



An
Coimisiún
Pleanála

Inspector's Report PL-501602-KK-26

Development	Construction of 39 dwellings, and alterations to and demolition of existing buildings, and all associated site works. A N.I.S. (Natura Impact Statement) has been submitted with the application.
Location	Sion Hermitage, Sion Road, Kilkenny.
Planning Authority	Kilkenny County Council.
Planning Authority Reg. Ref.	2560456.
Applicant(s)	Oakmane Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party Normal Planning Appeal.
Appellant(s)	Pat & Jacinta Cantwell.
Observer(s)	None.
Date of Site Inspection	24 th September 2026.

Inspector

C. Daly.

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	9
3.3. Prescribed Bodies	11
3.4. Third Party Observations	12
4.0 Planning History	13
5.0 Policy Context	14
6.0 The Appeal	22
6.1. Grounds of Appeal	22
6.2. Applicant Response	23
6.3. Planning Authority Response	24
6.4. Further Responses	25
7.0 Assessment	26
8.0 EIA Screening	43
9.0 Appropriate Assessment	44
10.0 Water Framework Directive	46
11.0 Recommendation	47
12.0 Reasons and Considerations	47
Appendix 1: Form 1 EIA Pre-Screening	50
Appendix 2: Form 2 - EIA Preliminary Examination	53
Appendix 3: Standard AA Screening Determination Template 2	62
Appendix 4: Appropriate Assessment and AA Determination	74

Appendix 5: Water Framework Directive.....	99
--	----

1.0 Site Location and Description

- 1.1. The subject site of Sion Hermitage, of area 3.8ha., consists of Sion House among a group of four main two storey and part one storey buildings to the front of the site with one of these directly fronting the road. There is what may have been a walled garden area in the front eastern area of the site. To the rear/south of the buildings is a garden area which slopes somewhat downhill and the slope increases close to the boundary trees to the south.
- 1.2. There are some mature trees within the garden area and along the site boundaries to the east, south and west where the mature trees enclose the garden area on three sides. There is an area of woodland adjacent to the south which is part of the River Barrow and River Nore SAC (site code 002162). The woodland to the south and south-west of the garden is located on more steeply sloping land which slopes downhill to the bankside of the River Nore. There is an informal walkway through this area from the garden although the entrance to it is not readily viewable or clearly accessible from the garden.
- 1.3. There is a thick line of mature trees along the western boundary most of which are outside of the site boundary and there is an informal linear area inside the wall of the western boundary leading up to a gate at the public road. This linear area is adjacent to two dwelling sites to the north-west. There is also a dwelling adjacent to the south-east. There is an informal type walkway through the SAC area close to the river bank. This is not fenced off from the subject site and goes through the woodland.
- 1.4. The site is accessed via the Sion Road to the north-east from two existing entrances and there is a new low density residential development opposite the site where Sion Road has been somewhat widened. The site is outside the eastern ring road which it is 200m from and is c.1.4km from the urban centre of Kilkenny.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
 - Demolition of existing buildings one and four and partial demolition and conversion of existing building three to a residents communal building

(demolition area 1,766.9sqm) including a large rectangular hall space with small side kitchen and W.C. area and which is intended to be available for community use by the future residents.

- 39 no. new dwellings consisting of:
 - Four no. Type A two bed single storey semi-detached units.
 - Four no. Type B three bed single storey detached units.
 - 12 no. Type C/C1 three bed single storey detached units.
 - Two no. type D/D1 two bed single storey detached units.
 - Two no. Type E two bed single storey semi detached units.
 - 6 no. Type F/F1 four bed single storey detached units.
 - 6 no. Type G/G1 5 bed two storey detached units.
 - Two no. Type H/H1 four bed two storey detached units.
 - Alterations, extension and renovation of existing building no. two to a four bed detached unit.
- Alterations to existing site entrance, provision of a new site entrance to Sion Road, alterations to roadside boundary and blocking of an existing residential site entrance.
- Provision of a new footpath to Sion Road, provision of public open space, landscaping and boundary treatments and new planting.
- Water and utility services and connections, lighting, all enabling and ancillary development and works above and below ground level.
- A Natura Impact Statement was submitted with the application.
- Following F.I., the site layout was revised with the red line set back from the western boundary leaving an area adjacent to it for an informal walkway. The new house types were revised to include 4 no. A type two bed units, 6 no. B type three bed units, 8 no. C type three bed units, 4 no. D type two bed units, 6 no. F type four bed units, 6 no. G type four bed units and two no. H type four bed units. A new 230.89sqm three bedroom group residents building (unit no. 5) was also included. This is noted to be a group home, i.e. a residence with

two bedrooms. The alterations to existing building two remain which gives a total of 38 residential units.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Kilkenny County Council initially decided to request further information in relation to 23 items which included:

- (1) The retention of the trees on the western and southern boundaries with houses 14 to 23 of particular concern.
- (2) The fencing off of the scheme and the absence of public access to lands within the blue line and towards the River Nore.
- (3) A requirement for the identification of the precise location of the trees in the tree survey.
- (6) The opportunity for active travel measures from the site to connect to the wider active travel proposals for the area particularly connecting to the River Nore linear park and to the ring road.
- (7) The requirement for a bat survey within the site.
- (8) The requirement for a pre-construction survey of all trees to be removed to check for any potential roost features for bats.
- (10) Proposals required to substantially retain the boundary with Mount Sion House.
- (17) Consideration of a 2.5m wide footpath on Sion Road, and other road layout issues related mainly to DMURS

3.1.2. Following F.I. the Council decided to grant permission subject to 25 no. conditions. Notable conditions include:

- Condition no. 2 requires a revised layout for house numbers 10 to 15 inclusive and which shall provide for the retention of trees T1892 and T1889, no net increase in the number of houses.

- Condition no. 5 requires all trees along the south-west boundary to remain in situ and shall only be removed following assessment and with the P.A. consent and all trees on site shall have their root protection area identified and fenced off from construction activity.
- Condition no. 7 requires, inter alia, detailed agreement in relation to the vehicular entrance, for a 2.5m wide footpath to the front, details of other internal roads, surface related details to be agreed and details for a 30kph speed limit/slow zone signage and for 20kph signage/limit around the residents building.
- Condition no. 9 requires the submission of details in relation to the made ground containing waste debris and how it will be dealt with, the submission of a Resource Waste Management Plan, details of a Refurbishment Demolition Asbestos Survey and details of a Construction Environmental Management Plan.
- Condition no. 11 requires the carrying out and completion of all landscaping within the first season following occupation of the first residential unit.
- Condition no. 12 includes a requirement for rear garden screen walls of two metres in height and side fences to be at least 1.8m in height.
- Condition no. 13 requires all service cabling to be underground and for at least one 110mm diameter neutral open ace uPVC duct from the entrance and along the reservation of all internal access roads.
- Condition no. 14 requires details to be agreed for an estate name, number scheme and signage and to preferably be culturally and/or historically appropriate to the area and the Irish language is encouraged.
- Condition no. 16 requires agreement for amendments to the southern/western most party wall with the neighbouring sites.
- Condition no. 17 requires the installation of a playground.
- Condition no. 20 requires a management company be set up for the community centre and associated waste storage areas.

- Condition no. 25 requires the implementation of all pre-construction, construction and post construction mitigation measures included in the Natura Impact Statement to be strictly implemented and adhered to.

3.2. Planning Authority Reports

- 3.2.1. The initial Planner's Report assessment noted the 'residential (low density)' zoning and the objective "*to protect, provide and improve residential amenity at low density*". It notes that low density is defined as not more than 10 uph and that it must have regard to the character of the area. It noted that the majority of the site is included in the National Inventory of Architectural Heritage survey of gardens and designed landscapes and that an Archaeological Impact Assessment has been carried out.
- 3.2.2. It notes the proposed demolition of Building 1 and 4, the partial demolition of building 3 and the design for building 2 after refurbishment. It notes that 10 trees would be removed and that 5 of these require immediate removal and these are noted to be of poor quality. It shows three of the streetscapes proposed.
- 3.2.3. In terms of services, it notes that the site is served with a connection to the existing large diameter combined sewer on Sion Road and that water is available via the public mains. It notes that surface water on the site would mainly be collected via soakaways in private gardens and that permeable paving would be used.
- 3.2.4. The assessment notes that the proposal conforms with the site zoning, that the density increases to 10.2 uph with the exclusion of the forested periphery. It compares this to the existing permission for 43 units on a larger site which was at a density of 9.8 uph. It notes that the zoning allows for a maximum of 10uph and that in the interest of retaining the large tree stands, the proposal complies with the density requirement.
- 3.2.5. It considered that the mix of two, three, four and five bedroom houses add a variety of housing stock. It noted that the design with consistent finishes and single storey elements would not impact on the amenity of neighbouring units or on the setting. It considered the layout to be less favourable to that granted under reg. ref. 21/300 and to be closer to the trees along the western boundary.
- 3.2.6. It noted that the layout avoids the large tree stands towards the River but required clarity in relation to the removal of some trees to the west and east boundaries. It

considered the existing trees on the site to be a significant asset and that this environment should be protected in the long-term. It noted a substandard path to the front of the site and that the Active Travel office is considering Sion Road as part of a potential active travel link to the city.

- 3.2.7. It noted the submitted design statement which it considered addresses the layout and design considerations. In relation to the proposed demolition, it noted that the Department requested a bat survey be carried out. It noted the recommended mitigation measures in the submitted Archaeological Impact Statement. It noted that a low fence may be required to safeguard woodland habitat and that a path should direct traffic along a shared path through the woods to avoid trampling and other impacts.
- 3.2.8. In relation to the submitted NIS, it noted that it anticipates significant impacts on nine of the qualifying interests of the River Barrow and Nore SAC (site code 002162). It noted that the mitigated measures would be such that the integrity of the SAC would not be adversely affected. The first Planner's Report concluded by recommending that F.I. be requested including in relation to the items outlined Section 3.1 above.
- 3.2.9. The second Planner's Report assessment noted the main design change at F.I. stage being the repositioning of the houses along the western boundary which it states was done to protect the residential amenity of properties to the west. It notes that the western boundary of the houses does not extend to the neighbour's boundary and that this creates a walkway but it considered that there are many such non-overlooked parts of the site such that it had no concerns in relation to anti-social behaviour but that it recommended a solution be found to the western boundary that can be conditioned.
- 3.2.10. The report considered that the F.I. changes had no impact on the issues raised in the NIS and in relation to the SAC and SPA. In relation to tree retention, it noted the mapping of the precise locations of the trees and considered it unfortunate that tree T1892 could not be saved and that the matter could be dealt with by condition. It noted the F.I. response that the lands within the blue line would be retained and controlled by the applicant.
- 3.2.11. In relation to the response regarding active travel it noted that no discussion took place with the Active Travel team. It noted the DMURS Quality Audit including a

Stage 1 / 2 Road Safety Audit (RSA) and noted that the Roads section were satisfied with this. In relation to the response regarding contaminated waste on the site, it noted that the Environment Section were not satisfied with this and recommended conditions be applied.

