



Development	Development consisting of 22 no. detached houses and all associated works. The application is accompanied by a Natura Impact Statement (NIS)
Location	Glendine Road , Glendine , Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2560271
Applicant(s)	Raggett Homes (Glendine) Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Appeal
Appellant(s)	Shane Phelan
Observer(s)	None
Date of Site Inspection	23 rd of March 2026
Inspector	Caryn Coogan

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1.0 Site Location and Description

- 1.1. The subject site, 2.0617ha, is located in the northern environs of Kilkenny City. It is a mature residential area which includes the adjoining Kilkenny College, Kilkenny Model school and Kilkenny golf course.
- 1.2. The appeal site is accessed directly from Glendine Road which links onto the Castlecomer Road in close proximity to the site. Glendine Road serves a concentration of mature detached homes, including an estate of detached homes north of the site, Glendine Court, built in the 1980s.
- 1.3. The subject site is a large field enclosed by mature trees. There is a low stone wall along the roadside boundary. The existing access to the field and an existing house is positioned at the southern extremity of the roadside boundary. There are a number of excellent specimen trees along the roadside boundary. The access is also in close proximity to a mini-roundabout on the Glendine Road.
- 1.4. The western site boundary is Glendine Road. The eastern site boundary is Kilkenny Golf Course. The southern site boundary consists of Kilkenny Model school, and Kilkenny College (secondary school).
- 1.5. The northern site boundary consists of dwellings houses. There is a large detached dwelling facing into the site alongside the roadside boundary. There are three large detached dwellings backing onto the site accessed from Glendine Road. Glendine Court estate features along the northern site boundary too. Then, Glendine House, is overlooking the subject site. Glendine House is a two-storey dwelling set into landscape on a reduced ground level, creating a discrete but quaint dwelling house within a parkland setting. The proposed site was the grounds originally associated with Glendine House. The access to the subject site off Glendine Road is the current access to Glendine House. The house will continue to be accessed from the subject site, even though the dwelling is excluded from the site boundaries.
- 1.6. The site is flat, currently completely covered in grass and has a parkland appearance. There are a number of notable specimen trees along the southern,

eastern and western site boundaries. There are also a number of trees along the avenue to Glendine House.

2.0 Proposed Development

2.1. The original planning application submitted on the 19th of May 2025 was for :

Permission for a new residential development of 22 new detached dwellings consisting of: 3 no. 4 bedroom dwellings and 19 no. 5 bedroom dwellings, a detached single storey domestic garage; 2,763 sq.m of public open space; landscaping and boundary treatments and new planting; water and utility services and connections; lighting; and, all enabling and ancillary development and works above and below ground at a site surrounding Glendine House, Glendine Road, Glendine, Kilkenny. Proposed House No. 22 will be accessed via the existing access to the existing dwelling immediately to the north on Glendine Road (Eircode: R95 X434). It is proposed to create a new vehicular entrance to the proposed development and to Glendine House from Glendine Road. The existing vehicular entrance to Glendine House will be incorporated as a pedestrian entrance to proposed Unit No. 1. The Council requested extensive Further Information on 11th of July 2025. The planning application was accompanied by a Planning report, Tree Report, Infiltrations Report, Design Statement, Lighting Report, Landscape Plans, Engineering Site Services Report.

2.2. Following receipt of Further Information on the 14th of November 2025, the overall scheme was amended to include 8No. two bedroom apartments with a communal entrance, surface car parking and communal refuse storage compound facilities. This proposal increased the proposed dwelling numbers to 28, up from the previous proposal of 22 dwellings; thereby representing a +/- 30% increase in proposed numbers across the site.

2.3. Set out below is the breakdown and distribution of accommodation types which is now proposed (and was permitted by the Council):

- 28% - 8 number two-bedroom apartments which will meet the needs of first time buyers, small family units and downsizers moving from a large family home who still require a generous dwelling with generous space and storage facilities.

- 11% - 3 number four-bedroom bungalows meeting the needs of downsizers moving from a larger family home who require additional space for visiting children and grandchildren in addition to smaller family units who require accommodation on a single level.
- 43% - 12 number large five-bedroom homes meeting the needs of larger family units or a family unit where home office accommodation is required.
- 18% - 5 number smaller four / five-bedroom homes which will satisfy the requirements of enlarging family units who are out growing their current three-bedroom homes or family's that require home office accommodation.

3.0 **Planning Authority Decision**

3.1. **Decision**

Kilkenny Co. Co. granted planning permission for the proposed development subject to 22No. conditions. The conditions are standard planning conditions associated with in-depth residential developments.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports (10/07/2025) (09/12/2025)**

- Zoned Residential
- Part V applies
- Tree Retention report
- The proposal for 22 units, 19 of which are 5 bedrooms amounts to a density of approximately 11 units per Ha.
- The Sustainable Residential Development
- The Compact Settlements Guidelines for Planning Authorities 2024", particularly chapter 3, which has the focus of creating of compact settlements by way of compact growth. These National Policies have been included in the Kilkenny City and County Development Plan. The Sustainable Residential Development and Compact Settlements Guidelines state "To achieve compact

growth, it will also be necessary to increase the scale of new buildings in all parts of our cities and towns, with highest densities at the most central and accessible urban locations, particularly in city centres and close to public transport nodes and interchanges.”

- **“Key Town / Large Town - Suburban/Urban Extension**

“Suburban areas are the low-density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. 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).”

- The minimum density allowed in this location would therefore be 30 dwellings per ha.
- As stated in the application, the proposal will meet a housing need for a particular segment of the market. As such the proposal is very much geared towards the upper end of the market and does not provide an adequate density or mix of all house types and in the view of the planning authority this proposal requires largescale revision.
- A 2Ha site in a suburban context is however not considered a small infill site by any means and could accommodate at least 60 housing units (allowing for tree retention) and hence a large-scale “back to first principles” revision is required. The issuing of an FI to achieve such revision is not advised and hence I recommend that permission be refused to allow for future review.
- A Natura Impact Statement was received with the application compiled by Noreen McLoughlin, MSc. The report identifies certain potential impacts on the River Nore/River Barrow SAC River Nore SPA. Mitigation measures are recommended during construction and post construction. With the implementation of the mitigation measures it concludes that the proposed

works do not have the potential to significantly affect the conservation objectives or qualifying interests of the River Barrow and Nore SAC and the River Nore SPA. The integrity of the site will not be adversely affected.

- The decision to refused was overruled and further information issued regarding an increased density, trees, sightlines. Following receipt of the further information and recommendation to grant planning permission was forwarded.

3.2.2. **Other Technical Reports**

Environment Section: The applicant shall employ the services of a suitably qualified engineer to compile a Construction Environmental Waste Management Plan for the proposed development. The report shall include all waste to be removed from the site including hazardous waste. The following information shall also be

- included in the waste management plan;
 - a. LOW waste codes,
 - b. Quantities of waste
 - c. Authorised waste collector's details including NWCPO number
 - d. Final destination for the recovery of the waste including the authorised waste facility NWCPO number.

