limit zone and that the start of the 50 km/h speed limit zone commences further to the southeast (c. 6 metres) from the main entrance. I further note as per the submitted general sightline drawing, no. C01 (Titled '*Sightlines layout plan showing 2.4 metre setback from road*'), the Applicant shows a 24 metre sightline in a northwest direction and states this is as per table 4.2 of the Design Manual for Urban Roads and Streets (DMURS). I note as per said table 4.2 from DMURS that standard forward visibility is stated to be 23 metres and that this increases to 24 metres on a Bus Route. I note that although the 2.4 metre sightline to the north is partially obstructed by an existing electricity pole, this is positioned off the boundary wall and does not, in my opinion, entirely obscure the available sightline/ sightline envelope to a significant degree. I therefore consider the existing sightline to the northwest, which is not proposed to be altered, to be acceptable, in terms of traffic safety, for all road users, including cyclists.

- 7.6.6. I note the traffic safety concerns of the Appellants which refer to the concerns raised by the Road Design Section. I have reviewed the final Road Design Section Report, and I note the traffic safety issue is focused on the proposed single lane yield system, the opposition to which is based on observed conditions on site. The specific traffic safety concern relates to anticipated limited visibility between vehicles entering the site from the public road and those holding the yield line, which it is stated 'could' give rise to traffic conflict at the entrance. I note this traffic safety concern of the Road Design Section is not raised in the decision issued by the Local Authority and that a single lane access arrangement and yield system has been approved, subject to final agreement under Condition no. 14.
- 7.6.7. The existing vehicular entrance is in use as the sole means of vehicular access to the overall site which includes the subject appeal site, a number of State Agencies, Workshops and some emergency residential accommodation. The existing uses on site are stated to account for a total of 24 no. existing car parking spaces. I note the subject entrance is shown to measure 3.65 metres in width, that there are tall gate pillars on either side of said entrance and that there are 2 no. pedestrian entrance gates on either side of said pillars. The main entrance gates are understood to no longer be in use and remain permanently open. The remainder of the bell mouth entrance comprises a tall/ capped stone wall with smaller piers at the roadside. I note the yield line is proposed to be set back c. 5 metres from the centre of the existing gate and positioned at an angle to the main entrance. In my opinion, owing to the proposed curved nature of the access road at this location, traffic speeds are likely to be low for both ingress and egress traffic, particularly when compared to the existing main internal access road to the northwest of the main Convent building, the current straight configuration of which is, in my opinion, such that it can accommodate higher traffic speeds.
- 7.6.8. Point no. 8 of the Request for Clarification of Further Information specifically relates to the subject vehicular entrance and sought for the proposed yield arrangement to be assessed under a revised Road Safety Audit. I note the Applicant's Response to same wherein no road safety concerns are raised in the final RSA in relation to the subject entrance. The sole recommendation of the RSA at this location is that a yield sign is to be provided. I note Condition no. 14 is a Prior to Commencement Condition which requires the submission and agreement of an access traffic management

system with the Local Authority Planning Department and Roads Authority which is to operate within the current entrance confines. This requirement, in my opinion, suggests that further additional modifications are required to the proposed yield system, the precise details for which are yet to be determined. Such additional arrangements could, in my opinion, include, for example, a traffic light management system at the entrance which gives priority to incoming traffic.