3.2.12. It further noted the responses to the other F.I. items and it also noted the third party submissions in response to the F.I.

3.2.13. Other Technical Reports

- Housing: Further information requested. Following F.I.: Acceptable.
- Environment: Further information requested in relation waste on the site, demolition details, CEMP, RWMP, operational waste management plan, nature based drainage solutions, connections for water and wastewater and noise during operational phase. Following F.I.: No objection subject to conditions.
- Parks: Satisfied in relation to the tree condition report and the removal of the 10 identified trees and require compensatory planting on the western boundary. A more detailed landscape design is required for the playground.
- Road Design / Area Engineer: Further information requested including in relation to footpath widths, pedestrian crossings and Quality Audit in accordance with DMURS. Following F.I.: No objection subject to conditions.
- Water Services: No response.

3.3. Prescribed Bodies

- Department of Housing, Local Government and Heritage: Recommended a condition requiring an ecologist be retained during construction and for a post operation mitigation compliance report. Recommended bat surveys and tree surveys to inform a bat survey report to include potential impacts and mitigation. Recommended a condition requiring an updated badger survey prior to commencement of development.
- The Heritage Council: No response received.
- Uisce Éireann: No response received.

- An Taisce: No response received.

3.4. Third Party Observations

Four no. third party observations were received initially in response to the application and these observations can be summarised as follows:

- Traffic congestion concerns in relation to surrounding roads and a Traffic Impact Assessment is required.
- Issues in relation to heights of boundary walls and to prevent people coming into adjacent land.
- The height of the boundary to the south will not protect the SAC.
- Negative impacts on wildlife.
- Privacy and safety concerns, failure to deal with access through woodlands and to the river and the need for two metre high stone boundaries.
- Loss of trees on the western boundary and loss of privacy from such removal.
- Negative impact of the playground.
- Impact of lighting on the site.
- The biodiversity report is not included.

Following F.I., two third party observations were received which can be summarised as follows:

- The design response should seek woodland protection, natural surveillance and integration with the development.
- Inconsistencies in boundary treatment details.
- Negative impacts in relation to boundary treatments and the design as it relates to the western boundary.
- Higher boundaries are required to protect privacy and security.
- The nature trail will not be overlooked, will be away from the woodland and will encourage anti-social behaviour.

- Welcomes secure fencing along the woodland boundaries of the Nore Valley Walk Scheme but the access point with connection to the Nore Linear Walk is not consistent with the NIS in respect of human activity in the SAC.
- There is no parking provision for visitors to the nature trail.
- The F.I. response lacks information in relation to the requested items particularly in relation to the western boundary.
- While new secure boundaries will be provide for the new houses, no such enhancements will be made for adjacent residential property.
- There is no tree replacement strategy to deal with tree loss.

4.0 Planning History

Subject Site

21300: Permission granted by the P.A. for the demolition of existing buildings (total gross floor c. 3,031 Sqm) and construction of a residential development of 43 no. two storey houses (6 no. 5 bed detached houses, 27 no. 4 bed detached houses, 10 no. 3 bed semi-detached houses). Residential and visitor car parking spaces, pumping station compound, landscaping and open spaces. Closure of existing vehicular access from the Sion Road and new vehicular access to the east.

ABP-307012-20: Permission refused by ABP for an SHD development including demolition of the existing buildings and construction of 36 houses and 84 apartments, childcare facility and associated site works. (Density 38uph).

Reasons for refusal related to

(1) Noting deficiencies in the NIS, particularly regarding potential anthropogenic pressures with potential impacts on otter and kingfisher to potential impacts on qualifying habitat to the omission of key information relating to Petrifying springs with tufa formation (Cratoneurion), the Board is not satisfied that the proposed development would not adversely affect the integrity of the River Barrow and Nore Special Area of Conservation and the River Nore Special Protection Area such that it is precluded from granting permission.

(2) Having regard to the location on the periphery of Kilkenny City, on the eastern side of the N10 ring road, the deficiencies in the pedestrian and cycle infrastructure and associated safety concerns, the creation of a significant number of additional accesses along the Sion Road and their location where the horizontal road alignment is sub-standard, the proposed development would endanger public safety by reason of a traffic hazard.

14586: Outline permission granted by the P.A. for 27 no. two storey houses and the provision of one vehicular entrance from the Sion Road.

Sites in the Vicinity

19706: Permission granted by the P.A. at Sion Gardens opposite to the north for 12 detached dwellings (Minor alterations to the dwellings subsequently permitted under reg. ref. 2260009, retention of alterations granted under reg. ref. 2560541). (Density 8uph)

5.0 Policy Context

5.1. Kilkenny County Development Plan 2021-2027 (the CDP)

Volume 1

The site is zoned for 'Existing residential (low density)' where the objective states, "*to provide for low density residential development appropriate to the scale and character of the settlement. The maximum residential density to be permitted here shall be 5 dwellings to the acre, depending on servicing arrangements.*" (Section 13.30.8. Under permissible uses, it lists dwellings and open spaces. Community centres are listed under open for consideration use under this zoning.

Variation no. 8A which was to change the zoning of land in Kilkenny City to reflect the requirements of the NPF implementation guidelines was adopted on 20th April 2026 and this did not change the zoning of the subject site. It deleted Core Strategy Table 4.6 and updated Table 2.2 of Volume 2 to provide for an increased growth target for Kilkenny City to 40% from 2016 levels. This notes that "*of the 3,413 units required, just over 1,000 should be catered for within the existing footprint*".

Chapter 4 – Core Strategy

Section 4.2.1 Promoting Compact Growth

One of the key Strategic Outcomes of the NPF is the achievement of Compact Growth. Compact and sustainable growth focuses on reusing previously developed “brownfield sites” and building up infill sites which may not have been built on before, particularly in well serviced urban locations served by good transport links and in close proximity to employment opportunities.

Per Table 4.3, Kilkenny is designated as a ‘significant key town’ in the settlement hierarchy.

Chapter 6 – Housing and Community

Section 6.7 Residential Development

...The Council will have regard to and apply the Sustainable Residential Development in Urban Areas and its companion document Urban Design Manual: A best practice guide, in assessing and dealing with housing developments...

Chapter 9 – Heritage, Culture and the Arts

This includes sections relating to European Sites (Natura 2000), Natural Heritage Areas, biodiversity outside of habitats designated for nature conservation,

Section 9.2.3 Green Infrastructure

Development Management Requirement:

- Require all developments in the early pre-planning stage of the planning process to identify, protect and enhance ecological features and habitats, and making provision for local biodiversity (e.g. through protection of existing breeding sites, and provision of appropriate new infrastructure such as swift, bat and barn owl boxes, bat roost sites, green roofs, etc.) and provide links to the wider Green Infrastructure network as an essential part of the design process.*

Section 9.2.5 relates to woodland, trees and hedgerows and includes development management requirements in relation to protection of same.

Section 9.3.2.2 relates to the National Inventory of Architectural Heritage and the development management requirements include that regard should be had to the Architectural Heritage Protection Guidelines.

Section 9.3.8 Embodied Energy includes the following development management requirements:

- *To have regard to the DCHG Advice Series on Energy when assessing energy upgrades of traditionally constructed buildings.*
- *To assess the whole life energy costs, its lifespan and durability of new building stock, as part of proposals to demolish traditionally constructed structures in favour of new development.*
- *To ensure refurbishment work on these buildings is undertaken in an appropriate manner using suitable materials.*

Chapter 10 – Infrastructure and Environment

Section 10.2.9.1 Waste Management Development Management Requirements

- *...For all significant construction/demolition projects, the developer shall include an Environmental Management Plan. These plans should seek to focus on waste minimisation in general and optimise waste prevention, re-use and recycling opportunities, and shall provide for the segregation of all construction wastes into recyclable, biodegradable and residual wastes.*
- *Construction and demolition waste management plans, to be prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects. These plans should seek to focus on waste minimisation in general and optimise waste prevention, re-use and recycling opportunities, and shall provide for the segregation of all construction wastes into recyclable, biodegradable and residual wastes.*

Chapter 12 – Movement and Mobility

Section 12.12 Car Parking

In assessing development proposals, the Planning Authority will use the standards set out in Table 12.3 below. Such facilities shall cater for the immediate and anticipated future demands of the development, and where car parking provision on site is not possible, or desirable for other valid reasons, the Council may consider the payment of a financial contribution in lieu.

Table 12.3 Car Parking Standards includes two car parking spaces per dwelling house and 0.25 spaces per unit for visitor parking.

Chapter 13 – Requirements for Development

Section 13.4.1 Density

As in the preceding Development Plans it is not intended to prescribe maximum residential density standards. The emphasis will be on providing quality-housing environments based on innovation and a design led approach. A high standard of architectural design and layout will be required.

The Planning Authority will seek to ensure that new developments have individuality and a sense of place, which is generated by the interaction between the physical characteristics and features of the site and its surroundings and the layout, landscaping and design of the new housing. The appropriate residential density in any particular location will be determined by the following: -

- i. The extent to which the design and layout follows a coherent design brief resulting in a high-quality residential environment;*
- ii. Compliance with qualitative and quantitative criteria set out (including the 12 design criteria above);*
- iii. Proximity to points of access to the public transport network;*
- iv. The extent to which the proposal adheres to any masterplan or Local Area Plan for the area.*
- v. The extent to which the site may, due to its size, scale, and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas;*
- vi. Existing topographical, landscape or other features on the site, and;*
- vii. The capacity of the infrastructure, including social and community facilities (such as child care), to absorb the demands created by the development.*

The same criteria will be applied to development proposals involving an increase in density on existing housing sites.