Roads Design:

Detailed sightline and visibility splay drawing is required

Engineering Services :

Conditions recommended_in respect of Uisce Eireann, Storm and Surface water Discharge, Water, Noise, Noise Limits, Light, Storage

3.3. **Prescribed Bodies**

Architectural Conservation Area – The site falls beyond any Architectural Conservation Area.

Zone of Archaeological Potential - The site is located beyond the Zone of Notification of Recorded Monuments within the City.

3.4. **Third Party Observations**

There was one third party objection to the proposed development citing concerns over the low density proposed, permeability using access from Glendine Court and Part V agreement.

4.0 **Planning History**

4.1. There is no planning history associated with the subject site.

4.2. A relevant planning history in close proximity to the subject site and within the adopted development plan timeframe is Reg. Ref. **2460199**: KCC granted permission on 27 August 2024, for the demolition of the existing agricultural sheds on site and to provide all site infrastructure for provision of 5 residential house sites, for the creation of a new access road with an entrance off the existing Bothar Na nGrainseach with all associated road site works. The permitted density is 12 units per hectare.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 **Kilkenny City and Country Development Plan 2021-2027**

The site is zoned Existing Residential, 'to protect and improve residential amenities and to provide for new residential development appropriate to the scale and character of the settlement'.

The purposes of the objective are: (a) to provide for new residential development appropriate to the scale and character of the settlement, (b) to protect and improve established residential amenities.

Section 13.5 of the Plan states that infill sites in established built up areas, 'can only be developed with the appropriate consideration of existing neighbouring amenity' to protect established dwellings from undue overlooking, overshadowing and encroachment. In this regard, the Plan states that it is 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. **Relevant National or Regional Policy / Ministerial Guidelines**

5.5.1 ***Housing for All – A New Housing Plan***

Housing for All – A New Housing Plan for Ireland (HfA) was published September 2021. HfA identifies the extent by which Ireland’s housing system is not meeting the needs of enough people and is failing to provide enough homes to buy or to rent in the private sector. In order to address Ireland’s continuing housing crisis, the Plan will require the public and private sector to work together to reach the overall target of 300,000 homes by 2030. These homes need to be affordable, built in the right place, to the right standard and in support of climate action. They need to satisfy demand for housing across four tenures – affordable, social, private rental and private ownership.

5.5.2 ***National Planning Framework***

The National Planning Framework (NPF) is the Government’s high-level strategic plan for shaping the future growth and development of Ireland to the year 2040 and replaces the National Spatial Strategy 2002-2020. The NPF requires the preparation of Spatial and Economic Strategies for each region by the Regional Assemblies. The Final Draft for the Revised NPF has been published and the updated projected figures are included below in NPO 3. A primary objective of the NPF is to realise the full potential of the development opportunities within these areas focusing on reusing previously developed ‘brownfield’ land, building up infill sites, which may not have been built on before such as the subject development site in this case or reusing or redeveloping existing sites and buildings close to services, amenities and public transport options.

National Policy Objective 7: ‘Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.’

5.5.3 ***Sustainable and Compact Settlement Guidelines 2024***

The Compact Settlements Guidelines for Planning Authorities set national planning policy and guidance in relation to the planning and development of settlements, with a focus on sustainable residential development and the creation of compact settlements.

The Guidelines and the RSES designate Kilkenny as a 'Key Town'. The context of the site comes within the Suburban/Urban Extension site criteria. Section 3.3.3 of the Guidelines provides the following density guidance for Suburban/Urban Extension Sites –

'Suburban areas are the low-density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. 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'

Section 3.3.6 of the Guidelines also state that the densities generally advocated for the urban area may not always be appropriate, stating:

In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter

5.3. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or European Sites. The closest sites are located 250metres east of the River Nore River Barrow SAC and River Nore SPA.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

Mr. Phelan, New Orchard, Newpark Upper, Kilkenny has taken this third party appeal and the following is a summary of his grounds of appeal.

- 7.1.1 The proposed density at 14 units per hectare is too low, and the zoning associated with the site does not permit low density development.
- 7.1.2 The open space provision exceeds 13% of the total site area. The private garden areas are excessively large. The development comprises of 5 bedroomed houses which is at odds with housing needs, whereby it would be better having a larger number of smaller houses. The likely intention of the design is to avoid Part V because the houses will be too expensive. This continues the pattern to minimise the proportion of social housing in certain parts of the city, while concentrating it in others.
- 7.1.3 The decision to zone the land 'Existing Residential' in 2021 must also be question as the site was clearly suitable for a substantial new residential development at the densities required by national policy of 30-50 units per hectare. The new residential

zoning is more appropriate for the site given the wide array of services available in the area.

- 7.1.4 The site represents an opportunity to offset low density of the surrounding area and to provide a better mix of more affordable homes at smaller sizes and more compact sites in the area well served by roads, school, bus routes and other services. The proportion of buyers requiring 5 bedroomed houses is a very small segment of the home buying market.
- 7.1.5 The site to the north of the proposed development, Glendine Court, was clearly laid at the end of the road is clearly not compatible with the intentions of the planners in the Glendine Court development. There is a lack of permeability for pedestrians. The proximity of the access onto the Glendine Road to a mini-roundabout is associated with school traffic. Accessing the site through Glendine Court would address this and provide for a more orderly flow of traffic.
- 7.1.6 There has been no details provided regarding the Part V agreement between the parties. The applicant has carried out a number of other developments within a 400m radius of the site. Exemptions in Part V were applied in ALL 5 planning applications. Kilkenny Co. Co. have shown they have misapplied the regulations regarding the calculations of Part V requirements by not taking the correct account of previous exempt developments in the vicinity of later developments at another location. Correspondence with the housing agency released under FOI demonstrated a complete lack of understanding within the planning authority of the purpose of the regulations.

It is in the public interest that Part V agreement is reached in this application which has taken into account other previous exempted developments carried out by the applicant within 5 year timeline and 400me radius required by the planning acts.

7.2. Applicant Response in the case of a 3rd Party Appeal

- 7.2.1 The proposed development is for 28No. dwellings on an infill site on the grounds of Glendine House. The original application applied for was for 22No. units, however the planning authority requested a housing mix, and an apartment block was included with 8No. two-bedroom apartments, 3No. four-bedroom bungalows and 17No. two storey five-bedroom dwellings. The access to the proposal is directly off Glendine Road which will serve the proposed development and Glendine House.

The Planning Report on file 09/12/2025 accepted the density was in line with the prevailing densities in the area.

The proposed development will facilitate the release of underutilised lands to meet the urgent need for housing types and sizes. The approach is consistent with Sustainable Residential Development and Compact Settlements Guidelines.

The submission is somewhat repetitive, I will summarise the key points raised.