- 7.6.9. Having regard to the sensitive nature of the existing entrance which is recorded on the National Inventory of Architectural Heritage (NIAH) as being of Regional Importance, see reg. ref. no. 12002003, I consider that the attachment of condition no. 14 or similar, in the event of a Grant of permission being issued, is justified as such future traffic management arrangements may include potential built heritage impacts.
- 7.6.10. The Appellants refer to an issue raised in the final Road Design Section Report in relation to a right turning manoeuvre for vehicles exiting the site onto the public road. The specific comment from the Road Design Section states *'the adjoining Nuncio Road Roundabout could be utilised to accommodate right-turning vehicles exiting the development site, minimising turning movement conflict at this restricted entrance.'* I note an issue as to the adequacy of the current right turning movement for vehicles exiting the site did not arise in either the TTA/ RSA submitted or as part of the Further Information/ Clarification Requests, and I further note this is not expressly referenced as part of the planning assessment or indeed any of the 23 no. conditions attached to the Notification of Decision to Grant permission, as issued by the Local Authority.
- 7.6.11. Notwithstanding this and noting the above comments of the Road Design Section, I consider the implementation of such an arrangement would indeed serve to assist in minimising potential turning movement conflicts at the currently restricted site entrance. Therefore, in the event of a Grant of permission being issued, the Commission may decide to attach a condition similar to condition no. 14 of the Notification of Decision to Grant issued by the Local Authority. However, owing to the other more substantive issues raised above, this scenario may not arise.
- 7.6.12. I note as part of the Response to Point no. 3 of the Request for Further Information, the Applicant submitted a Planning Stage Construction Traffic Management Plan,

see Appendix G of the TTA received by the Local Authority on 20/12/2024. Proposed Traffic Management arrangements for Construction Traffic are set out in Section 9.0 of the Plan. Construction access is proposed via the existing access off the Waterford Road. As part of the first stage of construction, it is proposed to secure the entire site boundary and to establish staff welfare facilities and the site compound. This would then be followed by the stabilisation and securing of the elements of the development proposed to be retained and then site clearance and demolition of the remaining building elements. The Applicant anticipates that access for local traffic will not be blocked as a result of the proposed development, construction deliveries are anticipated to be in the form of vans and 10 to 12 metre rigid heavy goods vehicles (HGVs), and the use of larger vehicles is anticipated to be low, if at all. Other noted measures in terms of the management of construction traffic include the avoidance of deliveries, where possible, to outside of peak hours, the timing of multiple deliveries to the same time, the ability to load/unload vehicles parked on the Waterford Road by cranes on site, road sweeping along the site frontage, the appointment of banksmen/ point men and traffic management signage during the unloading of abnormal loads, the control of access to and from the site thereby avoiding potential pedestrian conflicts, potential temporary footpath closure along the site frontage and implementation of temporary alternative pedestrian routes, subject to the agreement of the Local Authority, the management of Construction Traffic Routes where possible, the control of Construction Parking on site and the noted availability of alternative parking arrangements off site and the control of vehicle movements during construction. I note additional measures are proposed for the maintenance of the Public Road during the construction phase. I note condition no. 13 of the Notification of Decision to Grant Permission issued by the Local Authority relates to a pre-commencement Construction Environmental Management Plan (CEMP), including a traffic management plan for the construction phase, which is subject to the prior written agreement of the Local Authority.

- 7.6.13. In summary, I am satisfied that the proposed access arrangements are acceptable in terms of traffic safety subject to agreement of final details in terms of their potential conservation impact on the existing gateway. I am further satisfied that the control of Construction Traffic via the existing site entrance from the Waterford Road can be suitably managed subject to the submission and agreement of a final Construction

and Environmental Management Plan (CEMP), including Construction Traffic Management Plan. Both the final traffic management arrangements and the final CEMP can be agreed with the Local Authority by way of prior to the commencement conditions in the event of a Grant of permission being issued. Notwithstanding the above, the Commission will note there are more substantive issues arising, as set out further above, which, in my view, mean the overall principle of the proposal development is not acceptable.

- *Car Parking*

7.6.14. I note point no's 4, 5 and 6 of the Request for Clarification of Further Information relate to the issue of Car Parking. The Applicant has clarified there are a total of 24 no. existing car parking spaces on the subject appeal site and the wider overall site which serve a variety of existing uses. With specific reference to the subject appeal site, the current use of building no. 6 is stated to be '*Residential & Office & SAD (caretaker house)- in use (office & SAD only)*' to which, in addition to building no. 7 (Church), the Applicant has assigned 7 no. car parking spaces. The balance of the said 24 no. spaces, i.e. 17 no. spaces, are stated to currently serve buildings 1, 2, 3, and 5 which are located outside the defined red line boundary of the site and relate to a VTOS Woodwork Worksop (Building 1), TUSLA Offices (Building no. 2), Kilkenny Social Services Offices (Building no. 3) and VTOS Young Irish Filmmakers (Building no. 5).