Section 13.5 Infill Development notes that “the Council will also have regard to the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities (DEHLG, 2009) [for] Infill development”.

Section 13.5.1.1 Development Management Requirements for Urban Infill

Development notes that *“multiple units will need to address best practice in terms of meeting the 12 Urban Design Criteria set out in the Design Manual, Best Practice Guide, 2009, as well as DMURS where applicable”*.

Section 13.9 Separation Distance between Houses

In general, there should be adequate separation (traditionally about 22 m between 2-storey dwellings) between opposing first floor windows. However, relaxation of this standard will be considered where the careful positioning of opposing windows can prevent overlooking even with shorter back-to-back distances. Windows serving halls and landings do not require the same degree of privacy as, say, balconies and living rooms. A minimum of 2.3 metres shall be provided between the side walls of detached, semi-detached and end of terrace dwellings to ensure privacy and ease of access. A property boundary should ideally occur mid-way along this dimension.

Section 13.10 Boundary Treatment of House Sites

Where the flank or rear boundaries of house sites abut roads, pedestrian ways or public open space, suitably designed screen walls 1.8 metres in height shall be provided. Where concrete screen walls are proposed they shall be suitably rendered and capped in an acceptable manner.

Section 13.12 relates to naming of housing development which *“should reflect the local and historical context of its siting as far as possible such as local names which reflect the landscape, its features, culture or history of the area in which the development is located. Also considered will be the names of historical persons associated with the area. The use of Irish names will be encouraged...”*

Section 13.20.1 (private open space) includes Table 13.5 requirements including 48sqm for one and two bedroom houses and 60-75sqm for three and four bed houses.

Section 13.20.2 Public Open Space Requirements includes a requirement for *“a minimum public open space provision of 2.4 hectares per 1,000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an occupancy rate of 2.8 persons per unit. A reduction to this standard will only be permitted in exceptional circumstances as determined by the*

local authority. Where such a relaxation occurs the provision of open space within any scheme should not be below 10% of the site area...Where on-site provision is not appropriate the County Council will levy a sum of money from each housing unit in lieu of the provision of public open space/recreation facilities”.

In this regard, Table 13.6 states that a minimum of 0.25 hectares must be provided.

Section 13.20.4 Play space

A standard of a minimum of 10 sq. m. of dedicated playable space per residential unit is to be provided as an integral part of the required open space for each new development. This playable space can form part of the overall open space provision of a development but must be dedicated to play.

Table 13.7 breaks down the play space distance requirements with doorstep playable space to be within a 100m walking distance from a residential unit, local playable space within 400m, neighbourhood playable space within 800m and youth space within 800m.

Section 13.21 relates to scale of development.

Section 13.21.1 Plot Ratio *It is recommended that a maximum plot ratio of 2.0 be set for urban areas and 1.0 for all other areas. The Planning Authority will permit higher plot ratios only in cases where exceptional standards of design are achieved.*

Section 13.21.2 Site Coverage ...*The maximum normal site coverage for uses in all areas is 65%. In urban areas, site coverage may be allowed to increase up to 85% or up to the existing site coverage. In some cases, a higher percentage may be allowed, subject to the proper planning and sustainable development of the site.*

Section 13.22.1 relates to access and sight lines.

The site is included on the NIAH survey of gardens and designed landscapes (KK-67-S-523552). Sion Hermitage (NIAH garden no. 1745). This survey notes parkland and woodland on the site, a principal building, a defined boundary and visible site footprint.

Volume 2

Section 2.5.1

Through the Council's active land management policy, a total of 14.8 hectares of vacant land has been identified within the built-up area of the City. Applying an average density of 35 units per hectare, this land has the potential to deliver 490 residential units during the plan period. This alone is equivalent to 37% of the overall City growth targeted under the Core strategy. (See Table 2.2 under Section 2.2.1 Land Requirements.)

Section 2.9 Zoning Objectives for Kilkenny City

...The zoning strategy is designed to ensure that adequate, suitably located and serviced land is available to cater for the orderly development of the City and Environs having regard to:

- The need to deliver a compact urban form for the City & Environs and reduce urban sprawl.*
- The need to deliver the concept of the 10-Minute City.*
- The need to reduce reliance on private transport and increase cycling and walking.*
- The maintenance of a clear line between the built-up urban area and the rural area.*
- The promotion of sustainable residential densities in the City .*
- The promotion of balanced development between different areas of the City .*
- The promotion of the neighbourhood concept .*
- The maintenance of a vibrant and vital city centre.*

Section 2.9.2 Existing Low Density Residential

Objective: To protect, provide and improve residential amenities at low density. Low density housing is defined as not more than 10 units per ha (4 per acre) on average and must have regard to the character of the area.

Section 2.9.16 Transitional Areas

While the zoning objectives indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and use at the boundary of adjoining land use zones. In these areas, it is necessary that developments are designed in a manner which would not be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting residential areas particular attention must be paid to the uses, scale, density and appearance of development proposals

and to landscaping and screening proposals in order to protect the amenities of these residential areas.

Figure MS5 Existing City Bus Service in Kilkenny City

I note this map shows a bus stop at Leggetsrath c.340m north of the site entrance.

Section 6.3.1.2 Universal Design

This refers to the requirements of the 2009 guidelines and of the Urban Design Manual (2009) and lists the 12 criteria thereof. This section also includes the following Development Management Requirements:

- *To ensure that all new housing developments and developments for renewal which includes housing, includes a mix of housing types to maximise the range of housing options in each new development and to prevent the proliferation of limited option house types in any particular area.*
- *To seek that all new private residential developments on zoned lands in excess of 20 residential units provide for a minimum of 10% units that can be converted to Universal Design standards in accordance with the requirements of the 'Building for Everyone: A Universal Design' developed by the Centre for Excellence in Universal Design (National Disability Authority).*

5.2. National/Regional Plans/Policies

Relevant Section 28 Guidelines include:

- 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (2024). (The Compact Settlement Guidelines)
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).
- Architectural Heritage Protection Guidelines (2011).
- 'Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual', DOEHLG (2009)'. (The 2009 Guidelines)
- Quality Housing for Sustainable Communities Guidelines (2007).

Other national guidelines of relevance include:

- Design Manual for Urban Roads and Streets (2019) (DMURS).

5.3. Natural Heritage Designations

In relation to designated sites, the subject site (per revised site area at F.I. stage) is located:

- Partially overlapping/adjacent to the River Barrow and River Nore SAC (site code 002162).
- c.28m north of the River Nore SPA (site code 004233).
- c.140m north of Archersgrove PNHA (site code 002051).
- c.2.2km south-east of Newpark Marsh PNHA (site code 000845).
- c.3.5km south-east of Lough Macask PNHA (site code 001914).
- c.3.8km south-east of Dunmore Complex PNHA (site code 001859).
- c.8.8km south-east of Ardaloo Fen PNHA (site code 000821).
- c.10.2km west of Red Bog, Dungarvan PNHA (site code 000846).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third party appeal by Pat and Jacinta Cantwell can be summarised as follows:

- The proposed development threatens their quality of life as they live adjacent to the site to the west.
- The western boundary and their boundary wall and the future management of the adjacent lands is of particular concern.
- There is an absence of any specified treatment of their existing boundary wall on the western side of the subject site.

- They request that the western boundary wall be increased in height to two metres above the ground level of the adjoining site, c.400mm, constructed in masonry and capped to match the existing wall.
- This is a reasonable request noting P.A. Condition no. 12 which requires screen walls to not be less than two metres high above ground level on both sides.
- Photos attached of the existing boundary wall to show its inadequate height.
- Their earlier concerns in relation to the treatment of the woodland amenity should be reviewed and considered given the significant issues they would have on the enjoyment of their family home.

To note their previous concerns in relation to the woodland walkway inside the western boundary relate to:

- Impacts on residential amenity, privacy and security including in relation to anti-social behaviour.
- The location of the woodland walkway turns the development away from the woodland rather than integrating it into the new community.
- It reduces natural overlooking of the woodland edge and trail which could facilitate further anti-social behaviour.
- It notes that the Development Plan SEA section 9B includes a commitment to identify and map green infrastructure assets and sites of local biodiversity value.
- If the nature trail is intended to attract visitors, there is no parking provision.

6.2. Applicant Response

The appeal response on behalf of the applicant can be summarised as follows:

- The land between the shared boundary is not part of the development site and will be retained by the developer's family.
- The red line boundary is set back over 50m from the appellant neighbour.

- The rerouted informal path is shown on the site layout map and many in the neighbourhood use this path to enjoy access to the River Nore walk to the city.
- There will be a 1.2m high paladin fence 40m from the neighbouring wall to protect entry into the forested area.
- The existing informal pathway passes the appellant's wall and is accessed through the existing service gate near the boundary wall and this gate will be closed to the public but retained for service access to their land with the new informal walkway moved to the east which will provide for their privacy.
- Map attached showing location of fence and new informal walkway.
- In relation to Condition no. 2, they specifically request that tree number T1892 be removed for reasons including that the Arborist recommended its removal, the area is surrounded by 7 acres of mature trees, its height would require the bungalows to be set back given the risk of it falling, the root protection zone would lead to a redesign of roads, paths and services and its retention could potentially reduce viability by 6 houses.
- The development was already redesigned to allow suitable locations for attenuation of surface water and the pump station, and the design had an emphasis on retaining all the trees considered suitable by the arborist.
- The redesign also provided for avoiding the removal of the tree line along the western boundary as well as providing safe setback of houses which was done at significant cost and further redesign would be at significant cost.
- Aerial photo attached with location of trees T1889 and T1892 shown.
- Surface water SUDS layout map attached.
- Attached, letter from Arborist is support of the above and confirming that removal of tree T1892 is recommended.

6.3. Planning Authority Response

The response on behalf of the P.A. can be summarised as follows:

- Condition no. 16, in addition to no. 12, provides the opportunity to agree with the applicant and other parties a boundary treatment.
- The new informal walkway has been moved 40m from the appellant's boundary wall which will provide satisfactory privacy to their garden.