7.2.2 **Density and Unit Mix**

- The proposed development provides for a range of units with 29% comprising two-bedroom units. The apartments cater for smaller households. The larger houses cater for family homes. There is strong interest in the development since the lodgement of the planning application. The development caters for trade up buyers looking for larger family homes, and trade down buyers looking to move into a house with a smaller garden and energy rated dwellings.
- The quantum of public open space is 2163sq.m. 10.8% of the site area consistent with local and national planning policy.
- It is acknowledged the private open space areas are in excess of requirements but this is due to the site configuration. The generous garden sizes will ensure the units serve the market they have been designed for and ensure a high quality of living for future residents.
- There is a notable and increasing demand for executive style homes. The layout, form and typologies have been informed by the market. In this context the claim that the housing mix was influenced by a desire to minimise social housing on the site is strongly refuted by the First Party. The First Party is fully committed to meeting Part V obligations in a manner to be agreed with the KCC Housing Department.
- Considerations relating to zoning are beyond the scope of the appeal, and are not a relevant consideration. The layout also has a duty to protect the setting and character of Glendine House.
- Relevant Government Guidance and Policy on Density includes ***Delivering Homes, Building Communities, National Planning Framework and***

Compact Settlement Guidelines to encourage higher densities and to bring forward housing to meet the country's growing and urgent housing needs.

- The proposed layout and densities are consistent Kilkenny City and County Development Plan 2021-2027 (Volume 2) which seeks to protect and improve residential amenities. The proposal achieves a 14unit per hectare density in a manner that optimises the site's natural assets and context, including the need to provide an appropriate setting for Glendine House.
- The proposed development integrates into the established context in a manner that protects the established character and residential amenities and provides a higher level of residential amenity for future residents.

7.2.3 **Site Context and Protection of Neighbouring Community**

- The subject site is an infill site within the grounds of Glendine House. The site surrounds Glendine House to the east, south and west. The immediate area is characterised by large detached homes fronting onto Glendine Road and Glendine Court. There is a low density pattern of development in the area.
- The appeal site has an attractive and distinctive character which contributes to the overall setting and character of the area.
- Section 3.3.6 of the development plan infill sites should respond to the scale and character of the surrounding development. The immediate context is low density. The surrounding densities are mapped. Glendine Court which is 21No. dwellings has a density of 10 units per hectare, there are 3No large houses on the western boundary at 6 units hectare. There are 29No. large homes fronting the Glendine and Castlecomer Roads on 3.7ha with a density of 7.4 units per hectare. In addition to 4 large houses west of the Castlecomer road with a density of 6.6 units per hectare.
- The proposed density of 14units per hectare is an appropriate increase in the established density whilst respecting the established character and residential amenities of the area.
- The proposed layout retains 45No. trees with the removal of 25No. trees. The trees to be removed are lower quality Category 'C' and 'U' as detailed in the Tree Schedule submitted with the planning application.

7.2.4 **Permeability and Access**

- The appeal raises concerns regarding access from Glendine Court and proximity to the mini-roundabout on Glendine Road. The KSS Road Design Office had no objections to the proposal. The Roads Design prescribed certain conditions which the applicant is happy to comply with.
- It is considered the proposed development will not have a material impact on the mini roundabout.
- In respect of Glendine Court, there is an area of open space between the estate road and the site boundary. There would need to be third party agreements in place to provide such an access, significantly delaying the delivery of new homes, and would give rise to third party concerns over impacts in Glendine Court.
- In addition the re-routing of the access through Glendine Court would require the removal of a historic stone wall associated with Glendine House. The access road to the east of Glendine House would negatively impact on Glendine House setting and character.

7.2.5 **Part V**

- The applicant is fully committed to ensuring their Part V obligations are met in a manner agreeable to the planning authority's Housing department. There is a provisional agreement in place between the parties. There is a condition (Condition No. 17) in place., and a similar condition can be applied by the Commission.

7.2.6 The appeal is accompanied by a letter from a local auctioneer. The letter indicates the proposed development meets with the demand for high quality detached homes. There is an adequate supply of social and high density developments within the City. The site is an ideal location for executive style homes, and the Eastern Environs of Kilkenny favours traditional detached dwellings. The auctioneer has a list of potential purchasers since the planning application was lodged.

7.3. **Planning Authority Response**

- 7.3.1 According to Compact Settlement Guidelines January 2024, Section 3.3.3 Key Towns and Large Towns suburban areas are the low-density car oriented residential areas constructed at the edge of the town. The surrounding areas is of that character. On the site there is significant biodiversity in relation to tree retention. The planning authority took the view there is a need to respond to the scale and form of the surrounding development, to protect amenities of surrounding properties and to protect biodiversity and that all these items should outweigh the single consideration of density.
- 7.3.2 The Roads Design Office are satisfied with the entrance. Glendine Court is an estate dating from the 1980s. The internal road stops short of the common boundary and would be problematic from a sufficiency of interest if such a proposal were to proceed.
- 7.3.3 The Part V provisions are complied with in all respects by the Planning and Housing sections of the local authority. There is correspondence relating to this proposal on file. The Commission is asked to apply the standard Part V condition.

8.0 **Assessment**

8.1. **Introduction**

8.1.1 I have inspected the subject site and surrounding area, considered the contents of the planning application and the appeal file. I will assess this appeal under the following headings which are influenced by the issues raised in the third-party appeal :

- Density
- Permeability
- Part V

8.1.2 The subject site is located in the northern suburban suburbs of Kilkenny City. It is located adjacent to Kilkenny College and Kilkenny Golf Club. The general pattern of residential development in area is large, detached dwellings on proportionate curtilages. The aerial photographs demonstrate the low-density pattern long Glendine Road, the adjoining Glendine Court, Richview and The Weir off the Castlecomer Road. The subject site is parkland type field fronting the former

guesthouse Glendine House. The subject site was originally part of Glendine House. Under the current proposal, the house has been excluded from the site boundaries, although access to the house is being retained under the current proposal. A notable feature of the subject site are the mature trees along the site boundaries, which add to the visual and leafy suburb appearance of Glendine Road. There was a Tree Report submitted with the planning application, and the retention of the mature trees and boundary treatment proposals formed the key issue in the planning authority's assessment of the case.

8.1.3 The site located within an 'Existing Residential' zoning in the current development plan governing the area. The proposed access is directly off the Glendine Road. The proposed development was revised by way of further information to include an apartment block (8No. two bedroomed units). The overall layout includes a long spinal road centrally dissecting the site, with a row of detached dwellings located along the southern boundary of the site, with a large green area fronting Glendine House, with two spur roads serving a small number of detached dwellings. The dwellings are four and five bedroomed, energy efficient units with classical facades.

8.1.4 Overall, the principle of the development is in line with national and local planning policy. Essentially it is the provision of housing on a serviced and appropriately zoned site, within the built-up footprint of Kilkenny City. I am satisfied the proposal complies with general planning policy and government guidelines.

