



Question

Whether the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of 3 no. chalets to accommodate protected persons is or is not exempted development?

Location

St Patrick's Centre, Kells Road, Co. Kilkenny

Declaration

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

DEC858

Applicant for Declaration

Beauscandle Ltd.

Planning Authority Decision

Is not exempted development

Referral

Referred by

Beauscandle Ltd.

Owner/ Occupier

Beauscandle Ltd.

Observer(s)

None.

Date of Site Inspection

1st December 2025.

Inspector

Jennifer McQuaid

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1.0 Site Location and Description

1.1. The subject site is located in the rural area of Kilkenny County and approximately 2km south of the centre of Kilkenny City. The site is accessed via a regional road R697. The site is known as St. Patrick's Centre. There are a variety of buildings on this site including residential care home currently in operation and former swimming pool, activation building and former accommodation chalets. There are two buildings on the site listed on the National Inventory of Architectural Heritage, these include; Industrial School (NIAH no. 12401904) – detached nine bay two storey Jacobean Revival industrial school with dormer attic, built 1861 and the Church/Chapel (NIAH no. 12401918) – attached eight-bay double height gothic style catholic chapel, c. 1875, with single bay single storey chapels to north and to south having three bay single-storey sacristy to south, single-bay double-height lower chancel to west, and single-bay two storey lower linking bay to north-east having single-bay single storey gabled projecting glazed porch. Refenestrated, c. 1975. Now in use as centre.

2.0 The Question

2.1. The question before the Coimisiún relates to one question:

Whether the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of 3no. chalets to accommodate protected persons, is or is not development and is or is not exempted development?

2.2. The owner has requested a determination from the Coimisiún.

3.0 Planning Authority Declaration

3.1. Declaration

The Planning Authority declared that the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of

3no. chalets to accommodate protected persons, is development and is not exempted development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposal involves the demolition of internal walls within the structures, the erection of new internal walls and the construction of new floor over the existing swimming pool void, it is considered that the construction works are development.
- Development can also occur where there is a material change of use. St. Patrick's on the Kells Road was a complex of buildings which accommodated people with special needs in a residential setting. There were additional buildings on site to service that use such as office accommodation, swimming pool, a gymnasium and other ancillary buildings. That use has ceased and it is proposed now to change the use of the chalets known as Kells Court, the swimming pool building and linked activation room building and three number chalets to house international protection applicants to the state. A total number of 146 bed spaces are to be provided.
- It is considered that the change of use is material and is considered to be development in its own right due to the character of the previous use and the character of the proposed use.
- Reference made to Section 4, 4(1)(h) of the Planning and Development Act, as amended, Schedule 2, Article 6, Part 1 Exempted Development, Class 14 of Part 1, Schedule 2, Class 20F of Part 1, Schedule 2.
- Further Information required in relation to; existing infrastructure on site, watermains, waste water pipe network and proposed holding tank, existing waste water treatment system on site, wastewater tank for temporary storage, location of existing pipe network, location of works to plug the overflow pipes and outfall drains, details of commencement of works, confirmation of acceptance of waste from the operator, previous number of residents and maximum number of residents and staff accommodated at any particular time,

details supported by necessary documentary evidence of the uses in those structures required during the operational period of St Patrick's prior to its sale.

- The Planning Authority has a concern that the proposed works to the existing wastewater network on site (i.e. The plugging of outfalls and overflow pipes) could be considered as mitigation measures in order to reduce the impact of the proposal on the nearest SAC.

Further Information Report

- External works required including the existing aeration ditch/oxidation ditch tank of the existing wastewater treatment system will be repurposed as a holding tank, the existing emergency overflow pipe and outfall pipe which form part of the former wastewater treatment system is to be sealed and plugged, the existing outfall from the oxidation tank to the secondary clarifier which has an outfall to the river is also to be plugged.
- Note the following remarks in the AA Screening Report.
 - All works will be limited to the interior of the buildings
 - The development will use the existing water supply and drainage infrastructure
 - No changes will be made to the existing wastewater drainage infrastructure
 - There is an existing emergency overflow pipe and outfall pipe that form part of the old infrastructure and that connect to the stream.
 - These pipes will be sealed as part of the construction methodology to convert into a closed system.

It is noted that the two questions posed in the section 5 do not refer to the proposed works to be carried out on the existing/old sewerage system. It is the Planning Authority's view that these works are a key feature to the project and in their opinion the project could not go ahead with the alterations to the drainage network as proposed.

- It is notable that two outfalls to the existing system (The Breagagh River) are to be sealed and plugged. While it is stated that these elements are part of the “construction methodology” and are not for the purpose of protecting designated sites downstream, it is the Planning Authority’s view that it was absolutely necessary to plug the two outfalls in order to prevent raw sewerage from the development exiting from the existing system to the River Breagagh and therefore by hydrological connection to the River Nore SAC and SPA.
- It is also viewed that the screening report is fundamentally flawed as it has not considered the question of the works carried out to the existing sewer network and this is evidenced by the contradictory statements on page 8 of the AA screening which are highlighted in the report.
- It is not considered that the measures are in any way standard good practice concerning the works being carried out.
- The section 5 should include the wording for the proposed works to the existing sewer network converting the oxidation ditch into a closed system and the plugging of the outfall and the emergency outfall to the River Breagagh.
- The proposal is therefore in accordance with Section 4(4) of the Act the proposed works and change of use is development which is NOT exempt development.

3.2.2. Other Technical Reports

- None

4.0 Planning History

PA Reg: 2560338: Permission Granted on 5th November 2025. The proposed development comprises of the installation of a foul sewer pump station and new connection to public foul sewer at Kells Road Roundabout via the existing St Patrick School rising main, and associated site works, within the lands at St. Patricks Accommodation Centre.