6.4. Further Responses

On the 10th August 2026, a Section 132 request for further information was issued by the Commission to the applicant in respect of Schedule 7A information to enable the Commission conduct EIA Screening. A document titled 'Schedule 7A Information for Environmental Impact Assessment Screening' was received from the applicant following this request.

This was circulated to the parties and a response was received from the appellants which can be summarised as follows:

- The proposed nature walk raises unresolved issues regarding privacy, security, public access and planning control.
- Their shared boundary is not shown correctly and station B2 should be 20m further along.
- The proposed walkway fence should offer similar privacy as offered by condition no. 12 to the rear of the new houses where the height of the rear boundary wall would be 2100mm.
- There was never a walkway from the existing gate on Sion Road and the public occasionally trespassed when the gate was left open. There is no evidence of an established walkway being used.
- Why is the new walkway not part of the planning application given that it requires a new walkway control point gate in the front boundary wall.
- How will the walkway be controlled and how can issues with it be dealt with if it is outside the planning permission.
- The walkway is not wanted and it threatens their privacy and security.

On 18th September 2026 a response was received from the P.A. which advised that it had no further comments on the appeal.

7.0 Assessment

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

- Principle of Development.
- Density
- Demolition and Refurbishment
- Layout
- Visual and Residential Amenity
- Landscape and Biodiversity
- Infrastructure
- Other Matters

7.2. Principle of Development

- 7.2.1. I note the site zoning for 'residential (low density)' development where the objective is *"to protect, provide and improve residential amenity at low density"*. I note that, per Section 2.9.2 (Existing Low Density Residential) that low housing density is defined as not more than 10 uph on average and that it must have regard to the character of the area.
- 7.2.2. I note the proposed land use is residential which is permissible under the zoning objective. This objective also refers to low density. The density for the 38 residential units would be 10uph. Noting this and the low density character of the surrounding areas, I consider the proposed residential elements of the development to be in accordance with the land use policies of the development plan subject to below detailed assessment, particularly in relation to other relevant density policies.
- 7.2.3. In relation to the community building, I note that community centre use is open for consideration. I note that these uses would be compatible with CDP policies and objectives for the area and would not conflict with the proposed and permitted uses

and would conform with the proper planning and sustainable development of the area such that I consider these uses to be acceptable in principle.

- 7.2.4. In relation to the group residential building which includes two bedrooms, given the lack of clarity in relation to the proposed use, should permission be granted I recommend a condition to require it only be used for residential purposes and not commercial purposes.

7.3. Density

- 7.3.1. I have noted above the site zoning under the CDP for low density residential development defined as not more than 10uph. Given the wording in the CDP on the zoning objective, I consider this to be a mandatory requirement in relation to the upper limit of the density for such zonings under the CDP.
- 7.3.2. I note the recent planning history where under reg. ref. 21300 the density of development permitted was 9.8uph (43 units on 4.38ha) and opposite the site to the north the density permitted under reg. ref. 19706 was 8uph. If the wider site area is applied to the current proposed development, i.e. 4.38ha, I note that the density would be 8.9uph.
- 7.3.3. I note that under ABP-307012-20 the density applied for on the subject site was 38uph. I note the Inspector did not consider the site to be located within a public transport corridor noting the 30-minute service frequency and absence of bus lanes (Section 12.2.11 of Inspector's Report (IR)). I note that the inspector considered the principle of a density of 38 uph to be appropriate for the site (Section 12.2.13 of IR).
- 7.3.4. However, after considering the development strategy of the 2014-2020 CDP, the report concluded that the *"the proposal would be contrary to the development strategy, as set out in Variation No, 3 of the Kilkenny City and Environs Development Plan 2014 2020, which seeks to direct higher density development to neighbourhoods of Loughmacask and Western Environs, in tandem with existing and planned infrastructure and service improvements"* having previously noted a lack of supporting bus, cycle and pedestrian infrastructure in the area (see Sections 12.2.26 and 12.2.25 of IR). I note the Inspector's Report considered the proposed density to be a material contravention as it related to density alone (rather than the zoning) (Section 12.2.8 IR).

- 7.3.5. While I note that there are references to active travel proposals to link with the ring road, I note the location outside of a quality public transport corridor and the distance to the city centre of c.1.4km. In my opinion, in this context and in the context of the low density character of the area, the site location outside the city ring road, the NIAH status of the garden on the site, the proximity of the site adjacent to an SAC, there is a planning rationale for the CDP policy for low density at this location.
- 7.3.6. I note that the 2009 guidelines are incorporated into the CDP (for example see Sections 6.7 and 13.5 of Volume 1). I note the site location close to the eastern city edge outside of the city ring road and within walking distance of bus stops to the north at Leggettsrath c.340m north of the site entrance. Per the TFI bus timetables I note the frequency of this service Monday to Saturday is every half hour at peak times and at other times. I note this would not meet the definition of a high frequency / high capacity service. I therefore do not consider that the location on this public transport corridor would allow for increased residential densities based on available public transport provision.
- 7.3.7. In relation to outer suburban sites of cities and larger towns (Section 5.11), I note that the 2009 guidelines seek a density range of 35 to 50uph and states that development at net densities below 30uph should be discouraged. For institutional lands under Section 5.10 they provide for a density range of 35-50uph but with the proviso that the open character of the lands be retained. Noting this and the various environmental sensitivities associated with the site and area in the vicinity and the suburban character of the area, I consider that these guidelines would suggest a density close to 30uph, or somewhat lower, would be appropriate for the site.
- 7.3.8. I note that the Compact Settlement Guidelines are referenced in Variation 8A of the CDP which deals with updates to the core strategy. Based on this, I consider that the varied CDP as it relates to density had regard to these updated guidelines as the population and zoning updates had regard to density. I note that this variation did not change the zoning or density policy for the subject site.
- 7.3.9. I note that under the Compact Settlement Guidelines for key towns (per Table 4.2 of the CDP, Kilkenny meets this definition) that in the suburban/urban extension areas it is a policy objective that densities in the range of 30 to 50uph shall generally be applied. I also note that Step 2 in addition to considerations of centrality and

accessibility, requires consideration of the surrounding environment. It notes the impact on character, amenity and the natural environment in this respect. Noting the character of the local environment which is low density and suburban and which includes a garden on the site noted on the NIAH register, adjacent woodland and European sites to the immediate south, I consider that a density at the lower end of the range 30-50uph range would be more appropriate for the site.

- 7.3.10. Balancing this with CDP policy and noting that there is a reasonable planning rationale for the density policy for the site under the CDP, where planning considerations include its remoteness and lack of infrastructure as well as the site specific constraints being on the NIAH register and being directly adjacent to an SAC, in the city context, I consider there may be some scope for a density somewhat below 30uph.
- 7.3.11. Overall, while noting the above and consistency with the density provided for by the site zoning, I consider the proposed density at 10uph to be excessively low when considered in the context of the provisions of the Compact Settlement Guidelines and noting CDP policies which encourage compact development including Section 4.2.1 (Promoting Compact Growth) of Volume 1 and in the context of Section 13.4.1 (Density) of the CDP where compliance with the 12 urban design criteria is required.
- 7.3.12. I have noted elsewhere below that the 12 urban design manual criteria would not be fully met for the development, particularly in relation to land use efficiency, quality public realm, privacy and amenity. In this context, in relation to Section 13.4.1 (Density) and the need for adherence to the urban design criteria incorporated into CDP policy, in my opinion there are significant design deficiencies with the scheme that merit a refusal of permission.
- 7.3.13. I therefore consider that the proposed development would fail to achieve a compact and sustainable form of development, or make efficient use of investment in public infrastructure and services. This would be contrary to Section 13.4.1 (Density) of the CDP where land use efficiency is sought in relation to the requirement to comply with the urban design criteria. I have also noted below other failures to adhere to the 12 urban design criteria which together with this issue, I consider to be significant. While I consider that the failure to fully adhere to the 12 urban design criteria merits

refusing permission, as this is a new issue, the Commission may wish first to consider the views of the parties on this matter.

7.4. Demolition and Refurbishment

- 7.4.1. I note the proposed demolition of existing buildings one and four and partial demolition and conversion of existing building three to a residents communal building. I note that the total demolition area is 1,766.9sqm. The majority of this relates to the classrooms attached to building three. I note the existing buildings are not protected structures, are not on the National Inventory of Architectural Heritage and are not located within an Architectural Conservation Area. I note that Section 9.3.8 of the CDP relates to embodied energy where regard is to be had to whole of life energy costs.
- 7.4.2. I note that the subject zoned and serviced site can be considered to be significantly under-used. I note the proposed development would provide for 38 new dwellings on the site and a residents communal building conversion of the remainder of building three. I note that the new buildings on the site would be required to meet the near zero energy standards of the building regulations.
- 7.4.3. In this context, and noting the new floor area proposed of 6,771.46sqm together with the area for re-use of 1,264.1sqm, I consider that the demolition, involving the loss of embodied energy is justified on a whole of building life basis. In my opinion, the benefits of the new buildings and refurbishments to low energy standards and the densification of the site would significantly outweigh the embodied energy that would be lost from the proposed demolition.
- 7.4.4. In terms of design, I note that the refurbished buildings two and three, would be sensitively designed and modernised to integrate with the new residential setting and the surroundings and would represent an acceptable sustainable reuse of the buildings for residential purposes and in providing a communal building for the new residential community.

7.5. Layout

Scheme Layout

- 7.5.1. I note the layout and form of the proposed development submitted at F.I. stage. This provided for two streets broadly perpendicular to Sion Road to the north-east, a

sloped area of open space to the south at the end of the two roads adjacent to the existing trees to the south some of which overlap with part of the River Barrow and River Nore SAC.

- 7.5.2. I note there would be 8 new no. two bed units, 16 new no. three beds, and 14 new no. four/five beds and a group residential building such that there would be a mix of new house types that would accord with CDP policy. I note the streetscapes along both roads would be enclosed and fronted by the dwellings and this would also provide passive surveillance of the new streets. I note that together with the footpaths and the variety in house design and heights, and the inclusion of brick front gable elements, that there would be a distinctive streetscape with good quality sense of place noting the people friendly streets.
- 7.5.3. I note this in the context of the compliance of the scheme with DMURS requirements which seek to provide pedestrian friendly streets. I consider that the new streets would result in a public realm that would be safe, secure and enjoyable. I also note that the two new vehicular access points along Sion Road would provide safe access noting that the road along this stretch has been widened by the development opposite and the adequate sightlines which have been demonstrated (see Infrastructure section below).
- 7.5.4. Per the landscape plan I note that there would be connections to the SAC lands to the south-east through the woodland towards the River Nore and with the lands in between the western boundary and the rear of the dwellings. I have noted below potential ecological issues with a connection to the SAC which is also provided for in the Quality Audit.
- 7.5.5. I note the adaptable floor plans for the relatively large dwellings and that a high quality residential amenity would be created internally for new residents. I note the proposed floor areas exceed the minimum floor area standards applicable for new dwellings per the 2007 Quality Housing for Sustainable Communities guidelines.