7.6.15. As per the car parking standards set out in Section 12.2 of Volume 1 of the Development Plan, a maximum standard of 1.25 spaces per Apartment unit applies with 0.25 spaces per unit for visitor spaces, see Table 12.3. The proposed 34 no. unit apartment development, as approved by the Local Authority, therefore generates a maximum car parking demand for 51 no. car parking spaces. The Applicant proposes to provide a total of 38 no. new Car Parking Spaces in addition to the abovementioned 7 no. existing car parking spaces, i.e. a total of 45 no. spaces on the overall combined site defined by the redline boundary and including buildings no's 6 and 7. The Applicant acknowledges there is a shortfall of 13 no. spaces for the proposed residential development (i.e. 51 no. required and 38 no. provided). Within the overall site the Applicant indicates there will be a total of 62 no. car parking spaces (i.e. the 45 no. spaces within the red line boundary of the subject appeal site and 17 no. existing spaces outside the defined redline boundary (Buildings 1 to 5).

7.6.16. I agree with the findings of the Applicant that there is a shortfall of 13 no. car parking spaces on the proposed development site, as per the Car Parking Standards set out in Section 12.2 of the Development Plan. I also note, as per the guidance provided in Section 12.12 of the Plan that *‘where car parking provision on site is not possible, or desirable for other valid reasons, the Council may consider the payment of a financial contribution in lieu.’*

7.6.17. The Sustainable Residential Development and Compact Settlement Guidelines, 2024, refer in Section 5.3.4, to Car Parking – Quantum, Form and Location. This includes SPPR3 – Car Parking. As noted further above in Section 7.4 of this Report, the subject appeal site is not considered to fall within the definition of an ‘Accessible Location’, as defined in Table 3.8 of the said Guidelines. As per SPPR 3 therefore and owing to the location of the site, the development plan rate of 1.5 spaces per Apartment is therefore applicable. The Applicant submits that owing to the sites proximity to transport networks, a reduction in car parking is justified in this instance. The Applicant further submits that by reducing the number of car parking spaces and by increasing cycle parking and encouraging the use of public transport, cycling and walking as primary modes of transport, this will assist in alleviating traffic congestion by reducing the number of cars on the road. I consider there is merit in the case presented and that therefore in the event of a Grant of permission being issued, a development contribution in lieu of the shortfall of 13 no. car parking spaces should be applied. Notwithstanding the above, the Commission will note there are more substantive issues arising, as set out further above, which, in my view, mean the overall principle of the proposal development is not acceptable.

7.7. Other Matters

- *Sufficient Legal Title/ Land Ownership*

7.7.1. The Appellant questions the extent of the Applicant’s Land Ownership/ Control and submits there are additional lands outside the control of the Applicant which form part of the proposed development boundary. The Applicants (Gemstack Limited) indicate in Q.10 of the Application form that they are the site owners. A Letter of Consent is also provided by the Applicants to the Appointed Architectural Firm to act as Agents. This said Letter of Consent also states that the Applicants are the Legal Owners of the property.