Note: AA Screening submitted and concluded that there is no potential for likely significant effects on any European Designated sites. The identified impacts will not

compromise the conservation objectives of the identified Qualifying Interests of the European Designations.

Also to note, no reference is made to the development proposed in this Section 5, therefore I cannot clarify if the owner intends to connect to entire site to the public foul sewer.

PA Reg: 2360391: Permission granted for the construction of a single-storey extension (height of 7.2m approx.) to the existing school, also undertake internal alterations to the existing school building. These proposed works comprise of reconfiguration of existing building elevation, relocated entrance lobby and new entrance canopy, six classroom special needs unit and central activities area, all ancillary pupil and staff facilities, new bike shelter, car parking spaces, hard and soft play areas and landscaping, the removal of trees to accommodate new site layout and new attenuation tank, roof surface PV panels, complete with all related site works at the St. Patrick's Special School, Kells Road, Kilkenny, on our site at St. Patrick's Special School, Kells Road, Kilkenny, R95 KW26 (Townland of Reviewfields) in the attendant ground of a protected structure NIAH register numbers 12401918 and 12401904.

PA Reg: 19831: Permission granted for: (a) the installation of a foul sewer pump station and associated site works at St Patrick's School, Kells Road, Kilkenny R95 KW26 (townland of Reviewfields): (b) the laying of a pumped rising main approximately 500m long along Kells Road (R697) and (c) a new connection to the existing public foul sewer system at the Kells Road Roundabout.

PA Reg: 02485: Permission granted for partial demolition, refurbishment and extensions to Our Lady's House for the caring of intellectually disabled children and adults.

PA Reg: 01751: Permission granted for a new extension and refurbishment to the existing school, with all new ancillary site works.

PA Reg: 001284: Permission granted to erect 3 no. Prefabricated Classrooms, WC's, Quiet Room and all ancillary site work on our grounds.

PA Reg: 98747: Permission granted to extend their existing convent complete with associated site works on site.

PA Reg: 93557: Permission granted for hydrotherapy pool & changing rooms on their site at Kells Road, Kilkenny.

5.0 Policy Context

5.1. Development Plan

Kilkenny City and County Development Plan 2021 – 2027 (CDP), Volume 1 but there are no provisions for relevant to this referral.

Chapter 10 refers to Infrastructure & Environment.

Section 10.1.8.5 refers to Water Quality Development Management Requirements:

- To assess all new applications for single houses in accordance with the EPA manual entitled Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) or any subsequent revisions or replacement. The person carrying out the assessment will be suitably qualified and in the local authority's opinion, be competent to do so.
- To ensure that all industrial development is appropriately located, and to seek effluent reduction and "clean production" where feasible, and require that wastewater treatment facilities are adequate, and that effluents are treated and discharged in a satisfactory manner.
- To have regard to the Groundwater Protection Scheme and to comply with the Water Services Acts 2007 as amended in decision-making on the location, nature and control of developments and activities in order to protect groundwater.

Section 10.2.7 refers to Surface Water Drainage.

Section 10.2.8 refers to Development Management Requirements.

5.2. Natural Heritage Designations

The subject site not located in or adjacent a Natura 2000 site, the nearest sites of interest are:

- River Nore SPA (site code: 004233) is located approximately 2.1km east of the subject site.
- River Barrow and River Nore SAC (site code: 002162) is located approximately 2.1km east of the subject site.
- Archersgrove pNHA (site code: 002051) is located approximately 2.5km east of the subject site.
- Lough Macask pNHA (site code: 001914) is located approximately 3.3km north of the subject site.
- Newpark Marsh pNHA (site code: 000845) is located approximately 3.5km northeast of the subject site.
- Dunmore Complex pNHA (site code: 001859) is located approximately 4.1km north of the subject site.

6.0 The Referral

6.1. Referrer's Case

A referral has been received from the applicant seeking a declaration as to whether the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of 3no. chalets to accommodate protected persons, is or is not development and is or is not exempted development. The issues raised are:

- The proposed change of use qualifies for exemption under Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- Kilkenny County Council (KCC) state the proposal is not exempt as the change of use contains mitigation measures designed to protect the River Breaghagh from discharges of effluent which in turn has a direct hydrological connection to the River Nore and River Barrow SPA and SAC.

- No reference to the section or sections which KCC consider contravenes the exemption so as to make the proposal not exempt. No reference to any relevant case law in their decision.
- Article 9(1) subsection (viiB) states “comprise development in relation to which a Planning Authority or An Bord Pleanála is the competent authority in relation to appropriate assessment, and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European Site”, the following is noted:

- There are no changes to the height, scale and/or any external dimensions to the buildings.
- The subject site is not located within or directly adjoining any European Site. The enclosed Appropriate Assessment Screening Report identified the presence of European Sites (Natura 2000) within the potential zone of influence of the proposed development and noted that the proposed development site is located approximately 2.0km (direct distance) and 4.8km (in-stream distance) north-east of the River Barrow and River Nore SAC (site code: 002162). The River Nore SPA (site code: 004233) is also located approximately 2km (direct distance) and 4.7km (instream distance) north-east of the proposed development site. The report concluded that “Having carried out the Stage 1 Appropriate Assessment Screening, the competent authority may determine that a Stage 2 Appropriate Assessment of the Proposed Development is not required as it can be excluded, on the basis of objective scientific information following screening under this Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, that the Proposed Development, individually or in combination with other plans or projects, will not have a significant effect on any European Site.

It can be objectively concluded that no significant effects arising from the proposed development are likely to occur in relation to the River Barrow and River Nore SAC or indeed any other Natura 2000 site in the wider hinterland”.