Western Walkways

- 7.5.6. I note that the issues raised in the appeal in relation to security and privacy of the neighbour to the west. In relation to the existing path inside the western site boundary adjacent to the two neighbouring dwellings, I note the potential for increased activity along this area. Should permission be granted I recommend a

condition requiring a two metre high fence between the existing western walkway adjoining the two neighbouring houses and the woodland as well as increasing the height of the western boundary with the neighbouring two dwellings to two metres. I note that the relevant length of wall is that between the neighbouring dwellings and walkway/woodland which is 120m long.

- 7.5.7. This would allow access to the western woodland for the future residents while preventing the possibility of anti social behaviour in the secluded area directly adjacent to the neighbouring houses. While access to the western woodland would enhance residential amenity, I do not consider that it would constitute high quality useable public open space.
- 7.5.8. I note that the proposed development would result in the creation of a new informal walking route directly adjacent to the rear gardens of the new dwellings. I note this route would be outside the red line area but would be within the blue line area. In my opinion this route could create undue negative impacts on the residential amenities of the future residents due to the potential for anti-social behaviour in the absence of passive surveillance in the secluded setting. This would fail to create a new quality public realm and would, in my opinion, fail to provide a high standard of privacy and safety for future residents of the western line of dwellings.
- 7.5.9. I note that the application of high quality urban design principles would normally expect a new street to face / address such a woodland walkway whether new or otherwise. In this context, I consider that a condition fencing off access to this route would represent a substandard urban design response to the site context and in relation to the public realm and in relation to privacy and amenity and that this issue feeds into my below view that permission should be refused in relation to urban design issues.

Public Open Space

- 7.5.10. I note that the area of public open space between the ends of the streets and the matures trees would be c.2,680sqm which would equate to 7.4% of the c.3.6ha revised site area. I note the woodland areas to the west and south are outside the site boundary and cannot be considered public open space because of this and due to their limited use and accessibility. I also note that the location of the stormwater

detention basins and pumping station in the open space area may further reduce the useable area in this regard.

- 7.5.11. I note that the southern area would be on a slope. Having visited the site, I consider that it could be laid out in a reasonably useable manner despite the slope. I note that Section 13.20.2 (public open space) requires that it not be below 10% of the site area. In terms of providing for a high standard of amenity for future residents I do not consider it appropriate that a sum of money be levied in lieu of such provision given that there are no other planning considerations, such as densification of the site, to weigh against the shortfall of such space.
- 7.5.12. I note also that 2.4ha of such space is required per 1,000 population based on an occupancy rate of 2.8 persons per unit. Based on 38 units at an average occupancy rate of 2.8 this would give a scheme population of 106 such that 2,544sqm of public open space is required but given that the 10% threshold is not met, I consider that this would not accord with Section 13.20.2 of the CDP as required. It would represent a substandard level of public open space provision for future residents and would consequently provide a poor level of residential amenity. Noting this, I consider that permission should be refused in relation to this issue. However, I note that this is a new issue and the Commission may wish to seek the views of the parties.
- 7.5.13. In relation to the play space where 10sqm of such space is required per residential unit as part of the open space area, this would require an area of 380sqm to be provided and I note that a soft play area is marked on the drawings submitted at F.I. stage. I note that an area of the required space could be conditioned should permission be granted. I note that the requirement of Table 13.7 for doorstep playable space to be within a 100m walking distance from a residential unit would not be met for c.17 of the units towards the north-east. I consider that the absence of this high standard of such provision could be justified if the minimum requirements for public open space were met on the site.

Boundary Treatments

- 7.5.14. I note the Boundary Treatments Plan drawing submitted at F.I. stage. I note this shows that side garden boundaries for the new dwellings would consist of 1.8 high steel post and timber panel fencing. The front and front side boundaries of the new

dwellings would include a 1m high metal railing with mixed species hedge. I note that with the exception of the western boundary, the back garden boundaries would consist of two metre high block wall that would be capped. I consider these boundaries to be acceptable in that they would ensure a high level of amenity for future residents.

7.5.15. I note the appellants have raised issues with the boundaries towards the west and have suggested that the two metre high western boundaries of the new houses also be required for their western boundaries. I note a lack of clarity to the rear boundaries of the new dwellings to the west and should permission be granted I recommend a condition to require two metre high capped block walls to ensure privacy for the rear gardens.

7.5.16. In relation to the 1.5m and 1.2m high paladin type mesh fences that are proposed to fence off the woodland in this area as proposed at F.I. stage, I note that its distance from the appellants' boundary with the site would range from c.8.5m to c.24.5m in the area to the rear of the new dwellings. I have noted above that I consider it reasonable to provide access to the western woodland for future residents. Should permission be granted, I recommend a condition to omit fencing around the woodland other than that required to fence off the existing western walkway and which should be two metres in height adjacent to it in order to protect the existing residential amenities to the west.

7.5.17. I note that the roadside boundaries would include the partial retention of the existing roadside wall in places as well as sections of 1.5m railing over plinth, new two metre high stone wall and repositioning of the existing wall to widen the roadside footpath. I note that the majority of the roadside boundary would consist of 1.5m high railing. In urban design terms I consider that this would appropriately enhance the street and provide an open aspect to the site.

7.5.18. While this street enhancement would otherwise be welcome, I note the failure of the application documentation to address how the historic front boundary walls relate to the NIAH garden designation, in particular the location of the historic walled garden along part of the front of the site. I note the applicant has failed to demonstrate a heritage case for the removal of the front boundary relating to the historic garden. I

consider this to be part of a failure to address the urban design criteria in relation to the site context.

Urban Design Criteria

- 7.5.19. In terms of compliance with the Urban Design Manual 12 criteria, I am not satisfied that that all of these would be met in relation to the efficiency of the land use (see my density concerns above), in relation to the site context with the historical status of the NIAH garden not addressed in the documents submitted and in relation to the public realm and privacy / amenity due to the absence of passive surveillance for the informal route to the rear (west) of the line of the western single storey dwellings. I consider that the layout would not create a public realm and privacy/amenity for future residents to the standards I would expect for a new residential development fully adhering to the 12 urban design criteria.
- 7.5.20. I consider that this would be contrary to Sections 6.7 (Residential Development), Section 13.3 (Urban Design) and 13.5.1.1 (Development Management Requirements for Urban Infill) of the CDP in relation to the application of the 12 criteria of the urban design manual. It would also be contrary CDP Section 13.4.1 (Density) of the CDP in that it would not fully follow a coherent design brief and would thus fail to result in a high quality residential environment due to the failures noted above. In my opinion, these issues could not be satisfactorily remedied by condition.
- 7.5.21. I consider that the combination of the urban design issues merits a refusal of permission but that they would be new issues such that the Commission may wish to seek the views of the parties.

7.6. Visual and Residential Amenity

- 7.6.1. In relation to the appellants concerns in relation to access to the western woodland resulting in a loss of privacy and security, I consider that these concerns have been adequately addressed above. This is in relation to my opinion that the adjacent western walkway could be closed off by condition, including for access from Sion Road, and that a requirement for the adjacent wall to be raised to a height of two metres be included should permission be granted. This would effectively remove the existing agricultural access.

- 7.6.2. In relation to separation distances for the new buildings, having regard to Section 13.9 (separation distance between houses) of the CDP I note that these would be adequate to ensure the protection of adjacent amenities. I note this particularly where separation distances are somewhat below 11m along the eastern boundary that this applies to single storey dwellings and not to two storey dwellings (types G and H).
- 7.6.3. In relation to internal separation distances between the houses, I note that there would be no opposing first floor windows given the positions of the single storey units, particularly the type B and C units. I note also that the minimum required 2.3m separation distance between the sides of dwellings would be met.
- 7.6.4. In relation to the rear areas of private open space, I note that the minimum standards of Section 13.20.1 (private open space) of the CDP would be substantially exceeded in most cases and met except for units two and three with adequate depths and useability otherwise noted. In relation to units two and three where the private open space would be below the 48sqm requirement at 43sqm and 44sqm I consider that this would contravene Section 13.20.1 of the CDP. However, I note that SPPR 2 of the Compact Settlement Guidelines is directly applicable where a minimum of 30sqm is provided for a two bedroom house. I therefore consider that this contravention of the CDP is justified in this case and that an acceptable level of residential amenity would be provided for future residents.
- 7.6.5. I note also the single storey to two storey height proposed of the new buildings on the site laid out at a relatively low density, would be such that it would integrate with the site and surroundings in terms of visual impact. I consider that the scheme would not be unduly visually obtrusive in the suburban context and in the context of the woodland and River Nore to the south despite its elevated position in relation to same. I therefore have no significant concerns in relation to impacts on visual and residential amenities in the area.

7.7. Landscape and Biodiversity

Historic Garden

- 7.7.1. I note that the site is included on the NIAH survey of gardens and designed landscapes. I note that this is referenced in the 2019 Archaeological Impact Assessment submitted with the application. It notes that since 1926 the Sion House

demesne, including walled garden to the east, was the Palace for the Catholic Bishops of Ossory and that the main house was demolished in 1970 and replaced by the buildings now on the site. I note the absence of a Heritage Impact Assessment in the documentation although I note there are no protected structures on the site.

- 7.7.2. While I note the landscape F.I. report from Mahon Landscape Designs, I note that this did not specifically address the NIAH designation on the site or heritage matters. I note that to the rear of the existing buildings the site presents as a parkland type setting, particularly noting the mature trees around it. I note the absence of a heritage based justification for the loss of the garden, the walled garden and the trees within the garden area downhill from the buildings towards the rear of the site. I note that the designation was based on historic mapping and may not reflect the current use or context of the site. In my opinion the low density proposed fails to justify the loss of the NIAH designation for the lands.