8.1.5 The Engineering reports on file, including the Roads Design Office and Environmental Services, had no objections to the proposed development and the recommended conditions have been attached which are standard conditions for this form of development.

8.1.6 On balance, the principle of the proposed development is acceptable.

8.2 Density

8.2.1 The original proposal of 22No. dwellings on the subject site equated to an density of 11No. units per hectare. The revised proposals received by way of further information removed 2No. dwellings and replaced them with a two storey building which included 8No. two bedroomed apartments. This increased the density to 14No. units per hectare. The planning authority had requested a greater variety of dwelling design on the site notwithstanding the prevailing low density in the area. It

was considered there was an overbearance of 4/5 bedroomed detached dwellings within the overall scheme. The revised design still equates to 72% of the dwellings within the scheme being large 4/5bedroomed units.

- 8.2.2 On appeal the planning authority has justified granting permission for the low density by citing the Department's Compact Settlement Guidelines published in January 2024, Section 3.3.3 in Key Towns/ Large Towns, according to Table 3.5 '*Suburban areas are low density car orientated residential areas constructed at the edge of the town*'. The planning authority took the view the site had considerable biodiversity in relation to the retention of the mature trees and hedgerows, and these features needed to be protected along with the amenities of the adjoining properties. However, I note the submitted statement did not address the policy relating to Suburban/ Urban Extension areas in Key towns whereby it is a policy and objective of the Compact Settlement 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. This issue has been raised by the third party appellant.
- 8.2.3 The third-party appellant claims the site is suitable for a more substantial new residential development with a higher density, in line with national policy of 30-50 units per hectare. It is also submitted that household sizes are shrinking and the necessity for five-bedroom houses is shrinking and it represents a very small segment of the housing market.
- 8.2.4 In response to this the applicant has submitted written support from a local auctioneer stating that there is demand for the proposed low-density development. In my opinion, I do not consider this to be a relevant planning consideration, as there is a demand for all forms of housing in Kilkenny City. In addition, the applicant has stated the 8No. two bedroom units will cater for smaller households, downsizing and first-time buyers, which I do accept. The provision of dwellings on this infill site complies with the National planning Framework, Delivering Homes, Building Communities, The principle of an in depth housing development on this serviced land is welcomed. I consider the proposed density of 14 units per hectare falls seriously short of the prescribed density outlined in the Compact Settlement Guidelines published in January 2024, for suburban areas on the edge of Key/ Large

towns. There is no ambiguity in the Guidelines, densities in the range of 30- 50 units is envisaged at these locations. In addition, the Guidelines are compatible with the objectives of the National Planning Framework 2040.

- 8.2.5 The quantum of public open space (2163sq.m. or 10.8% of the overall site area) is acceptable and the layout design allows for the setting of Glendine House to be respected. I do not agree with the third party statement who considers the proposed provision of open space to be excessive, I believe, it is informed by the orientation and legibility of Glendine House, and the parkland appearance of the overall site. The open space provision and design is appropriate to the setting.
- 8.2.6 Under Section 3.3.6 of the Compact Settlement Guidelines there are Exemptions, for small infill sites, such as sites which are not of sufficient scale or character to define their own density, or need to respond to the scale and form of the surrounding development. However, given the size of the subject site which is in excess of 2Ha, it is my opinion the subject site does not qualify as a small infill site, therefore the exemption does not apply as regards determining the site's own site specific density.
- 8.2.7 I refer to Section 3.4.2 of the Compact Settlement Guidelines it is stated '*The evaluation of impact on local character should focus on the defining characteristics of an area, including for example, the prevailing scale and mass of buildings, urban grain and architectural language, any particular sensitivities and the capacity of the area for change. While it is not necessary to replicate the scale and mass of existing buildings, as most urban areas have significant capacity to accommodate change, it will be necessary to respond in a positive and proportionate way to the receiving context through site responsive design.*' On appeal the applicant has submitted evidence of the prevailing densities in the receiving neighbourhood, which are lower than the proposed density of 14 units per hectare. The underlying concern are the large private amenity areas and plot sizes associated with the vast majority of the proposed dwellings. The proposed layout would appear to represent an inefficient use of serviced prime suburban land within Kilkenny city.
- 8.2.8 However, I do except the subject site has special qualities in terms of its parkland appearance and the relationship with Glendine House. These are important considerations in providing an appropriate design brief for the subject site. The Glendine area of Kilkenny City is a car dependent suburban area with no appropriate

public transport links which would support higher densities. The surrounding area, i.e. the wider area of Glendine Road, Castlecomer Road, and Greenshill, which collectively form the northern suburban area of Kilkenny Environs, have a residential pattern of low-density housing. The dwelling typology of the area consists of large two storey detached dwellings. On balance, although the Guidelines would call for higher densities Key Town suburban lands, I consider the proposed low-density layout to be in keeping with the neighbourhood character of the area. The large, detached dwelling typology is strong in this part of Kilkenny City, and, in my opinion, a higher density on the subject site would be an inappropriate design response given the location and qualities of the site. In accordance with the Urban Design Manual, DoEHLG 2009, there should be graceful links between the past and the present, a new development should appear to have evolved naturally as part of its surroundings within urban areas. Having regard to the low-density approach to the design, the proposed retention of the mature trees and the mirroring of existing settlement patterns in the area, in my opinion, the proposed development will make a positive contribution to the character and identity of the neighbourhood.

8.3 Permeability

8.3.1 The third-party appeal has raised the issue of permeability from Glendine Court into the subject site, and the proximity of the proposed access to a roundabout on Glendine Road.

8.3.2 I examined the cul-de-sac in Glendine Court (Photo Plates, 14 and 17) which is a common boundary with the subject site. The boundary is an old stone wall associated originally with Glendine House. There is an area of open space fronting the wall on the Glendine Court side of the wall. I do not see how removing this wall to provide permeability would benefit the overall neighbourhood. Glendine Court is a small low-density estate, and Glendine Road provides adequate accessibility for the residents to the wider area.

8.3.3 The appeal has provided no technical evidence to substantiate the claims the mini roundabout on the Glendine Road is problematic. In addition, the appeal submits access via Glendine Court would address this issue.

8.3.4 There are two technical reports on the planning application file from the Roads Design Office. The first is dated 25th of June 2025 requested further information.

The second is the most relevant to the appeal, of 19th of November 2025, a summary of the report is as follows:

- There is no objection to the proposed development;
- The sightlines shall be in accordance with the revised drawings received on 14/11/2025.
- The finishes, and layout of the entrance, boundary wall shall be agreed with the Roads Design office before the development commences;
- The re-instatement of the footpath and details of pedestrian access to be agreed;
- Other conditions were recommended regarding the estate road, public lighting, EV charging points, speed limit sign and tactile paving.