- The proposed plugging of the outfall and emergency overflow pipes that form part of the existing wastewater treatment system was mentioned within the AA Screening Report (sections 4.1 and 6.3) for describing the proposed wastewater drainage system and for assessing the potential impacts on water quality from this system. This information had been provided by the Engineer to inform the AA Screening Report as part of the proposed methodology to convert the former Oxidation Ditch into a closed tank for effluent storage. Without the plugging of these pipes the former wastewater treatment system could not be used as a closed system for this purpose. Therefore, the plugging of the pipes is part of the design and is not for the purpose of protecting designated sites downstream. No mitigation measures are required for the protection of the River Barrow and River Nore SAC and River Nore SPA.
- A drawing has been submitted identifying the location on the existing pipe network where works to plug the overflow pipes and outfall drains will be carried out.
- Legal advice was sought and concluded; “In our view the Wastewater Works do not constitute mitigation measures which are intended to avoid or reduce the harmful effects of the Proposed Development on nearby European Sites. Rather, the Wastewater Works constitute features inherent in the Proposed Development, irrespective of any effect on the local European Sites.

Put simply, the Council is entitled, and required, to consider the Wastewater Works as part of the screening for AA. Accordingly, Panther’s conclusion that “no significant effects arising from the proposed development are likely to occur in relation to the River Barrow and River Nore SAC or indeed any other Natura 2000 site in the wider hinterland” is sound. Where satisfied that those works are effective to prevent discharge to the watercourse, there is no basis for the Council to conclude that section 4(4) applies or is relevant to all the Declaration Request.

It follows that no AA is required for the Proposed Development, and therefore the applicable exemptions are not lost by reason of Section 4(4) of the Planning Acts.

Without prejudice to the above, even if the Wastewater Works were to be classified as an offensive mitigation measure (which they should not), the Internal Works would remain exempted development as section 4(1)(h) is unaffected by Section 4(4)”

6.2. Planning Authority Response

- None received.

6.3. Owner/ occupier’s response

- As above.

6.4. Further Responses

- None

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000

7.1.1. Section 2(1) – Interpretation

Development has the meaning assigned to it by Section 3 and “develop” shall be construed accordingly.

Exempted development has the meaning specified in section 4.

Structure means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and – (a) where the context so admits, includes the land on, in or under which the structure is situate,

Works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

7.1.2. Section 3(1) – Development

In this Act, except where the context otherwise requires, “development” means –

- (a) The carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land.

7.1.3. Section 4 – Exempted Development

Section 4 (1) The following outlines exempted developments for the purposes of this Act.

Section 4 (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

7.2. Planning and Development Regulations, 2001 (as amended).

7.2.1. Article 6 (1) –

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

7.2.2. Article 9 (1) –

Development to which article 6 relates shall not be exempted development for the purposes of the Act and the restrictions and limitations are outlined in this Article.

(viiiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment, and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

7.2.3. Article 10 (1) Change of use

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not –

- (a) Involve the carrying out of any works other than works which are exempted development,
- (b) Contravene a condition attached to a permission under the act,

- (c) Be inconsistent with any use specified or included in such a permission, or
- (d) Be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

7.2.4. Class 14 – Change of Use

Development consisting of a change of use –

- (a) From use for the sale of hot food for consumption off the premises, or for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop,
- (aa) from use for the sale of food for consumption on the premises to use for the sale of food for consumption off the premises.

Restriction: Where a premises is used during the relevant period for the sale of food for consumption off the premises in accordance with Article 3, then, upon the expiration of the relevant period –

(a) the premises may be used for the sale of food for consumption on the premises in accordance with the permission that applied in respect of that premises immediately before the commencement of the relevant period, and

(b) the use of the premises for the sale of food for consumption off the premises shall not be exempted development.

- (b) From use as a public house, to use as a shop,
- (c) From use for the direction of funerals, as a funeral home, as an amusement arcade or a restaurant, to use as a shop,
- (d) From use to which class 2 of Part 4 of this schedule applies, to use as a shop,
- (e) From use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as single dwelling,
- (f) From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

Restriction: the number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

- (g) From use as a hotel, to use as a hostel (other than a hostel where care is provided),
- (h) From use a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons.
- (i) From use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and
- (j) From the change of use specified in paragraph (h) and (i) or both, to the permitted use of the premises immediately prior to the change of use specified in paragraph (h) or (i) or both.

Restriction: Class 14(j) shall not apply after a period of 3 years from the state of commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.

7.2.5. Class 20F –

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical

and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

Restriction/Criteria

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4th March 2022 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001.
3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary protection use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.
5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
6. “Displaced persons”, for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.
7. “International protection”, for the purpose of this class, has the meaning given to it in Section 2(1) of the International Protection Act 2015 (No. 66 of 2015).
8. “Temporary protection”, for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

Comments: Class 20F is inserted by article 2 of SI No. 605/2022 Planning and Development (Amendment) (No. 4) Regulations 2022.

Class 20F is substituted by Article 2 of SI No. 376/2023 Planning and Development (Exempted Development) (No. 4) Regulations 2023.

7.3. Statutory Instruments 2022 & 2023

- 7.3.1. S.I. No. 376/2023 – Planning and Development (Exempted Development) (No. 4) Regulations 2023.

Citation and Construction

1. (1) These Regulations may be cited as the Planning and Development (Exempted Development) (No. 4) Regulations 2023.
(2) These Regulations shall be included in the collective citation Planning and Development Regulations 2001 to 2023.

Amendment of Part 1 of Schedule 2 to Planning and Development Regulations 2001.

2. Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (SI. No. 600 of 2001) (as amended by Regulation 2 of the Planning and Development (Exempted Development) (No. 4) Regulations 2022 (SI. No. 605 of 2022)) is amended by the substitution for the matter set out at Class 20F.