- 7.7.2. I note the Applicant's Appeal Response wherein reference is made to Item 3 (d) of the Request for Further Information and Item 6 of the Request for Clarification of Further Information which relate to Car Parking. The Applicant submits the revised proposals show all serviceable and usable land to be within the red line boundary without impact on third party lands, namely Kilkenny Social Services.
- 7.7.3. I note guidance set out in Section 5.13 of the Development Management Guidelines, 2007, regarding issues relating to the title to land where it is stated, in particular, that *'the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts.'* I further note the provisions of Section 34 (13) of the Planning and Development Act, 2000, as amended, where it is stated that *'a person shall not be entitled solely by reason of a permission under this section to carry out any development.'* I am satisfied that the Applicant has demonstrated sufficient legal interest to apply for planning permission and as such any dispute in relation to landownership is a civil matter between the relevant landowners.
- *Validity of Planning Application/ Online Portal*
- 7.7.4. I note the Appellant's concerns in relation to the validity of the planning application and stated errors in the Online Portal. I also note the Applicants' Appeal Response wherein it is acknowledged that some of the planning application documentation was not signed, particularly the application form and that this is due to the fact that this is uploaded to the portal and that it is not possible for the Architect/ Agent to sign such a form, that a Letter from the Architect/ Agent is instead required and that this was provided. The Applicant further submits that as the Application was deemed to be valid by the Local Authority, it is not the role or responsibility of the Commission to question the said validity of the application or otherwise.
- 7.7.5. I note the Appeal Response received from the Local Authority which does not raise any question in relation to the validity of the application or indeed any issue in respect of the information provided on the Online Portal. Similarly, the issue of the validity of the Planning Application or indeed issues with the Online Portal were not raised as part of either the Request for Further Information or Clarification of Further Information as issued.

- 7.7.6. I agree with the Applicant that it is not the role of the Commission to question the validity of the application. It is clear the Application has been deemed valid by the Local Authority and as noted further above, I am satisfied the Applicant has submitted sufficient legal interest to apply for permission. The Commission may therefore not wish to pursue this matter any further.
- 7.7.7. I agree that the Application Form submitted to the online portal is indeed not signed. I also note a signed Cover Letter from the Agent, dated 18th July 2024, was also submitted/ uploaded to the online portal. Both the Application Form and letter are stamped received by the Local Authority on 18th July 2024. I note the online application form includes the following statement in Section 22: *'where an application is made in electronic form with the consent of the Planning Authority under article 22(3) of the Principal Regulations valid login credentials will replace the need for a signature and satisfy the declaration.'* The Appellant considers the above Guidance to be in error and further considers Article 22 (3) is a generic statement which does not set aside for the application form to be signed but instead that the usual 6 no. copies are reduced to 1 copy.
- 7.7.8. I note as per the Frequently Asked Questions (FAQ) on the Local Government Online Planning Portal, (See Q. 49), the following is stated, *'..when an application is made in electronic form with the consent of the Planning Authority under article 22(3) of the Principal Regulations, valid login credentials will replace the need for a signature and satisfy the declaration.'* In my opinion, the Applicant's login credentials are acceptable in the case of electronic planning applications, in place of the Applicant's signature on the online planning application form.
- 7.7.9. Additional issues are raised by the Appellant in relation to the Online Planning Portal which include the lack of a positive affirmation requirement when signing up to the online portal and a requirement that any unsigned statement would require the express consent of the planning authority. I again refer to the above guidance/ FAQ from the Local Government Online Portal wherein the login credentials of the Applicant replace the need for a signature. There is, in my opinion, no express requirement for a 'positive affirmation' to which the Appellant refers. It is clear, in my opinion, that valid login credentials replace the need for a signature.

7.7.10. The Appellant submits there are other errors, misrepresentations and inconsistencies in the signing of the documentation or indeed the omission of signatures in certain instances. In my opinion, the Applicant has suitably complied with the requirements for the lodgement of a valid online application.

- *Noise*

7.7.11. Both Appellants raise the issue of future noise impacts arising as a result of the proposed development. A specific concern is raised in relation to noise pollution arising as a result of the reduction of Block A to 3 Storeys and the associated stepped design. I note the final design proposals as approved by the Local Authority and the associated design evolution from the initial taller structures to the 2 no. approved 3 storey blocks. I note the location of the adjacent existing residential development at Deans Court relative to the proposed development and, in particular the proposed separation distances between said properties and Block A. I further note the proposed side gable of Block A at this location, as shown on Drawing No. 3.1.201 (Rev A) Block A – Proposed Sections and Elevations where there are no Apartments directly facing the rear of the said residences at Deans Court and all Apartments face either northeast or southwest. In addition, the existing stone high stone wall is proposed to be retained and all terraces at ground floor level and balconies on the first and second floor levels on this elevation are shown to include 1.8 metre high obscure glazing. In my view, I would not envisage the noise levels from the operational phase of a residential development of the type proposed would give rise to significant noise impacts over and above normal noise levels in an urban setting. Notwithstanding the above, the Commission will note there are more substantive issues arising, as set out further above, which, in my view, mean the overall principle of the proposal development is not acceptable.