8.4 **Part V**

8.4.1 The appellant claims that the applicant has been granted Exemptions on previous planning application in recent years from their Part V obligations under the Planning and Development Act 2000 (as amended). The planning authority has confirmed on appeal that Part V is required and a suitable letter from the applicant is on file with the appropriate Housing Authority.

8.4.2 It is the responsibility of the planning authority to implement Part V obligations and beyond the remit of the Commission, other than to apply the appropriate planning condition. The applicant has submitted they are fully committed to ensuring any Part V obligations are adhered to in associated with the relevant Housing Authority.

9.0 **AA Screening**

9.1 In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on River Barrow and River Nore SAC in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177V was required.

9.2. Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the River Barrow and River Nore SAC can be excluded in view of the conservation objectives of the site

and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- The short duration of the construction phase.
- The limited scale and size of the subject site and proposed development
- No direct hydrological link between the subject site and the European sites
- The best practice mitigation measures proposed.
- The nature of development in the vicinity of the site

10.0 Water Framework Directive

- 10.1. The application site is within the Nore Hydrometric Area (15) and Catchment (15) and the Nore Sub-Catchment (100) and Sub-Basin (170). The main channel of the River Nore is circa 380m south-west of the site. There is no direct surface water connectivity between the application site and the River Nore. The EPA have defined the ecological status of the River Nore at points upstream and downstream of Kilkenny as good. The biological quality rating for the river at the EPA Station RS15N011800 (770m south of application site) was noted to be Q3-4 in 2022. i.e., moderate ecological status. A Q3.4 was also noted from Ossory Bridge (2.9km south of application site). Under the requirements of the Water Framework Directive all waterbodies must achieve good status within the current cycle of the Directive. The proposed development comprises the construction of 28No. dwelling units. I have assessed the proposed 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.
- 10.2. The application site is within the Killkenny-Ballynakill Gravels Groundwater Body. The overall Water Framework Directive status of this groundwater body is noted as good, and this groundwater body is currently noted as being Not at Risk. The area underlying the proposed site itself is noted to be of high groundwater vulnerability (source Geological Survey of Ireland, Groundwater Vulnerability Maps).

10.3. 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 nature of the development located within the norther environs of Kilkenny City
- Implementation of standard construction measures

11.0 Recommendation

11.1. I recommend the planning authority's decision to grant planning permission for the proposed development be upheld.

12.0 Reasons and Considerations

Having regard to the provisions of the Kilkenny City and County Development Plan 2021-2027, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the design, scale and layout of the proposed development and pattern of existing and proposed development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for an appropriate form of development at this location and would provide for a good quality of residential amenity for future residents. Furthermore, the proposed development would not adversely impact upon the residential amenity of the area, would be acceptable in terms of traffic and pedestrian safety, would be acceptable in terms of wastewater and would not have an adverse impact on water quality or the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14th of November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: in the interest of clarity

2. The planning permission granted is for 28No. residential units as per the revised proposals submitted by way of further information to the planning authority on the 14th of November 2025.

Reason: in the interest of clarity.

3. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to the planning authority for written agreement prior to the commencement of development. All mitigation measures set out within the plan shall be implemented in full.

Reason: in the interests of amenities, public health and safety and environmental protection.

4. a) Prior to commencement of development the developer shall submit to the Planning Authority for agreement full details of a tree conservation covenant to be applied to each individual site and open space requiring the management and maintenance of any or all trees on the site which was identified for retention requiring written consent of the Planning Authority before works are carried out on

any tree. The maintenance shall also include for replacement planting in the event of tree removal.

b) Tree protection measures shall be put in place to protect the root zone of all trees to be retained. The protection shall adhere to the best practice guidelines as outlined in BS 5387 2005.

Reason: To protect the existing significant trees to be retained on site and to ensure that sylvan setting of the site is maintained in the interests of visual amenity.

5. The southern boundary of the development site shall be agreed in writing with the planning authority prior to the commencement of development. All remaining boundary treatments shall be implemented and constructed in accordance with plans submitted prior to the first occupation of the proposed development, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of visual amenity and to ensure an appropriate high standard of development

7. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall

be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason; In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual amenity.

9. (a) The applicant shall provide the sightlines and visibility splays as indicated on the drawings. The applicant shall ensure that sightlines and visibility splays throughout the development are maintained free of obstruction and landscaping features.

(b) The applicant shall agree with the planning authority the finishes, construction make up and detailing of the proposed access, walling and boundary treatment to ensure that the access is clearly defined and suitably constructed to cater for vehicular traffic whilst prioritising the movement of pedestrians and cyclists. This shall be agreed prior to commencement of development works.

(c) The applicant shall agree on site with the planning authority the reinstatement of the footpath, kerbing and its interface with the pedestrian access at the position of House No.1 prior to commencement of development works.

(d) The applicant shall agree the construction make-up of the internal access road and associated works with the planning authority prior to commencement of development works. The applicant shall be required to amend the construction makeup provide a minimum 140mm depth of bituminous material.

(e) The applicant shall submit for consideration and agreement of the Roads section a revised public lighting design including digital lighting plots for the proposed development to cater for the apartment building. The lighting shall have energy efficient LED technology and capable to be adapted for use with a central management system (CMS –with 7pin NEMA sockets) or equivalent and consideration shall be given to the lighting provision on the existing road network. The lantern specification shall be agreed with the planning authority with the agreed lantern type to be registered on the SEAI Triple E register. Existing public lighting to be incorporated into the scheme shall be upgraded where required to ensure consistency with the proposed design. Further guidance is available in the draft Kilkenny County Council Public Lighting Manual and Product Specification 2021.

(f) Chambers are required at T Junctions and sharp changes in direction. Small access chambers should be installed to the specification agreed with the planning authority.

(g) The proposed lighting units shall be registered on SEAI Triple E register for products. Lights are to be warm white colour temperature (3000K) unless there is a particular requirement for the active travel infrastructure and the sustainable link road, which shall be agreed with the planning authority.

(h) Clearance of lighting columns from kerb line to be a minimum of 1200mm especially on public roads and ensure they are positioned so as not to cause an obstruction and allow free passage of all people on any footway / cycleway. LED drivers are to be pre-programmed and capable of being re-programmable post installation via NFC drivers with 3-core cables from ground level (column door).

(i) The applicant shall make provision for EV charging points for the apartment building carpark in consultation with the planning authority.

(j) The applicant shall provide 30kph Speed Limit / Slow Zone Signage on entry to the development, and the public road speed limit on exiting the development to ensure consistency with the 30kph signage provided for residential

developments in the city environs. All road markings and signage in the proposed development shall be in accordance with the Department of Transport, Traffic Signs Manual, 2010.

- (k) The applicant shall provide dished kerbing and tactile paving at all pedestrian crossing points throughout development with the paving installed in accordance with 'Guidance on the Use of Tactile Paving Surfaces' and the layouts shall comply with the provisions of the Design Manual for Urban Roads and Streets.