- 7.3.2. S.I. No. 605/2022 – Planning and Development (Exempted Development) (No. 4) Regulations 2022

Citation and Construction

1. (1) These Regulations may be cited as the Planning and Development (Exempted Development) (No. 4) Regulations 2022.
2. These Regulations shall be included in the collective citation Planning and Development Regulations 2001 to 2022.

Amendment of Part 1 of Schedule 2 to Planning and Development Regulations 2001

2. Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (SI. No. 600 of 2001) is amended by inserting Class 20F

7.4. Other

- None

8.0 Assessment

8.1. Is or is not development.

- 8.1.1. Section 3(1)(a) of the Act defines development as the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land and in effect it relates to both works and the material change in the use of land.
- 8.1.2. The carrying out of works and/or the making of any material change in the use of any land or structure applies in relation to structures whether they are temporary or other structures.
- 8.1.3. The owner is proposing to temporarily change the use of Kells Court (3 attached bungalows), the swimming pool building (hydrotherapy pool and changing rooms) and linked Activation room building (dayroom extension to an adult chalet), and a group of 3no. chalets (staff chalets) at St Patrick's Centre. The buildings were part of the overall St. Patrick's Centre and therefore could be described as ancillary to and use as part of the residential care/institutional use at the overall complex.
- 8.1.4. No external works are proposed, all works proposed are minor internal works to allow for temporary accommodation and ancillary services. The Kells Court building will comprise of 68no. bedspaces, Swimming pool and Activation Building will comprise of 42no. bedspaces and the chalets will comprise of 36no. bedspaces. The total capacity of the proposed temporary accommodation use will be 146 no. persons, plus an anticipated 5no. staff at any one time.
- 8.1.5. There is no definition of "material change of use" in the Act, or any other statute. However, the question as to whether a change of use is a material one was addressed by Keane J. in the case of Monaghan County Council -v- Brogan. He stated that the of relevance to this question are: "... the matters which the Planning Authority would take into account in the event of a planning application being made for the use. If these matters are materially different (from the original use), then the

nature of the use must equally be materially different”. Furthermore, PL29/8/279 was the subject of a High Court challenge, *McMahon -v- Dublin Corporation* 1997 1 ILRM 227, in which the Board’s declaration was upheld. Barron J. held that, “... in the absence of explicit reference in the planning permission to a permitted use, regard must be had to the use for which the structure was designed, i.e. the use which was objectively intended for the structure having regard to the relevant planning documentation. The purpose for which the plaintiffs’ homes had been designed was private residential, whereas the use to which they were currently being put was commercial”.

- 8.1.6. I have considered the nature and characteristics of St. Patrick’s Centre as previously in institutional use in relation to its proposed function of accommodating persons seeking international protection and it is my view that the proposed use does not constitute a material change of use. St. Patrick’s Centre was originally designed to accommodate children initially and then as institutional accommodation for religious purposes and most recently for care of persons with intellectual disabilities. The proposed use, while catering to a specific group (persons seeking international protection) remains fundamental residential in nature. While, the buildings are no longer in use, this change does not, in my view, alter the essential character of the use, which remains the provision of accommodation.
- 8.1.7. There is an existing wastewater connection to an oxidation ditch tank (42 x 5 metres, 1.2 metre depth located approximately 200 metres south of the subject site (outside the site boundary). The applicant proposes to use the oxidation ditch tank as a wastewater holding tank whereby the wastewater will be tankered to an Irish Water facility as the existing wastewater treatment system is no longer fit for purpose. The existing outfall pipe will be plugged and tank lined with an impermeable liner.
- 8.1.8. Based on the definition of development as stated in Section 3(1)(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land and based on the information submitted and having regard to the intended use as temporary accommodation for displaced persons in former residential care/institutional use seeking international protection and the changes proposed to the wastewater treatment facility is development.

8.1.9. In conclusion, based on this assessment the provision of temporary accommodation and the proposed works to the wastewater facility ancillary to the temporary accommodation for displaced persons seeking international protection constitutes development within the meanings described as in same in section 3 of the Planning and Development Act 2000 as amended.

8.2. Is or is not exempted development.

8.2.1. Based on the information submitted, the referral should be assessed in accordance with Class 14(h) of the Planning and Development Regulations 2001 (as amended) (PDR): Development consisting of a change of use from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons.

8.2.2. The question put forward in this referral relates to the proposed temporary use of Kells Court, the Swimming pool building and linked activation room building and a group of 3no. chalets to accommodate protected persons. The buildings are currently in place and vacant. The buildings were part of the overall St. Patrick's Centre and therefore could be described as ancillary to and use as part of the residential care/institutional use at the overall complex.

8.2.3. No external works are proposed, all works proposed are minor internal works to allow for temporary accommodation and ancillary services. The Kells Court building will comprise of 68no. bedspaces, Swimming pool and Activation Building will comprise of 42no. bedspaces and the chalets will comprise of 36no. bedspaces. The total capacity of the proposed temporary accommodation use will be 146 no. persons, plus an anticipated 5no. staff at any one time. I have carried out a site visit, and I note no works have commenced on the buildings in question.

8.2.4. I consider that the former use as residential care or institution use falls within the criteria as set out in Class 14(h) of the PDR and therefore could be considered as exempted development.

- 8.2.5. Having considered the provision as set out in Class 14(h) of the Planning and Development Regulations 2001, as amended, I consider the provision of temporary accommodation for displaced persons falls within the criteria.

8.3. Restrictions on exempted development

- 8.3.1. Article 9 of the PDR refers to restrictions on exempted development. I have assessed the proposed provision of accommodation for displaced persons or persons seeking international protection under Class 14(h) and having regard to the relevant Article 9 restrictions.

I have concerns in relation to the following restrictions under Article 9.