- *Devaluation of Property*

7.7.12. The issue of an anticipated Devaluation of Property is raised in a number of the third party submissions to the planning application. I note however that the Objector in that case has not provided any evidence in support of this contention. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

- *Fire Safety*

7.7.13. I note fire safety and fire hazard issues are raised in the Appeal. Fire safety is dealt with under the Building Regulations. The issue of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Commission for the purposes of this appeal.

8.0 AA Screening

8.1. Screening Determination (See Template 2 Standard Appropriate Assessment Screening Determination Template attached as Appendix to this Report)

Finding of no likely significant effects

8.2. 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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Barrow and Nore SAC or the River Nore SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.3. This determination is based on:

- The nature and scale of proposed demolition on the site, the relatively modest scale of the proposed development and lack of mechanisms that could significantly affect a European Site.
- The location/ distance from the nearest European Site and the lack of any connections to same.

9.0 Water Framework Directive

9.1. The subject appeal site is located within the urban area of Kilkenny City. The proposed development comprises the construction of 2 no. Apartment blocks and all associated site works.

9.2. The River Nore (Nore_170, Code: (SE_15NO11950)) is located c.656 metres to the north and the Bregagh Stream (Bregagh (Kilkenny)_30 (SE_15B020350) is located

southwest of the appeal site. The appeal site is also located within 2 no. Groundwater Bodies, namely Killkenny-Ballynakill Gravels (SE_G_163) and Killkenny (SE_G_078) which underly the site.

- 9.3. No water deterioration concerns were raised in the planning appeal.
- 9.4. I have assessed the proposed residential development 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.
- 9.5. The reason for this conclusion is as follows:
- The relatively small-scale nature of the proposed development.
 - The location of the subject appeal site, distance to the nearest water body and lack of direct hydrological connections.
- 9.6. 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.

10.0 Recommendation

- 10.1. I recommend that permission be REFUSED for the following reasons.

11.0 Reasons and Considerations

1. Having regard to Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), the applicant has failed to submit adequate information in relation to bats within the existing buildings and features on site to demonstrate that the proposed development would not lead to disturbance or destruction of roosting sites for bats, which are subject to strict protection under the Directive. In the absence of adequate information, the proposed development, as presented, is not considered to be in accordance with the proper planning and sustainable development of the area.
2. It is considered that the proposed development, comprising a total of 34 no. apartments in 2 no. blocks of three storeys in height, would by reason of its excessive residential density at this location, be out of character with the prevailing pattern of development in the area and would therefore represent overdevelopment of this sensitive site. The proposal 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.

Frank O'Donnell
Planning Inspector

29th August 2025

Form 1 - EIA Pre-Screening

Case Reference	322480-25
Proposed Development Summary	Demolition of shed and construction of 2 no. apartment blocks comprising of 40 no. apartments
Development Address	Deansground, Waterford Road, 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,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 b) (i)</p> <p>Construction of more than 500 dwelling units.</p> <p>Class 10 b) (iv)</p> <p>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.)</p>