Reason: In the interests of orderly development, traffic safety and residential amenity of existing residents.

10. The site shall be landscaped in accordance with the Landscape Plan submitted to the planning authority on the 14th of November 2025. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

11. The development hereby permitted shall be carried out and completed to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

12. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: in the interests of amenity and of traffic and pedestrian safety.

13. All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

Reason: in the interest of sustainable transportation.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason; In order to safeguard the residential amenities of property in the vicinity.

15. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Eireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network

Reason: in the interest of public health and to ensure adequate water/wastewater facilities

16. All drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and

services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: in the interests of public health and surface water management.

17. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted , to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing , including cost rental housing. The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

18. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiun Pleanala for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area

19. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security as may be accepted in writing by the planning authority to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

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

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

Caryn Coogan
Planning Inspector

4th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500630-KK-26
Proposed Development Summary	Development of 28No. Residential Units originally 22No.) and all associated site development works
Development Address	Glendine Road, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	

<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><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.</p>	<p>State the Class here</p>
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. 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>Section 5 P.2 10(b)(ii) construction of more than 500 dwelling units.</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>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500630-KK-26
Proposed Development Summary	Construction of 28No. residential units and associated site development works
Development Address	Glendine Road, 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	The proposed development is for 22 no. dwelling houses, later revised to 20No. dwellings and 8No. apartments. The subject site is currently greenfield in nature and not in use. Wastewater and Water connection is being proposed via the mains within the immediate vicinity of the site. The proposed development would not be exceptional in the context. The development would not result in the production of significant waste, emissions, or pollutants.
Location of development	The subject site is bounded to the west by Glendine Road and to the east by Kilkenny Gold Club. To the south by educational properties and to the north by an established residential area. The locality is predominantly low density residential use located on the northern environs of Kilkenny City .The development is removed from sensitive natural habitats, centres of population and designated sites

	<p>and landscapes of identified significance in the County Development Plan.</p> <p>The River Nore which flows through Kilkenny City in a north to south direction, is located approximately 05km to the west of the site.</p>
<p>Types and characteristics of potential impacts (Likely significant effects on I parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>
<p>Conclusion</p>	
<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: _____

Appendix 3: Standard AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PI- 500630-KK-26	
<p>Step 1: Description of the project and local site characteristics</p> <p>Construction of a residential development consisting of 28 dwellings a new site entrance and all associated site works in the built up suburban area 1.6km north of Kilkenny City Centre on the Glendine Road .</p> <p>The site drainage design and management of surface water runoff for this new development will use SuDS features such as permeable paving, swales, soakaways and infiltration trenches. All SuDS features were designed and constructed in accordance with the Greater Dublin Strategic Drainage Study (GSDSDS) and the CIRA SuDS Manual. Site investigation of subsoil infiltration characteristics demonstrated that the underlying ground conditions at this site are suitable for the provision of an infiltration base drainage system. The new foul drainage system for the development will connect to the 225mm diameter public sewer on Glendine Road.</p>	
Brief description of project	22No. detached dwellings units which was later revised to 20No. detached dwelling units and 8No. two bedroomed apartments on 2.06Hs within a low-density suburban area of Kilkenny City
Brief description of development site characteristics and	The site is just over two hectares. The land-use surrounding the site predominantly consists of the sub-urban and urban areas of Kilkenny City. Buildings and artificial surfaces and amenity grasslands and gardens are

potential impact mechanisms	the habitats commonly associated with these areas. Beyond the urban fabric of Kilkenny, agriculture is the dominant land use and improved agricultural grassland is the dominant habitat
Screening report	No
Natura Impact Statement	Yes provided with the original planning application documents.
Relevant submissions	None

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 Nore SAC 002162	Vertigo moulinsiana Freshwater pearl mussel (Margaritifera margaritifera) White-clawed crayfish (Austropotamobius pallipes) Sea lamprey (Petromyzon marinus)	204m north-west	None	Yes

	<p>Brook lamprey (Lampetra planeri)</p> <p>River lamprey (Lampetra fluviatilis)</p> <p>Twaite shad (Alosa fallax fallax)</p> <p>Salmon (Salmo salar)</p> <p>Estuaries</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Salicornia and other annuals colonizing mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Otter (Lutra lutra)</p> <p>Killarney fern (Trichomanes speciosum)</p> <p>Nore Freshwater</p> <p>Pearl mussel (Margaritifera durrovensis)</p> <p>Water courses of plain to montane</p>			
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	<p>levels with the Ranunculus fluitans and Callitriche-Batrachion vegetation European dry heaths Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>Petrifying springs with tufa formation (Cratoneurion)</p> <p>Old sessile oak woods with Ilex and Blechnum in British Isles</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior</p>			
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River Nore SPA 004233	Kingfisher Alcedo atthis	386m south-west	No	Yes
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

(a) The subject site is 2.06Ha located in a built-up area of Kilkenny City on the Gledine Road. It is 204m of the River Barrow and Nore SAC, and 386m of the River Nore SPA. The proposed development would not result in any direct habitat loss within any European site. There are no watercourses on the site itself and direct surface water connectivity between the application site and these Natura 2000 sites does

not exist. Having regard to the small area of site and the small scale of the development, and the distance to the European sites, I do not foresee any source pathway-receptor linkage to the SAC/ SPA.

- (b) During construction and site clearance there is a slight potential for indirect surface water runoff from site works containing silt or other contaminants, to discharge to road gullies. During the operational phase, surface water drainage will be designed in accordance with best practice requirements, and given the lack of linkage, there are no significant impacts on nearby European sites anticipated during operational phase. During the operational phase there is no potential for groundwater pollution as the vast bulk of the site will remain under open space (private and public), any leakage from cars would be insignificant due to dilution and dispersal effects, and a considerable distance from the European site. Wastewater at operational stage will be connected to the urban drainage systems and will discharge to Kilkenny WWTP. Surface water at operational stage will be subject to SuDS drainage scheme. The hydrological connections are indirect and weak, and the separation distance is significant.
- (c) It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the construction and operation of the proposed development, would not be likely to have an adverse effect on the conservation objectives of the European sites.
- (d) However the submitted NIS identifies the potential for negative effects up on the River Nore River Barrow SAC and the River Nore SPA in particular during the construction phase of the development as a result of potential pollution or discharges into the adjoining road gullies fronting the site

	<p>Likelihood of significant effects from proposed development (alone):Y</p>
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>