(viiB) Comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment, and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

And

(viiC) Consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

- 8.3.2. The owner is proposing to use the existing oxidation ditch tank as a wastewater holding tank whereby the wastewater will be tankered to an Irish Water facility as the existing wastewater treatment system is no longer fit for purpose. The existing outfall pipe will be plugged, and the tank will be lined with an impermeable liner. I note the existing wastewater treatment system is directly adjacent the Breagagh River. The Breagagh River flows in a north easterly direction and joins the River Nore in Kilkenny City. The River Nore is a designated SAC and SPA. In addition, parts of the River Nore and River Barrow are noted as a proposed NHA Archersgrove.
- 8.3.3. I note the applicant has carried out an Appropriate Assessment Screening. The assessment notes that no changes will be made to the existing wastewater drainage infrastructure. It is proposed to use the existing aeration ditch/oxidation ditch tank of the wastewater treatment system as a holding tank for effluent for the buildings. There are an existing emergency overflow pipe and an outfall pipe that form part of

the old infrastructure and that connect to Breagagh River. These pipes will be sealed as part of the construction methodology to convert the former oxidation ditch into a closed tank for effluent, and not for the purpose of protecting designated sites downstream. The overflow pipe will be plugged at the manhole just north of the oxidation ditch and the outfall pipe will be plugged between the tank and the former secondary clarifier. The tank has a capacity of approximately 400 cubic metres which is well in excess of the daily flow from the proposed residents plus an additional 48-hour emergency storage volume. The effluent will be taken by tanker under licence and disposed of at an approved wastewater treatment centre, all in agreement with Uisce Eireann. The effluent removal is likely to be carried out daily or every two days.

8.3.4. I note in section 4.3 Environment of the AA Screening report, the assessment refers to flooding and notes there is no history of flooding on the development site, however, according to the OPW flood risk maps and to the Strategic Flood Risk Assessment carried out by Kilkenny County Council, the River Breagagh is liable to flood and the area either side of the river is noted as flood zone A and flood zone B, therefore, the proposed and existing wastewater treatment system is located within or adjacent to a flood risk area with the potential for a negative impact on the water quality of the River Breagagh.

8.3.5. Therefore, I have concerns that the proposed development could potentially require an appropriate assessment because it would be likely to have a significant effect on the integrity of the European site and or would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000 and does not comply with the restriction of Article 9 in particular section viiB and viiC. Please refer to Section 8.5 AA Screening below for further details. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on River Barrow and River Nore SAC (site code: 002162) and River Nore SPA (Site code: 004233) European Sites in view of the sites conservation objectives. Appropriate Assessment is required. This determination is based on:

- The proposed works to the existing oxidation wastewater tank to permeable lined storage wastewater tank within a rural area.
- Distance to nearest watercourse at approximately 10 metres from the River Breagagh.
- Hydrological pathway to River Barrow and River Nore SAC (site code: 002162) and River Nore SPA (Site code: 004233) European Sites from the River Breagagh.

8.4. Environmental Impact Assessment (EIA) Preliminary Examination

- 8.4.1. Development in respect of which an environmental impact assessment or appropriate assessment is required cannot be exempted development (Section 4(4) of the Planning and Development Act 2000 (as amended)). The proposal relates to the temporary use of Kells Court, swimming pool building and linked activation room building and a group of 3no. chalets to accommodate protected persons. Schedule 5 of Planning and Development Regulations 2001 (as amended) sets out the prescribed classes of development for the purposes of EIA. Part 1 of Schedule 5 provides a list of specified developments where an EIA is mandatory. The proposal does not fall into any of these categories. Part 2 of Schedule 5 identifies sub-threshold developments where if a development does not equal or exceed, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development. Having regard to the categories as listed in Part 2, the proposal does not fall into any of these categories.
- 8.4.2. However, concerns was raised in relation to the proposed wastewater treatment system and its location directly adjacent to a watercourse with a hydrological pathway to a Natura 2000 site (River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233)) which could potentially lead to a significant environmental impact on the Natura 2000 sites. The proposed impacts on the Natura 2000 sites have been considered in Section 8.5 below and addressed in Appendix B of this planning assessment. Further, in Appendix A of this report, the proposed development has been screened for environmental impact assessment. 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. It is concluded therefore, that

the issues raised in respect of the Natura 2000 sites can be addressed within the report and through an Appropriate Assessment and there is, otherwise, no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment and an EIAR is not required. Please refer to Form 1 and Form 2 as per Appendix A below.

8.5. Appropriate Assessment

- 8.5.1. I have considered the proposal for temporary use of Kells Court, swimming pool building and linked activation room building and a group of 3no. chalets to accommodate protected persons in light of the requirements S177U of the Planning and Development Act 2000 as amended. The nearest European site is River Barrow and River Nore SAC (Site code: 002162) located appropriately 2km (direct distance) and 4.8km (hydrological distance) northeast of the subject site. River Nore SPA (Site code: 004233) is located approximately 2km (direct distance) and 4.7km (hydrological distance) northeast of the subject site. The proposed wastewater holding tank is located appropriately 10 metres from the River Breagagh which flows north to east into the River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233). Therefore, there is a notable hydrological link to a Natura 2000 site. The Planning Authority raised concerns in relation to the proposed wastewater treatment facility and the proposal to plug the existing outfall pipes which may be considered as mitigation measures.
- 8.5.2. 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 it is not possible to exclude that the proposed development alone will give rise to significant effects on River Barrow and River Nore SAC (site code: 002162) and River Nore SPA (Site code: 004233) European Sites in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The proposed works to the existing oxidation wastewater tank to permeable lined storage wastewater tank within a rural area.

- Distance to nearest watercourse at approximately 10 metres from the River Breagagh.
- Hydrological pathway to River Barrow and River Nore SAC (site code: 002162) and River Nore SPA (Site code: 004233) European Sites from the River Breagagh.