Landscaping

- 7.7.3. I note the F.I. report from Mahon Landscape Designs. This notes that in the mature woodland setting

“a combination of landscape elements of defined garden spaces using selected metal parkland style railings with managed hedges to the front garden areas, trees planted in groups and in linear arrangement to the front gardens, grass areas, informal mixed tree and shrub screen buffer planting and mixed spring flowering bulbs, together with the site infra structure is the design composition for this proposed landscape.

Pathways which encourage circulation and linkages, seating and a designated play zone area are included to add amenity value and encourage opportunity for social engagement. In the development of the landscape native plant species will be planted in keeping with national biodiversity objectives and the Local County Development Plan objectives. Ornamental species with higher value to pollinators as per The National Pollinators Plan are proposed to be planted”.

- 7.7.4. Noting this, the Landscape Plant Schedule, The Landscape Design Concept Layout Plan, that trees would be planted in the gardens and that the trees to be planted in the open areas would be native species, I consider that a high quality landscaping

scheme would be provided for the proposed development. In my opinion, this would soften the urban nature of the scheme and would provide a good quality of residential amenity for future residents.

Tree Removal

- 7.7.5. In relation to the trees for removal, I note the existing site layout submitted at F.I. stage which shows their location. I also note the Tree Condition Report prepared by Treeline submitted with the application. I note that the trees for removal would be mostly located along the western boundary of the existing site and that two trees, T1892 and T1889 within the site are also proposed for removal. I note that these two trees are required for removal as a result of position of the new houses.
- 7.7.6. Tree T1892 is noted by Treeline to be “dead, damaged” and T1889 is noted to be a high priority for remedial work and in my opinion they enhance the parkland setting. The Treeline report notes that the Arboricultural composition of the site is predominantly mature beech. It notes that many of these trees display decay, internal cavities and active fungal colonisation.
- 7.7.7. It notes they would be a hazard in proximity to the building works. It considers it necessary to remove the structurally compromised trees and others in the tree line to mitigate the risk of increased dynamic loading. It states that “*retention of trees that have developed in a sheltered environment without adequate biomechanical adaptation would result in an unacceptably high likelihood of structural failure*”. I note Table 4 in this report lists the trees for removal and those requiring remedial work and further detail is found in Appendix A of their report. In the context of the above findings noted, I consider the removal of the trees in poor condition or with the potential to result in failure to be reasonable.
- 7.7.8. I note also the F.I. response in relation to the trees in the vicinity of the eastern site boundary from Mahon Landscape Designs which notes that the predominantly Cupressocyparis leylandii screen tree planting are unsuitable to be retained and would be too close to the new housing. It also notes that they are a non-native species and of low biodiversity and ecological value
- 7.7.9. I note that the first party appeal response noted what it considered to be a lack of justification for requiring a scheme re-design to retain the two trees mentioned above. However, I note that they did not appeal Condition no. 2 which requires this.

I note that requiring the retention of the two trees per condition no. 2 in the scheme as designed would likely result in a loss of some units (6 no. cited in the appeal response) in the scheme which would further reduce the density to unacceptably low levels by reference to CDP policy and national guidelines.

- 7.7.10. I note the planting schedule which is welcome particularly in relation to native species planting throughout the development including in the front gardens and in the rear gardens in the central area of the site. In terms of the trees requiring removal to specifically allow for the new houses, I note that only trees T1892 and T1889 within the site are specified for removal. However given the failure of the application to address the NIAH heritage issue in relation to the garden site, including the above two trees, while acknowledging the low density proposed, overall, I do not consider that the extent of tree removal on the site has been justified.
- 7.7.11. I note that should the Commission wish to omit P.A. Condition no. 2 that this could be considered to be a new issue and it may wish to consider the views of the parties in this regard. My opinion is that in the context of the above failures to address the NIAH garden issue, which is partly related to the trees, the omission of Condition no. 2 has not been adequately justified.
- 7.7.12. I note the submitted Archaeological Impact Statement with no significant issues arising. Should permission be granted, I recommend a standard condition be applied in relation to this matter.

Biodiversity

- 7.7.13. I note the absence in the scheme documentation of an Ecological Impact Assessment (ECIA) and that the Development Applications Unit did not object to the proposal. I note the protected status of bats per Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended). I note the Bat Survey F.I. response prepared by Roger Goodwillie, Applications Ecologist. This notes that trees to the north-west and west as being used by feeding bats and that two Leiser's bats were seen in the temporary buildings on one occasion. It notes evidence of the presence of bats in buildings one, two and four. It noted further that it was not possible to carry out a useful bat survey between October and April as they would be hibernating or hidden.

- 7.7.14. It concluded by noting that he is confident that the existing buildings do not have any usefulness for roosting bats. I note the NIS references that mammal friendly lighting would be used in line with the 'Bats and Lighting Guidance Notes for: Planners, Engineers, Architects and Developers' from Bat Conservation Ireland. I note that the Department recommended bat surveys and tree surveys to inform a bat survey report to include potential impacts and mitigation
- 7.7.15. Noting this, the proposed removal of the western boundary trees and demolition of existing buildings on the site, I am concerned that the required bat surveys in line with best practice have not been completed and that design measures relating to bats are not adequately outlined. I note the DAU submission in this regard. In this context, I am unable to determine if significant negative impacts on bats, which are a protected Annex II species, would occur on the site. I consider that this merits a refusal of permission but I note it is a new issue which the Commission may wish to seek the views of the parties on.
- 7.7.16. In relation to badgers which are protected under national law, I note that the Department recommended a condition requiring an updated badger survey prior to commencement of development. While I note that no evidence of badgers being present on the site was noted in the NIS, I concur with this recommendation as I note best practice measures could be employed based on the results of such survey to prevent significant negative impacts on badgers from the proposed development.
- 7.7.17. To note, I have separately assessed biodiversity matters relating to EIA and European sites in Sections 8 and 9 below.

7.8. Infrastructure

- 7.8.1. In relation to traffic and access matters, concerns were raised by the P.A. at F.I. stage in relation to the width of the footpath along Sion Road with a 2.5m width requested, the need for 2m wide footpaths within the scheme, tie ins between the new footpaths and roads, details in relation to driveway entrances and footpath crossings, the levels around the residents building, the need for a Quality Audit in accordance with DMURS and other details.
- 7.8.2. I note that following F.I. including the submission of the Ivor Bowe Consulting Engineers drawing pack and report and the Quality Audit, the P.A. found the responses acceptable subject to condition. I note the Engineering Site Services

Report prepared by Bowe Consulting Engineers submitted at F.I. stage. In relation to the internal scheme layout and DMURS, I note that 5.5m carriageway widths and the 2m wide footpaths would be provided within the scheme in accordance with DMURS although these would be restricted in places by the lighting poles.

- 7.8.3. Noting this, the 2.5m wide footpath along Sion Road in front of the site, that the two vehicular entrances would enjoy adequate visibility (45m sightlines from 2.4m back where the speed limit is 50kph) in accordance with DMURS and that scheme signage and internal speed limits and road alignments with curves would ensure a safe internal street environment, subject to the adoption of the measures recommended in the Quality Audit, I have no significant concerns in relation to road safety matters. Should permission be granted I recommend similar conditions to those of the P.A. be applied including the requirement for a Stage 3 and 4 Quality Audit.
- 7.8.4. I note the Quality Audit recommends an active travel link be provided from the site to the River Nore Walk Trail. I have noted issues with such a link elsewhere in this report, particularly in relation to AA and the potential for increased human activity to negatively impact on the qualifying interests of the two European sites in the vicinity.
- 7.8.5. In relation to car parking provision, I note that there would be two spaces provided per dwelling. I note that Table 12.3 of the CDP provides for two spaces per dwelling plus 0.25 spaces per unit for visitors. This would give rise to a requirement for 9 such spaces and I note that 20 spaces would be provided to the north-west of the development. I note that for public halls such as the residents building, the requirement is for one space per 10 seats. I consider that the 133sqm residents building could reasonably be considered to give rise to a requirement for the 11 additional spaces provided.
- 7.8.6. In relation to the design of the car parking spaces to the front of the dwelling, I note that the areas given over are excessive by comparison with the grass areas such that I consider that the front of the dwellings could be overly dominated by car parking space. Should permission be granted, I recommend a condition to require a minimum of one third of the ground area to the front of the dwellings be given over to grass area.

7.8.7. I also recommend a condition for EV charging infrastructure to be provided at a minimum rate of one charging point per dwelling, one charging point for the visitor spaces and one charging point for the residents building parking consistent with Section 12.14 of the CDP. In relation to bicycle parking for the new dwellings, I note that this can be catered for within the dwelling curtilages such that I have no significant concerns in this regard.

7.8.8. In relation to construction traffic, given the scale of development and the potential for negative impacts during construction, should permission be granted I recommend a condition to require the submission of a Construction Traffic Management Plan for agreement with the P.A..

7.9. Other Matters

7.9.1. In relation to construction and demolition, I note that the P.A. raised an issue with waste soil having been left on the site. Noting this and also the proposed demolition of buildings on the site, should permission be granted I recommend a standard Resource Waste Management Plan condition be required to ensure best practice measures are adhered to in relation to demolition and waste management. I note the submitted Construction Environmental Management Plan (CEMP). Should permission be granted I recommend that a detailed CEMP be required to be agreed with the P.A. prior to commencement of development.

7.9.2. In relation to surface water drainage, I note the submitted Engineering Site Services Report prepared by Bowe Consulting Engineers. I note the SUDS measures incorporated into the proposed development including permeable surfaces, soakpits in rear gardens, swales and infiltration trenches. It notes that these accord with the Greater Dublin Strategic Drainage Study (GDSDS) and with the CIRA SUDS Manual. I have noted my concerns above in relation to the detention basin and pumping station potentially reducing the useability of the open space. Noting the nature based surface water drainage solutions proposed, should permission be granted I recommend a standard condition to ensure these are applied to the standards required by the P.A..

7.9.3. In relation to the proposed connection to the public water network, I note the submitted Uisce Éireann letter of confirmation of feasibility which confirms a connection can be made without infrastructure upgrade. I note the same is

confirmed in the letter of confirmation for wastewater connection (see Appendix 3 of the Engineering Site Services Report prepared by Bowe Consulting Engineers).