	Impacts	Effects
<p>Site 2:</p> <p>RIVER NORE (SPA SITE CODE 004233)</p> <p>Of special conservation interest for the following species: Kingfisher</p>	<p>Records exist for this bird along the River Nore in Kilkenny City. The kingfisher would be expected to regularly occur in along the River Nore as there are abundant overhanging trees providing suitable perches for birds to hunt from. Kingfishers are very vulnerable to changes in water quality, as a depletion of fish stocks would mean the loss of their main food source. Other threats include human disturbance and bank disturbance.</p>	<p>Significant effects upon this species due to deteriorations in water quality in the River Nore cannot be ruled out.</p>
	<p>Likelihood of significant effects from proposed development (alone):</p> <p>Yes</p> <p>The construction of the new residential development and the associated works will involve the excavation of soil and the pouring of concrete for foundations and other hard surfaces.</p> <p>These works will take place on a site that is 204m south-east of the River Barrow and Nore SAC / 386m north-east of the River Nore SPA and in an area of high groundwater vulnerability.</p> <p>There are no watercourses within the application site itself, however public surface water gullies surrounding the site or along the Glendine Road may ultimately discharge into the River Nore.</p> <p>In the absence of mitigation and in the case of a large-scale pollution event of sufficient magnitude arising during construction, considered on its own or in combination with other activities, then there is the possibility that water quality in local surface or ground waters and subsequently on the QIs of the River Barrow and Nore SAC / River</p>	

	<p>Nore SPA may be negatively impacted upon. During the initial stages of the construction phase, extensive earthworks will be carried out to facilitate the construction of the foundations for the buildings, car parks and access road, the installation of services/drainage infrastructure, etc. The resulting stockpiles of the displaced soils and sediments, in the absence of suitable mitigation, will be susceptible to erosion during this period. This could create a potential pathway for silt and sediment to migrate off-site. In addition, during construction there is also the possibility of a spillage of contaminants such as fuels, oils, chemicals and cement material, posing a potential risk to surface and groundwater quality. Fuels, oils and chemicals have a number of hazardous properties, and the constituents of concrete are alkaline and corrosive. Each one of these substances could have a significant deleterious effect on water quality and aquatic life in the River Nore.</p>
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>No, there are no other similar development proposals in the general vicinity of the site.</p>
<p>It is not possible to exclude the possibility that the proposed development alone would result in significant effects on the River Barrow and River Nore SAC from effects associated with construction phase emissions. 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>Screening Determination</p> <p>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 in view of the sites' conservation objectives. Appropriate Assessment is required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> • The proximity of the site to the River Barrow and River Nore SAC, River Nore SPA. • The potential for Pollutant emissions arising from the site during the construction phase of development. 	

Stage 2 Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of 28No. residential units at Glendine Road Kilkenny and ancillary works in view of the relevant conservation objectives of River Barrow and River Nore SAC and River Nore SPA based on scientific information provided by the applicant and available from the National Parks and Wildlife Service (NPWS).

The conclusions of my screening assessment are different from those reached by the applicant in their NIS. I did not consider that there was potential for groundwater pollution arising from the construction or operational phases of the proposed development. Notwithstanding this, the NIS submitted with the application documentation, in conjunction with the information available from the NPWS, the EPA, and the Kilkenny County Council planning register is sufficient to allow for Appropriate Assessment.

I am satisfied that all aspects of the project which could result in significant effects have been considered and assessed in the NIS, and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness. No observations or submissions were made by prescribed bodies. One public observation was made, but it did not relate to Appropriate Assessment.

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*		
Qualifying Interest features likely to be affected	Conservation Objectives Relevant Targets and Attributes	Potential Effects Adverse	Mitigation Measures
<p>Site 1: RIVER BARROW AND RIVER NORE (SAC SITE CODE 0002162)</p> <p>The specific conservation objective is either to maintain or restore the favourable conservation condition of that interest</p>	<p>Direct: None</p> <p>Indirect</p> <p>Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution.</p>	<p>Negative affect on habitat quality/ function and prey availability/ undermine conservation objectives related to water quality]</p>	
<p>Desmoulin's Whirl Snail (<i>Vertigo moulinsiana</i>)</p>	<p>Not at Risk</p>	<p>The proposed development will not lead to the draining of any wetlands, therefore no impacts upon this species are predicted. There are no records for this species within the 10km</p>	

		square of this application site.	
Freshwater pearl mussel (Margaritifera margaritifera)	Not At Risk	The habitat of Margaritifera margaritifera is acid/neutral waters which flow over non-calcareous rocks. Potential significant effects upon this species within this SAC will not arise	
Sea lamprey (Petromyzon marinus)	Not at Risk	This species occurs in the lower reaches of the Barrow and Nore systems, in Co. Kilkenny. It does not occur within the Zone of Influence of the application site and no significant effects upon this species are likely.	
Twaite shad (Alosa fallax fallax)	Not at Risk	This species is found in the River Barrow downstream of St. Mullins, in the south of Co. Kilkenny.	
Estuaries	Not at Risk	Given the considerable distance to the Estuaries, it is not anticipated that the development would have the potential to negatively	

		impact upon these qualifying interests.	
Tidal Mudflats and Sandflats	Not At Risk	Given the considerable distance, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.	
Reefs	Not At Risk	Given the considerable distance, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests	
Atlantic Salt Meadows (<i>Glauco Puccinellietalia maritimae</i>)	Not At Risk	Given the considerable distance, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests	
Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	Not at Risk	Given the considerable distance, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests	

Qualifying Interest features likely to be affected	Conservation Objectives Relevant Targets and attributes.	Potential adverse effects:	Mitigation measures (summary)
<p>White-clawed Crayfish (Austropotamobius pallipes)</p>	<p>Records exist for the crayfish from the River Nore in Kilkenny City. Crayfish need high habitat heterogeneity. The greatest threat to this species is introduced non-native crayfish and disease, such as has been seen recently with the loss of crayfish populations due to the crayfish plague.</p> <p>To maintain the Favourable conservation condition of White clawed crayfish in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: Water quality: At least Q3-4 at all sites sampled by EPA.</p>	<p>Crayfish are also sensitive to pollution and therefore as they are likely to occur in the Zone of Influence of the application site, significant effects upon this species due to deteriorations in water quality in the River Nore cannot be ruled out.</p>	<p>Implementation of good working practices and standard pollution mitigation measures during the construction phase of development, as per Section 5.0 of the NIS. Submission and Implementation of a CEMP include the following:</p> <ul style="list-style-type: none"> • Material handling systems and site stockpiling of materials would be designed and laid out to minimise exposure to the existing road gullies; • Public roads outside the site would be regularly inspected and cleaned as necessary; <p>Top-soiling and landscaping of the</p>

			works will take place as soon as finished levels are achieved. Stockpiled material would be covered/dampened during dry weather to prevent spreading of sediment/dust; • Wheel wash during dry periods
Brook lamprey (Lampetra planeri) River lamprey (Lampetra fluviatilis)	To restore the favourable conservation condition of Brook lamprey in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: To restore the Favourable conservation condition of River lamprey in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: Extent and distribution of spawning habitat: No decline extent and distribution of spawning beds. Note: Lampreys spawn in clean gravels.	Both these species occur throughout the River Barrow and Nore SAC. These species potentially occur within the Zone of Influence of the application site. Significant effects upon these species due to deteriorations in water quality in the River Nore cannot be ruled out	As above