8.6. Water Framework Directive

- 8.6.1. The subject site is located in the rural area of St Patrick's Centre, approximately 2km south of Kilkenny City. River Breagagh is located approximately 200 metres south of the subject site and 10 metres south of the proposed wastewater storage facility. The proposed development comprises temporary use of Kells Court, the swimming pool building and linked activation room building and a ground of 3no. chalets to accommodate protected persons proposal also includes the upgrade of an existing oxidation wastewater tank to impermeable wastewater storage tank. The wastewater will be removed off-site via a licensed facility daily or every second day.
- 8.6.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks 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 not satisfied that it can be eliminated from further assessment because there is a conceivable risk to surface (River Breagagh) and groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows.
- Scale and size of the proposed development within a rural with the storage of wastewater within 10 metres of River Breagagh.
 - Distance to the nearest waterbody at 10 metres south of the subject site.
 - No details submitted in regard to mitigation measures or standard construction methods.
 - There is an existing oxidation wastewater tank on site, the applicant proposes to plug the overflow pipes and outfall pipe. However, no further details

provided in regard to decommissioning of the existing tank and associated pipe work.

Taking into account WFD screening report I conclude that on the basis of objective information, that the proposed development will could 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 and would otherwise jeopardise any water body in reaching its WFD objectives and consequently cannot be excluded from further assessment.

9.0 Recommendation

9.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of 3no. chalets to accommodate protected persons is or is not development or is or is not exempted development:

AND WHEREAS Beauscandle Ltd requested a declaration on this question from the Council and the Council issued a declaration on the 9th June 2025 that the matter was development and was not exempted development:

AND WHEREAS referred this declaration for review to An Coimisiún Pleanála on the 7th day of July 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,

- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1)(viiB) and (viiC) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 14(h) of the Planning and Development Regulations, 2001, as amended
- (f) the planning history of the site,
- (g) the Appropriate Assessment carried out by Panther Ecology Ltd

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (1) (a) of the 2000 Act, hereby decides that the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of 3no. chalets to accommodate protected persons is development and is not exempted development.

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.

Jennifer McQuaid
Planning Inspector
21st January 2026

Appendix A: Form 1 - EIA Pre-Screening

Case Reference	ACP-322976-25
Proposed Development Summary	Whether the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of 3no. chalets to accommodate protected persons is or is not development and is or is not exempted development?
Development Address	St. Patrick's Centre, Kells 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 checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	Although the proposed development is not a Class specified in Part 2, Schedule or within the threshold, concerns are raised in relation to the potential impacts on the nearby Natura

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	<p>2000 site particularly River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) sites and are further assessed in Preliminary Examination Form 2 below.</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 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>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix A: Form 2 - EIA Preliminary Examination

Case Reference	ACP-322976-25
Proposed Development Summary	Whether the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of 3 no. chalets to accommodate protected persons is or is not exempted development?
Development Address	St. Patrick's Centre, Kells Road, Co. Kilkenny.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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>	<p>The proposal consists of a question as to whether the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of 3 no. chalets to accommodate protected persons is or is not exempted development. However, the proposal also includes the disposal of wastewater to a former oxidation tank which will be plugged and lined to store the wastewater and will be removed off site by a licensed contractor.</p> <p>The development consists mainly of internal works to existing structures. The proposed works do not result in the production of significant waste, emissions or pollutants.</p> <p>As mentioned above the development also includes upgrades/changes to the existing wastewater treatment system. The works proposed are described as minimal and will involve the plugging of the existing outfall and overflow pipes. The existing oxidation tank will be lined with permeable lining, and the waste will be removed daily or every second day off site by a licensed contractor. A letter was received from Uisce Eireann confirming the removal of the proposed wastewater to their licensed facility.</p> <p>Surface water will be disposed via the existing surface water drainage network. Clean surface water from the roofs and yards is collected by a network of pipes and directed to the Breaghagh River.</p>
<p>Location of development</p> <p>(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,</p>	<p>The proposed site is located in a rural area approximately 2km to the south of Kilkenny City; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site. The nearest European site is River Barrow and River Barrow and River Nore SAC (Site code: 002162) located appropriately 2km (direct distance) and 4.8km (hydrological distance) northeast of the subject site. River Nore SPA (Site code: 004233) is located approximately 2km (direct distance) and 4.7km (hydrological distance) northeast of the subject</p>

<p>nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>site. The proposed wastewater holding tank is located appropriately 10 metres from the River Breaghagh which flows north to east into the River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233). Therefore, there is a notable hydrological link to a Natura 2000 site.</p> <p>My appropriate assessment screening concludes that the proposed development would likely have a significant effect on any European site.</p> <p>The subject site is not located within a flood risk area; however, the proposed wastewater storage tank is located within or adjacent a flood risk zone.</p> <p>Concerns were raised in the application in relation to the disposal of wastewater would have a significant environmental impact on the nearby River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) sites. Environmental Impact Assessment assesses the potential for significant environmental effects. As indicated in the EIA preliminary examination there is no potential for significant environmental effects. Impacts on the River Barrow and River Nore SAC (Site code: 002162) and River Nore SPA (Site code: 004233) sites are addressed in Section 8.5 of the planning assessment.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The subject site consists of the internally change of use to existing structures on an existing site known as St. Patrick's Centre. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.</p>
Conclusion	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix B: Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>An exemption declaration is being sought as to whether the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of 3 no. chalets to accommodate protected persons is or is not exempted development?</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The proposal consists of the change of use of a number of buildings within the St. Patrick's Centre grounds for temporary accommodation (total of 146 beds) for international protection applicants. The work consists of internal work, and no external work is proposed.</p> <p>The works include the change of an existing oxidation wastewater tank to an impermeable lined wastewater tank; the outfall pipes and emergency overflow pipes will be plugged in order to prevent any outfall to the adjacent River Breagagh. It is stated that the wastewater tank will be emptied every day or every second day to a licensed facility. The wastewater treatment system is located approximately 200 metres south of the proposed development and adjacent to a flood risk area associated with the River Breagagh. The River Breagagh flows north eastwards and connects to the River Barrow and River Nore SPA & SAC. No details have been provided as to how the existing wastewater system will be</p>