- 7.9.4. In relation to the Uisce Éireann water supply capacity register for Kilkenny, it notes “capacity available – LoS improvement required”. This means there is capacity available to meet 2025 population targets and I note the CDP period is up to 2027 such that I am satisfied in this regard. I note no issues in relation to wastewater treatment capacity for Kilkenny per the Uisce Éireann capacity register.
- 7.9.5. I note that proposed development, if granted permission, would require a Part V condition, Section 47 condition to require first occupation to individual purchasers and a Section 48 development contribution condition. I would also recommend conditions in relation to taking in charge standards for the development and requiring a bond to ensure the satisfactory restoration of the roads and infrastructure in the vicinity.

8.0 EIA Screening

8.1. Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed development, in an established suburban area where housing estates are a feature,
 - (b) the localised and insignificant scale of effects noted,
 - (c) the location of the development relative to sensitive locations specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).
2. the results of other relevant assessments of the effects on the environment submitted by the applicant.
3. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the mitigation measures proposed in the NIS, the design measures incorporated into the development particularly in relation to drainage, the connection to the sewer network and the limited level of traffic to be generated by the proposal.

- 8.2. The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

9.0 **Appropriate Assessment**

AA Screening

- 9.1. 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 (see Appendix 3), I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the River Barrow and River Nore SAC (site code 002162) and the River Nore SPA (site code 004233) European Sites in view of the site conservation objectives. Appropriate Assessment is required.
- 9.2. This determination is based on:
- The nature of the proposed works within the SAC and the proximity to the European sites in the vicinity with potential connections via drainage and potentially via disturbance effects due to proximity of the works and potential increased human activity post construction in relation to mobile species.

- 9.3. In screening the need for Appropriate Assessment (see Appendix 4), it was determined that the proposed development could result in significant effects on the River Barrow and River Nore SAC (site code 002162) and on the River Nore SPA (site code 004233) in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177V / 177AE was required.

Appropriate Assessment

- 9.4. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Barrow and River Nore SAC (site code 002162) in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177V was required.
- 9.5. Following an examination, analysis and evaluation of the NIS and all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on the site

integrity of the River Barrow and River Nore SAC (site code 002162) cannot be excluded in view of the conservation objectives of this site and that reasonable scientific doubt remains as to the absence of such effects.

9.6. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The absence of up to date and dated surveys of the otter of the SAC in the vicinity of the site in line with best practice.
- The potential disturbance of otter from the new route from the subject site to the River Nore and the likelihood of increase human activity with no credible mitigation measures outlined in the NIS to address this.
- The failure to address the location of the stormwater detention basin and its construction and operation within the SAC.

9.7. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Nore SPA (site code 004233) in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177V was required.

9.8. Following an examination, analysis and evaluation of the NIS and all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on the site integrity of the River Nore SPA (site code 004233) cannot be excluded in view of the conservation objectives of the site and that reasonable scientific doubt remains as to the absence of such effects.

9.9. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The absence of detailed current dated surveys of the kingfisher of the SPA in the vicinity of the site in line with best practice.
- The potential disturbance of kingfisher from the new route from the subject site to the River Nore with no credible mitigation measures outlined in the NIS to address this.

9.10. Noting the above in relation to potential effects on the River Barrow and River Nore SAC and the River Nore SPA, I consider that this merits a refusal of permission. I note that it is a new issue which the Commission may wish to seek the views of the parties on.

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Water Action Plan 2024: A River Basin Management Plan for Ireland.

10.2. The development incorporates appropriate surface water management measures, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge.

10.3. The receiving water environment has been identified and assessed, see Appendix 5 attached. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures listed in the NIS, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

10.4. Any residual risks are capable of being addressed through the proposed mitigation measures, mitigation conditions and implementation of a Construction Environmental Management Plan (CEMP) and Resource Waste Management Plan.

10.5. The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

11.0 Recommendation

11.1. I have noted above that I consider the failure to fully comply with the 12 urban design criteria and with the Compact Settlement Guidelines in relation to density, in relation to failure to comply with the extent of public open space required, the failure to submit a bat survey in accordance with best practice and the inability to rule out significant impacts on the River Barrow and River Nore SAC, to be new issues which the Commission may wish to seek the views of the parties on. On the basis of the information before me, I recommend that permission be refused in relation to these matters

12.0 Reasons and Considerations

1. Having regard to the failures to fully comply with the 12 urban design criteria of Section 13.3 (Urban Design) of Volume 1 of the Kilkenny County Development Plan 2021-2027 (as varied), in relation to land use efficiency related to excessively low density, privacy and amenity for the proposed western dwellings adjacent to a new informal route without passive surveillance, the poor quality public realm that this route would constitute, failure to address the context of the historic architectural status of the existing garden and inappropriate connection to the two European sites in close proximity in relation to the protection of otter and kingfisher from human activities, the proposed development would contravene Sections 6.7 (Residential Development), 13.5.1.1 (Development Management Requirements for Urban Infill), 13.3 (Urban Design) and 13.4.1 (Density) of Volume 1 of the Development Plan. Having regard to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the excessively low residential density would fail to achieve a compact and sustainable form of development or make efficient use of investment in public infrastructure and services. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the Kilkenny County Development Plan 2021-2027, as varied, the proposed provision of public open space at less than 10% of the

site area would represent a substandard level of such provision that is contrary to Section 13.20.2 (Public Open Space) of the Development Plan and would constitute a poor level of residential amenity for future residents. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the findings of the Bat Survey report submitted to the Planning Authority on the 29th day of April 2026, to Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and to Section 9.2.3 (Green Infrastructure) of the Kilkenny County Development Plan 2021-2027, as varied, the applicant has failed to submit a bat survey in line with best practice requirements, and in this context has failed to demonstrate that the proposed development would not lead to undue disturbance or destruction of roosting sites for bats, which are subject to strict protection under the Directive. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. Having regard to the information provided with the application, including the Natura Impact Statement and scientific observations on the proposed development, the Commission considers that reasonable scientific doubt remains as to the implications for the proposed development on site integrity for the River Barrow and River Nore SAC (site code 002162) and the River Nore SPA (site code 004233).

It is considered that given the failure of the NIS to address the construction of the stormwater detention basin in the part of the SAC and to identify or deal with potential increased human activity in the SAC, in the absence therein of up to date surveys of the presence of otter and the kingfisher in the vicinity of the site in line with best practice, and that absent detail therein as to how potential disturbance impacts on qualifying interest species of the SAC and SPA can be credibly avoided or prevented at construction and operation stages, adverse effects on otter, kingfisher and the qualifying interests affected by water quality cannot be excluded beyond reasonable scientific doubt in view of the conservation objectives for the site.

The Commission cannot be satisfied beyond reasonable scientific doubt that the proposed development, individually, would not adversely affect the integrity of the River Barrow and River Nore SAC (site code 002162) and the River Nore SPA (site code 004233) European Sites in view of the conservation objectives and qualifying interests of the site.

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.

Ciarán Daly
Planning Inspector

30th September 2026

Appendix 1

Form 1 EIA Pre-Screening

Case Reference	PL-501602-KK-26
Proposed Development Summary	Construction of 39 dwellings, and alterations to and demolition of existing buildings, and all associated site works. A N.I.S. (Natura Impact Statement) has been submitted with the application.
Development Address	Sion Hermitage, Sion 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	State the Class here

EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold Class 10(b)(i) Construction of more than 500 dwelling units, and (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Construction of 39 dwellings on a site area of 3.8ha (site is within "other parts of a built-up area").

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☒	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2: Form 3 – EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	PL-501602-KK-26	
Development Summary	Construction of 39 dwellings, and alterations to and demolition of existing buildings, and all associated site works. A N.I.S. (Natura Impact Statement) has been submitted with the application.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The PA concluded that a sub-threshold EIAR was not required.
2. Has Schedule 7A information been submitted?	Yes	See ‘Schedule 7A Information for Environmental Impact Assessment Screening’ report prepared by PBA Architects’ submitted by the applicant in response to a Section 132 request by the Commission.
3. Has an AA screening report or NIS been submitted?	Yes	Natura Impact Statement prepared by Whitehill Environmental.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	No		
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The site area is 3.8ha. which is significantly below the 10ha. threshold for EIA. While a housing estate of 39 dwellings is proposed, a significant area of the site would be in open space form. There is a new housing estate across the road to the north and the site is part of a suburban type area at the edge of the city such that	No

		it would not be significantly different in character or scale in this context.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	Demolition and associated works including potential removal of waste from the site would take place entirely within curtilage of site where some existing buildings exist and which work would take place within the site in accordance with best practice demolition and construction measures which can be conditioned.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction and operation of the proposed development will utilise natural resources such as water, energy, stone, slate and brick. These resources are not in short supply.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Demolition/extraction/waste impacts must be assessed. Airborne dust, water, traffic, noise and restoration impacts must be assessed also. Issues in relation to construction and operational waste management can be dealt with by conditions requiring best practice measures.	No.
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	The demolition, construction and operation of the proposal will generate waste which will be re-used or recycled	No.

		and any hazardous waste generated can be disposed of lawfully and best practice measures can be conditioned. Waste will be managed by re-use or recycling and a standard waste management condition can be applied to ensure best practice measures are applied.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	Mitigation measures are proposed in the NIS and nature based drainage systems have been included in the design. The recommendations and mitigation measures outlined in the NIS and submitted drainage report can be conditioned to ensure implementation.	No.
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential to generate pollution or potential nuisance associated with vibration, air, noise, lighting and traffic. Standard demolition and construction best practice measures can be conditioned for vibration, air, noise, lighting and traffic. Best practice methods can be conditioned during operational stage to mitigate potential impacts from pollution on the local environment, e.g. light pollution. Impacts expected to be minimal.	No.