Salmon (<i>Salmo salar</i>)	To restore the favourable conservation condition of Salmon in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: Water quality: At least Q4 at all sites sampled by EPA.	The Atlantic salmon is known to occur throughout the Barrow and Nore system. There should be no impediments arising from the development that would prevent the restoration of the favourable conservation condition of this species in the River Nore and its tributaries. Significant effects upon this species due to deteriorations in water quality in the River Nore cannot be ruled out.	Mitigation Measures as above
Otter (<i>Lutra lutra</i>)	To restore the favourable conservation condition of Otter in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: Fish biomass Available: No significant decline.	There are no riparian habitats within the application site itself suitable for use by the otter and therefore direct impacts upon this species will not arise. However, significant effects upon this species due to deteriorations in water quality in the River Nore cannot be ruled out.	Mitigation Measures as above
Alluvial forests with <i>Alnus</i>	To restore the Favourable conservation condition of Alluvial forests with <i>Alnus</i>	These are not found in the Zone of Influence of	

<p>glutinosa and Fraxinus excelsior</p>	<p>glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: Vegetation composition: native tree cover: No decline. Native tree cover not less than 95%. Vegetation composition: typical species: A variety of typical native species present, depending on woodland type, including ash (Fraxinus excelsior) alder (Alnus glutinosa), willows (Salix spp) and locally, oak (Quercus robur). Vegetation composition: negative indicator species: Negative indicator species, particularly non-native invasive species, absent or under control.</p>	<p>the subject site and can therefore be ruled out.</p> <p>Not at Risk</p>	
<p>Water courses of plain to montane levels with the Ranunculon fluitantis and</p>	<p>To maintain the Favourable conservation condition of Water courses of plain to montane levels with the</p>	<p>This habitat is also commonly known as floating river vegetation. Its definition is wide and Ranunculus, Callitriche,</p>	<p>Mitigation Measures as above</p>

<p>Callitricho Batrachion vegetation</p>	<p>Ranunculion fluitantis and Callitricho Batrachion vegetation in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: Water quality: suspended sediment: The concentration of suspended solids in the water column should be sufficiently low to prevent excessive deposition of fine sediments. Water quality: nutrients: The concentration of nutrients in the water column should be sufficiently low to prevent changes in species composition or habitat condition. Vegetation composition: typical species: Typical species of the relevant habitat sub-type should be present and in good condition.</p>	<p>Potamogeton and Myriophyllum species are often present. Pressures on this habitat include diffuse and point source pollution, eutrophication, modification of hydrological flow, overgrazing and alien species. Effects upon this habitat due to deteriorations in water quality in the River Nore cannot be ruled out</p>	
<p>Hydrophilous tall herb fringe communities of</p>	<p>The distribution of this habitat type within the Barrow/Nore SAC is</p>	<p>These are not found in the Zone of Influence of the subject site and can therefore be ruled out.</p>	

plains and of the montane to alpine levels	unknown. It is considered to occur in association with some riverside woodlands, unmanaged edges of slow moving rivers, river islands and in narrow bands along the floodplain of slow-flowing stretches of river.		
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The above tables are based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note the relevant targets and attributes in respect of water quality and species composition, which can be impacted by leakage/ spillage/ siltation arising from the construction phase of the proposed development.

Assessment of issues that could give rise to adverse effects view of conservation objectives.

The construction of the new residential development and the associated works will involve the excavation of soil and the pouring of concrete for foundations and other hard surfaces. These works will take place on a site that is 204m south-east of the River Barrow and Nore SAC / 386m north-east of the River Nore SPA and in an area of high groundwater vulnerability. There are no watercourses within the application site itself, however public surface water gullies surrounding the site or along the Glendine Road may ultimately discharge into the River Nore. In the absence of mitigation and in the case of a large-scale pollution event of sufficient magnitude arising during construction, considered on its own or in combination with other activities, then there is the possibility that water quality in local surface waters and subsequently on the QIs of the River Barrow and Nore SAC / River Nore SPA may be negatively impacted upon

During the construction phase of development there is potential extensive earthworks be carried out to facilitate the construction of the foundations for the buildings, car parks and

access road, the installation of services/drainage infrastructure, etc. The resulting stockpiles of the displaced soils and sediments, in the absence of suitable mitigation, will be susceptible to erosion during this period. This could create a potential pathway for silt and sediment to migrate off-site. I consider that the small size of the subject site and the limited depth of the proposed ground works, which are required to accommodate proposed foundations, reduces significantly the potential for large amounts of stockpiling to arise.

In addition, during construction there is also the possibility of a spillage of contaminants such as fuels, oils, chemicals and cement material, posing a potential risk to surface and groundwater quality. Fuels, oils and chemicals have a number of hazardous properties, and the constituents of concrete are alkaline and corrosive. Each one of these substances could have a significant deleterious effect on water quality and aquatic life in the River Nore.

Mitigation measures proposed include measures to protect the surface and ground water quality locally and will subsequently prevent significant effects upon the River Barrow and Nore SAC and the River Nore SPA. Measures have also been suggested that will help to protect or enhance the local biodiversity of the surrounding area and to ensure the protection of local wildlife. The implementation of these site-specific mitigation measures will ensure the protection of Natura 2000 habitats and species, and the local non-designated ecological receptors. The mitigation measures outlined under Section 5 of the NIS from this technical examination, I am confident that emissions arising from the proposed development will not give rise to adverse effects on habitats or species at the River Barrow and River Nore SAC in respect of its conservation objectives and targets.

Mitigation is described in section 5 of the submitted NIS and relates to implementation of measures through a construction environmental management plan. A Construction and Environmental Management Plan will be submitted to the planning authority prior to the commencement of the development. Mitigation measures included in the Plan will also be adopted on site during the construction phase which will include measures for waste, silt, drainage, fuel/oil management is outlined. I accept that the proposed mitigation would limit the identified potential impacts within the submitted NIS to within acceptable parameters.

Having considered the planning register to the immediate area and the Kilkenny City Development Plan 2021-2027, I am satisfied that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

I have determined that following the implementation of mitigation measures, the operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of any European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Direct and indirect impacts as a result of emissions arising from the proposed development have been ruled out on the basis of predicted emissions arising during the construction phase of the proposed development in isolation and cumulatively. Best practice mitigation measures are proposed, which are effective and can be implemented.

Reasonable Scientific Doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the River Barrow and River Nore SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on River Barrow and River Nore SAC in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177V was required. Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the River Barrow and River Nore SAC can be excluded in view of the conservation objectives of the site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The short duration of the construction phase.
- The limited scale and size of the subject site and proposed development
- No direct hydrological link between the subject site and the European sites
- The best practice mitigation measures proposed.
- The nature of development in the vicinity of the site

Inspector

Date