	<p>decommissioned and no mitigation measures have been provided in the event of a failure or overflow of the proposed lined wastewater tank. It is stated the tank has a capacity of approximately 400 cubic metres which is sufficient and an additional 48-hour emergency storage volume is provided, however no detailed drawings have been submitted or details regarding the location of this additional storage facility.</p> <p>The nearest European site is River Barrow and River Nore SAC (Site code: 002162) located appropriately 2km (direct distance) and 4.8km (hydrological distance) northeast of the subject site. River Nore SPA (Site code: 004233) is located approximately 2km (direct distance) and 4.7km (hydrological distance) northeast of the subject site.</p> <p>The estimated construction timeframe is approximately 10 weeks. No construction methodology submitted for the proposed change of the wastewater treatment facility.</p> <p>There are potential issues with the proposed wastewater tank, potential emissions of odours from an open storage tank, potential overflow and runoff to the nearby River Breaghagh and seepage to groundwater, therefore potential pollution of water and potential negative impact to wildlife and protected species in the nearby Natura 2000 sites.</p>
Screening report	Yes, prepared by Panther Ecology Ltd.
Natura Impact Statement	No
Relevant submissions	None

The Planning Authority note the following remarks in the AA Screening Report.

- All works will be limited to the interior of the buildings
- The development will use the existing water supply and drainage infrastructure
- No changes will be made to the existing wastewater drainage infrastructure
- There is an existing emergency overflow pipe and outfall pipe that form part of the old infrastructure and that connect to the stream.
- These pipes will be sealed as part of the construction methodology to convert into a closed system.

It is noted that the 2 questions posed in the section 5 do not refer to the proposed works to be carried out on the existing/old sewerage system. It is the Planning Authority's view that these works are a key feature to the project and in their opinion the project could not go ahead with the alterations to the drainage network as proposed.

- It is notable that two outfalls to the existing system (The Breagagh River) are to be sealed and plugged. While it is stated that these elements are part of the "construction methodology" and are not for the purpose of protecting designated sites downstream, it is the Planning Authority's view that it was absolutely necessary to plug the two outfalls in order to prevent raw sewerage from the development existing from the existing system to the River Breagagh and therefore by hydrological connection to the River Nore SAC and SPA.
- It is also viewed that the screening report is fundamentally flawed as it has not considered the question of the works carried out to the existing sewer network and this is evidenced by the contradictory statements on page 8 which are highlighted in the report.
- It is not considered that the measures are in any way standard good practice concerning the works being carried out.
- The section 5 should include the wording "the proposed works to the existing sewer network converting the oxidation ditch into a closed system and the plugging of the outfall and the emergency outfall to the River Breagagh."

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

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
River Barrow and River Nore SAC (site code: 002162)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane	2km northeast	Yes – Hydrological link via Breaghagh River	Yes

	<p>levels with the Ranunculion fluitantis and Callitricho- Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno- Padion, Alnion incanae, Salicion albae) [91E0]</p>			
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	<p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White- clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>			
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	Vandenboschia speciosa (Killarney Fern) [6985] River Barrow and River Nore SAC National Parks & Wildlife Service Dated 7 th January 2026			
River Nore SPA (Site code: 004233)	Kingfisher (Alcedo atthis) [A229] River Nore SPA National Parks & Wildlife Service Dated 7 th January 2026	2km northeast	Yes – Hydrological link via Breagagh River	Yes

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

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
River Barrow and River Nore SAC (site code: 002162)	Direct: No direct impacts predicted. Indirect:	Potential negative effect on habitat quality and

	<p>Potential impacts from the renovation or upgrading of the existing oxidation wastewater tank to permeable lined storage wastewater tank on water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Potential indirect impact during operation due to the potential overflow, seepage of wastewater or deterioration of proposed plugged outfall pipes and overflow pipes thereby potential wastewater entering the nearby River Breagagh and thereby impacting protected species via hydrological pathway to the River Barrow and River Nore SAC.</p>	<p>undermine the conservation objectives related to water quality.</p> <p>The possibility of significant effects cannot be ruled out without further analysis and assessment. The submitted AA screening is insufficient in regard to the proposed works required to the existing oxidation wastewater tank and the proposed impermeable lining of the wastewater storage tank. Especially in consideration of its location directly adjacent to the River Breagagh.</p>
	<p>Likelihood of significant effects from proposed development (alone): Yes</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>	
	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site</p> <p>Atlantic Salt Meadows, Mediterranean Salt Meadows, Old Sessile Oak woods, alluvial forests with alnus glutinosa and Fraxinus excelsior, freshwater pearl mussel, sea lamprey, brook lamprey, river</p>	