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"/>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i></p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322480-25
Proposed Development Summary	Demolition of shed and construction of 2 no. apartment blocks comprising of 40 no. apartments.
Development Address	Deansground, Waterford Road, 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).	<p>The subject appeal site measures 0.751 hectares. The proposed development, as initially presented to the Local Authority, comprises 2 no. Apartment Blocks (Blocks A and B) which are four and five storey blocks respectively, 82 no. car parking spaces and landscaping/ circulation space. It is proposed to demolish an existing c. 85 sqm single storey storage shed.</p> <p>The site is a brownfield, part side garden (orchard) infill site and is adjacent to established residential development and commercial development positioned to the immediate north. The site also contains an existing former convent building.</p> <p>It is anticipated that the proposed development will not result in any significant use of natural resources, will not result in any significant production of waste, will not give rise to significant pollution or nuisance impacts, will not give rise to any significant risk of accident/ disaster or impacts upon human health.</p>
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).	<p>The development is a brownfield site situated in a suburban area. The subject site includes 2 no. features (Convent Building and Entrance Gates) which are listed on the National Inventory of Architectural Heritage (NIAH). The site is not located within or adjacent to sensitive sites or European Sites including any Natura 2000 sites. The site is not located in what can be considered a densely populated area and is not within an area of archaeological significance.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the relatively small scale nature of the proposed development, its location removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
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.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Template 2:

Standard AA Screening Determination Template Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Demolition of shed and construction of 2 no. apartment blocks comprising of 40 no. apartments.
Brief description of development site characteristics and potential impact mechanisms	<p>The site is a brownfield, part side garden (orchard) infill site and is adjacent to established residential development and commercial development positioned to the immediate north. The site also contains an existing former convent building.</p> <p>The subject appeal site measures 0.751 hectares.</p> <p>It is proposed to demolish an existing c. 85 sqm single storey storage shed.</p> <p>The proposed development, as initially presented to the Local Authority, includes the construction of 2 no. Apartment Blocks of four and five stories respectively, and includes the provision of a total of 82 no. car parking spaces.</p> <p>The proposed Sustainable Urban Drainage System (SUDS) is proposed to be provided in the form of interception storage (a 20% climate change factor will be applied to the allowable discharge for the 100-year event). Interception storage will be catered for by means of Blue/ Green Roofs, Tree Pits, Rainwater Harvesting, Rain Garden Planters, Soakaways and Permeable Paving. There is no surface water discharge arising as a result of the proposed development which is proposed to discharge to the public surface water sewer.</p>

	There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.			
Screening report	Yes – Local Authority			
Natura Impact Statement	No			
Relevant submissions	None			
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 Nore SAC (Site Code 002162)	Estuarine and coastal habitats, watercourses, woodlands and plant and animal species. https://www.npws.ie/protected-sites/sac/002162	0.54 km to the north.	No direct connection Indirect connection via surface water sewer	Y
River Nore SPA (Site Code 004233)	Kingfisher <i>Alcedo atthis</i> https://www.npws.ie/protected-sites/spa/004233	0.7 km to the north.	No direct connection Indirect connection via surface water sewer	Y

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

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1:</p> <p>River Barrow and Nore SAC (Site Code 002162)</p> <p><u>Qualifying Interests</u></p> <p>1016 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i></p> <p>1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i></p> <p>1092 White-clawed Crayfish <i>Austropotamobius pallipes</i></p> <p>1095 Sea Lamprey <i>Petromyzon marinus</i></p> <p>1096 Brook Lamprey <i>Lampetra planeri</i></p> <p>1099 River Lamprey <i>Lampetra fluviatilis</i></p> <p>1103 Twaite Shad <i>Alosa fallax fallax</i></p> <p>1106 Salmon <i>Salmo salar</i></p> <p>1130 Estuaries</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p>	<p>Direct: None</p> <p>Indirect:</p> <p>Potential negative impacts (temporary) are anticipated on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p>	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC and SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC or SPA for the QIs listed.</p> <p>Conservation objectives would not be undermined.</p>

<p>1170 Reefs</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (Glaucopuccinellietalia maritimae)</p> <p>1355 Otter Lutra lutra</p> <p>1410 Mediterranean salt meadows (Juncetalia maritimi)</p> <p>1421 Killarney Fern Trichomanes speciosum</p> <p>3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</p> <p>4030 European dry heaths</p> <p>6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>7220 Petrifying springs with tufa formation (Cratoneurion)*</p> <p>91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles</p>		
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91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, <i>Salicion albae</i>)*		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 2: River Nore SPA (Site Code 004233) <u>Qualifying Interests</u> A229 Kingfisher Alcedo atthis	As Above	<p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the QIs listed.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site.		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the River Barrow and Nore SAC or the River Nore SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project].</p> <p>No mitigation measures are required to come to these conclusions.</p>		

Screening Determination

Finding of no likely significant effects

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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Barrow and Nore SAC or the River Nore SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of proposed demolition on the site, the relatively modest scale of the proposed development and lack of mechanisms that could significantly affect a European Site.
- The location/ distance from the nearest European Site and the lack of any connections to same.