	<p>lamprey, twaite shad, salmon, otter: Conservation Objective to restore the favourable conservation condition, the proposal may compromise the objective of restoration or make restoration more difficult.</p>	
	Impacts	Effects
<p>River Nore SPA (Site code: 004233)</p>	<p>Direct: No direct impacts predicted.</p> <p>Indirect: Potential impacts from the renovation or upgrading of the existing oxidation wastewater tank to permeable lined storage wastewater tank on water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Potential indirect impact during operation due to the potential overflow, seepage of wastewater or deterioration of proposed plugged outfall pipes and overflow pipes thereby potential wastewater entering the nearby River Breaghagh and thereby impacting protected species via hydrological pathway to the River Nore SPA by</p>	<p>Potential negative effect on habitat quality and undermine the conservation objectives related to water quality.</p> <p>The possibility of significant effects cannot be ruled out without further analysis and assessment. The submitted AA screening is insufficient in regard to the proposed works required to the existing oxidation wastewater tank and the proposed impermeable lining of the wastewater storage tank. Especially in consideration of its location directly adjacent to the River Breaghagh.</p>

	directly affecting fish prey and macroinvertebrate prey availability.	
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on River Barrow and River Nore SAC (site code: 002162) and River Nore SPA (Site code: 004233) from effects associated with the proposed alterations to the existing oxidation wastewater tank and the proposal for an impermeable lined wastewater storage tank directly adjacent the River Breagagh with hydrological link and pathway to Natura 2000 sites. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in combination with other plans and projects is not required at screening stage.</p> <p>Proceed to AA.</p>		

Appendix C: Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ACP-322976-25	Townland, address	St Patrick's Centre, Kells Road, Co. Kilkenny
Description of project		Whether the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of 3 no. chalets to accommodate protected persons is or is not exempted development?	
Brief site description, relevant to WFD Screening,		<p>The site is located within the rural area, approximately 2km south of Kilkenny City within the grounds of St Patrick's Centre along the Kells Road. The existing site comprises of a number of buildings including residential care, former swimming pool and activation room, former chalets and former accommodation for religious orders. The proposed development will be connected to public water, surface water will be discharged to nearby watercourse and wastewater will be stored within a former oxidation tank which will be lined with impermeable lining for storage of wastewater which will be removed daily or every second day off site to a licenced contractor.</p> <p>There are no water features on subject site, however, the proposed wastewater storage system is located within 10 metres of River Breagagh.</p>	

	The subject buildings are not located within a flood risk area. However, the proposed wastewater storage system is located within 10 metres of River Breagh which flood either side of the river.
Proposed surface water details	Surface water will be disposed via the existing surface water drainage network. Clean surface water from the roofs and yards is collected by a network of pipes and directed to the Breagh River.
Proposed water supply source & available capacity.	Public mains are available.
Proposed wastewater treatment system & available capacity, other issues	The wastewater will be stored within a former oxidation tank which will be lined with impermeable lining for storage of wastewater which will be removed daily or every second day off site to a licenced contractor.
Others?	
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)
Groundwater	The site is on the groundwater.	Kilkenny site code: IE_SE_G_078 Karstic	Groundwater status is described as Good (period for GW 2019-2024)	Groundwater is described as "At Risk".	Agricultural Pressures Anthropogenic Pressures	Potential surface water run-off. Potential sewerage run-off.
River	The subject buildings are located approx. 200m north of River Breagagh. The proposed wastewater storage tank is	River Breagagh Code IE_SE_15B020350	River status is described as Moderate (period for GW 2019-2024)	River is described as "At Risk".	Agricultural pressures. Hydromorphology pressures. Industry pressures.	Potential surface water run-off. Potential sewerage run-off.

		located within 10 metres of River Breagagh.					
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	River Breagagh Code IE_SE_15 B020350	The subject buildings are located approx. 200m north of River Breagagh. The proposed wastewater storage tank is located within 10 metres of	Spillages	No details submitted. No CEMP. Insufficient details regarding mitigation measures of plugging	Yes, due to distance to river and potential flood zone.	Uncertain

			River Breagagh. The applicant has stated the overflow and outfall pipes to River Breagagh will be plugged. No details submitted in relation to the installation of overflow tank or decommissioning of the existing oxidation tank.		existing outfall pipes.		
2.	Ground	Kilkenny site code: IE_SE_G_078	Pathways exist through drainage underground	Spillages	No details submitted and no CEMP submitted.	Yes, due to distance to river and potential flood zone.	Uncertain.
OPERATIONAL PHASE							
3.	Surface	River Breagagh Code IE_SE_15 B020350	The proposed wastewater storage tank is located within 10 metres of River Breagagh. No details submitted in	Hydrocarbon Spillages	SuDs features however no details submitted.	No	Uncertain

			relation to the installation of overflow tank. Wastewater Storage tank is not standard practice as per EPA Guidelines.		Construction standards and contracts for removal of waste.		
4.	Ground	Bandon site code: IE_SW_G_086	Pathways exist through drainage underground & seepage.	Spillages/seepage	SuDs Features	No	Uncertain
DECOMMISSIONING PHASE							
5.	N/A						

STAGE 2: ASSESSMENT

Details of Mitigation Required to Comply with WFD Objectives

Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1: Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2: Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3: Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation	Describe mitigation required to meet objective 3:	Describe mitigation	

		required to meet objective 2:		required to meet objective 4:	
Construction works at the proposed wastewater treatment tank. Decommissioning of the existing oxidation wastewater tank.	Site specific construction mitigation methods required and should be described in the CEMP e.g. silt fences, site-specific design of settlement ponds, etc. No CEMP submitted.	Site specific construction mitigation methods required and should be described in the CEMP e.g. silt fences, site-specific design of settlement ponds, etc. No CEMP submitted.	NA	Proposal to plug overflow pipes and outfall pipes to River Breagagh in order to prevent pollution	YES
Stormwater drainage	Adequately designed SUDs features, permeable paving etc. however the existing system runs	Adequately designed SUDs features, permeable paving etc	NA	NA	YES

	off to the River Breagagh. No details submitted to upgrade or dispose off within the site.	however, the existing system runs off to the River Breagagh. No details submitted to upgrade or dispose off within the site.			
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2: Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and	<u>Objective 3: Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a	

		recharge, with the aim of achieving good status*		derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1:	N/A	N/A	N/A	N/A
Development Activity 2	N/A	N/A	N/A	N/A