Template 1: Screening the need for Water Framework Directive Assessment Determination.

The subject appeal site is located at Deansground, Waterford Road, Kilkenny City, County Kilkenny, to the south of the City centre and approximately 540 metres to the south of the River Nore.

The proposed development, as initially presented to the Local Authority, comprises

- Demolition of existing shed (c. 85 sqm)
- Construction of 2 no. Apartment Blocks comprising a total of 40 no. Apartments, with a stated combined floor area of 1,609 sqm.
- The provision of 82 no. car parking spaces and associated site works, including drainage.

The development permitted by the Local Authority and for the consideration of the Commission comprises, in summary

- Demolition of existing shed (c. 85 sqm).
- Construction of 2 no. Apartment Blocks comprising 34 no. Apartments.
- The provision of a total of 45 no. car parking spaces (existing 7 no. car parking spaces/ 38 no. residential spaces).

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed residential development 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.

The reason for this conclusion is as follows:

- The modest-scale/ infill nature of the proposed development.
- The location of the subject appeal site, distance to the nearest water body and lack of hydrological connections.

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.

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ACP-322480-25	Townland, address	Deansground , Waterford Road, Kilkenny City, Co. Kilkenny
Description of project		Demolition of shed and construction of 2 no. apartment blocks comprising of 40 no. apartments (Reduced to 34 no. in LA decision)	
Brief site description, relevant to WFD Screening,		The subject appeal site comprises a former Convent and associated attendant grounds. The site is located within an urban area and is considered brownfield. There is an existing surface water sewer along the Waterford Road as evidenced by the Road Gullies at regular intervals. It is unclear if there is an existing connection to this said surface water sewer.	
Proposed surface water details		It is proposed to discharge surface water to on site soakpits/ soakaways.	
Proposed water supply source & available capacity		It is proposed to serve the development with water from the public mains which traverses the site. A connection has been confirmed by Uisce Eireann to be feasible subject to upgrades. No water supply capacity constraints have been identified.	
Proposed wastewater treatment system & available capacity, other issues		It is proposed to connect the development to the existing wastewater network. with water from the public mains which traverses the site. A connection has been confirmed by Uisce Eireann to be feasible subject to upgrades. No wastewater capacity constraints have been identified.	

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	656m	Nore_170 (SE_15NO11950)	Good	Not at risk	None identified	Not hydrologically connected to surface watercourse.
River Waterbody	860m	BREGAGH (KILKENNY)_030 (SE_15B020350)	Moderate	At risk	Hydromorphology, Agriculture and Industry	Not hydrologically connected to surface watercourse.

Groundwater waterbody	Underlying site	Killkenny- Ballynakill Gravels (SE_G_163)	Good	Not At risk	None identified	Free draining soil conditions/ gravels	
Groundwater waterbody	Underlying site	Kilkenny (SE_G_078)	Good	At risk	Unknown, Agriculture	Free draining soil conditions/ karstic	
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.	Surface	Nore_170	None	None	None	No	Screened out

2.	Surface	BREGAGH (KILKENNY)_030	None	None	None	No	Screened out
3.	Ground	Killkenny- Ballynakill Gravels	Drainage to Groundwater	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
4.	Ground	Kilkenny	Drainage to Groundwater	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
1.	Surface	Nore_170	None	None	None	No	Screened out
2.	Surface	BREGAGH (KILKENNY)_030	None	None	None	No	Screened out
3.	Ground	Killkenny- Ballynakill Gravels	Drainage to Groundwater	None	None	No	Screened out
4.	Ground	Kilkenny	Drainage to Groundwater	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	N/A						

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