1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Best practice demolition and construction measures can be conditioned in addition to mitigation measures outlined in the NIS. Standard mitigation measures for water, air, noise and traffic can be applied.	No.
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No major accident hazards associated with proposal.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Potential short term impacts due to dust, traffic and noise can be adequately mitigated.	No.
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	The development is not part of a wider large scale change.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a	Yes	The proposed development partially overlaps and is adjacent to a Natura 2000 site, the River Barrow and River Nore SAC (site code 002162) and is c.28m north of the River Nore SPA (site code 004233). The site is adjacent to some woodland which is included in the SAC. Also land use surrounding the site comprises suburban type land.	No

development plan/ LAP/ draft plan or variation of a plan			
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	Potential for bats and badger on the site. Otter, salmon, lamprey sp., crayfish and kingfisher occur within the zone of influence of the site. Best practice conservation measures can potentially be applied for bat and badger. While noting my AA findings, effects would be localised and not at a significant scale.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site is included on the NIAH survey of gardens and designed landscapes.	No.
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There is woodland adjacent to the site and the River Nore is a short distance to the south. Effects would localised and not at a significant scale.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	Foul and surface water management can be adequately managed through the measures outlined in the submitted hydrogeological reports and by condition.	No

2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No significant land issues noted in this regard in the submitted documentation and my site inspection found no issues in this regard.	No
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site access is a short distance from the N10 Kilkenny ring road. No congestion or environment problems likely given limited traffic volume generated from 38 houses.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	Some dispersed and suburban housing adjacent to the site and in the area but best practice construction measures would ensure no significant impacts at this stage and residential nature of the development would not give rise to significant impacts at operational stage.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Cumulative impacts with other development permitted and applied for in the area have been considered and are not likely to give rise to significant impacts.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	N/A	No
3.3 Are there any other relevant considerations?	No		

C. CONCLUSION

No real likelihood of significant effects on the environment.

☒

EIAR Not Required

Real likelihood of significant effects on the environment.

☐

EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

EG - EIAR not Required

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed development, in an established suburban area where housing estates are a feature,
 - (b) the localised and insignificant scale of effects noted,
 - (c) the location of the development relative to sensitive locations specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).
2. the results of other relevant assessments of the effects on the environment submitted by the applicant.
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the mitigation measures proposed in the NIS, the design measures incorporated into the development particularly in relation to drainage, the connection to the sewer network, that can be provided for and the limited level of traffic to be generated by the proposal.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-501602-KK-26	
Step 1: Description of the project and local site characteristics Construction of 39 dwellings, and alterations to and demolition of existing buildings, and all associated site works. A N.I.S. (Natura Impact Statement) has been submitted with the application.	
Brief description of project	Construction of 39 dwellings , and alterations to and demolition of existing buildings, and all associated site works. A N.I.S. (Natura Impact Statement) has been submitted with the application.
Brief description of development site characteristics and potential impact mechanisms	Site area 3.8ha, site adjacent to/partially overlaps River Barrow and River Nore SAC (site code 002162) and c.28m north of the River Nore SPA (site code 004233). Potential impact mechanism via potential pollution leakages transmitted by water during construction, potential untreated surface water drainage during operation and potential disturbance of mobile species during construction and operation related to increased human activity.
Screening report	Y – included in Natura Impact Statement of a Proposed Residential Development at Sion House, Sion Road, Co Kilkenny prepared by Whitehill Environmental.

Natura Impact Statement	Y – Natura Impact Statement of a Proposed Residential Development at Sion House, Sion Road, Co Kilkenny prepared by Whitehill Environmental.			
Relevant submissions	Department of Housing, Local Government and Heritage: Recommended a condition requiring an ECOW be retained during construction and for a post operation mitigation compliance report. Recommended bat surveys and tree surveys to inform a bat survey report to include potential impacts and mitigation. Recommended a condition requiring an updated badger survey prior to commencement of development.			
AA Screening and NIS prepared by Noreen McLoughlin MSc Environmental Consultant. I note that the NIS relies on historic surveys and that no up to date surveys of the mobile species such as otter and kingfisher in the vicinity of the site have been conducted in line with best practice.				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
River Barrow and River Nore SAC (site code 002162).	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140]	Partially overlapping/adjacent	Potential connection via drainage from site and potential disturbance to	Y

	Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculon fluitantis and Callitricho-Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation		mobile species.	
--	--	--	-----------------	--

	(Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White- clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096]			
--	--	--	--	--

	Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985] Conservation Objectives, NPWS, 6th June 2025.			
River Nore SPA (site code 004233).	Kingfisher (Alcedo atthis) [A229] Conservation Objectives, NPWS, 2nd July 2024.	c.28m to the south	Potential connection via drainage from site and potential disturbance to mobile species.	
¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report ² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ³ if no connections: N				

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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: River Barrow and River Nore SAC (site code 002162) <u>QI list</u> Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310]	Direct: The stormwater detention basin would be located within the SAC where its construction and operation could result in water based impacts. Indirect Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution, potential disturbance of mobile species. I note the NIS rules out the possibility of significant effects on Petrifying springs with tufa formation (Cratoneurion). It notes that <i>“the SSCOs for this site have mapped the distribution of this habitat within the SAC (Map 6).</i>	Potential negative affects on habitat quality/ function and prey availability/ undermine conservation objectives related to water quality. Disturbance/displacement. Possibility of significant effects cannot be ruled out without further analysis and assessment.

Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation	<i>There is only one known location for this QI within the SAC, at Dysert which is 23km downstream of Kilkenny. As this QI does not occur within the Zone of Influence of the application site, significant effects upon this feature can be ruled out".</i>	
--	---	--

(Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092]		
---	--	--

Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluvialis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]		
	Likelihood of significant effects from proposed development (alone): Y	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Site 2: River Nore SPA (site code 004233). <u>QI list</u> Kingfisher (Alcedo atthis) [A229]	Direct: None – works area outside of the SAC. Indirect Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution and construction related pollution, potential disturbance of mobile species.	Potential negative effects on habitat quality/ function and prey availability/ undermine conservation objectives related to water quality. Potential disturbance/displacement. Possibility of significant effects cannot be ruled out without further analysis and assessment.
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

*Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.

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

It is not possible to exclude the possibility that the proposed development alone would result significant effects on the River Barrow and River Nore SAC (site code 002162) and the River Nore SPA (site code 004233).

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.

Proceed to AA.

I conclude that the proposed development (alone) would not result in likely significant effects on the River Barrow and River Nore SAC (site code 002162) and the River Nore SPA (site code 004233) however, the possibility of in combination effects with other plans and projects on qualifying features of the River Barrow and River Nore SAC (site code 002162) and the River Nore SPA (site code 004233) from effects associated with potential deterioration in water quality and disturbance during construction cannot be excluded at this screening stage. An appropriate assessment is required on the basis of these combined effects.

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the River Barrow and River Nore SAC (site code 002162) and the

River Nore SPA (site code 004233) European Sites in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature of the proposed works within the SAC and the proximity to the European sites in the vicinity with potential connections via drainage and potentially via disturbance effects due to proximity of the works and potential increased human activity post construction in relation to mobile species.

Appendix 4 – AA and AA Determination

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 in view of the relevant conservation objectives of the River Barrow and River Nore SAC (site code 002162) and the River Nore SPA (site code 004233) based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement prepared by Whitehill Environmental (author Noreen McLoughlin, MSc Environmental Consultant.
- NPWS information.
- Submission by the Department of Housing, Local Government and Heritage.

I am not satisfied that the information provided is adequate to allow for Appropriate Assessment. I am not satisfied that all aspects of the project which could result in significant effects are 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. I note the limited level and effectiveness of mitigation measures in relation to the new routes from the site into the SAC, including the active travel route provided in the Quality Audit, and absence of dated surveys of the otter in the vicinity of the site.

Submissions/observations

Department of Housing, Local Government and Heritage: Recommended a condition requiring an ECOW be retained during construction and for a post operation mitigation compliance report. Recommended bat surveys and tree surveys to inform a bat survey report to include potential impacts and mitigation. Recommended a condition requiring an updated badger survey prior to commencement of development. I note the failure to deal in detail with potential increased human activity from the site which may not have drawn this matter to the attention of the DAU.

NAME OF SAC/ SPA (SITE CODE): River Barrow and River Nore SAC (site code 002162)

Summary of Key issues that could give rise to adverse effects (from screening stage):

See Section 4.2 of the submitted NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)
		NIS Section 4.2	NIS Section 6
Mudflats and sandflats not covered by seawater at low tide [1140]	Maintain / restore favourable conservation condition Habitat area target to be stable or increasing, subject to natural processes. Community distribution target: conserve muddy estuarine community complex and sand to muddy fine sand community complex.	See NIS Section 4.2 Due to a variety of reasons including that some are located outside the zone of influence, Table 2 of the NIS rules out significant effects on:	See NIS Section 6 <u>Construction Stage</u> Information for site workers in relation to the ecological sensitivity of the site, fencing off of woodland areas within the SAC, fence to include geotextile barrier to prevent silt passing through, site works to follow Inland Fisheries Ireland requirements, safe removal of construction waste per best practice, run-off from the construction areas to be intercepted and managed through a series of treatment stages, best practice concrete / aggregate management measures should be employed on site, best practice management measures for hydrocarbons and fluid management, topsoil to be stored on the site and away from the SAC.
Reefs [1170]	Habitat area target: stable or increasing. Distribution target: stable or increasing, subject to natural processes. Community extent and structure target: conserve in a natural condition. Community structure quality target: conserve high quality of the Sabellaria alveolate reef community, subject to natural process.	• Desmoulin's Whirl Snail (Vertigo moulinsiana), • Freshwater pearl mussel (Margaritifera margaritifera) • Killarney Fern (Trichomanes speciosum), • Twaite shad (Alosa fallax fallax), • Sea lamprey (Petromyzon marinus),	<u>Operational Stage</u>
Salicornia and other annuals colonising mud and sand [1310]	Habitat area target: stable or increasing, subject to natural processes. Habitat distribution target: No decline, subject to natural processes.	• Atlantic salt meadows, • Estuaries, • European dry heaths,	Surface water run-off to be directed into properly designed and constructed soakaways.

Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]	Physical structure (sediment supply) target: maintain/restore natural circulation of sediments and organic matter, without any physical obstructions. Physical structure: creeks and pans target: maintain/restore creek and pan structure, subject to natural processes. Vegetation structure target: maintain range of saltmarsh habitat zonations including transitional zones, subject to natural processes. Vegetation structure target: maintain structural variation within sward. Vegetation structure (cover) target: maintain more than 90% of area outside creek vegetation. Vegetation composition target: maintain range of sub-communities with typical species listed in Saltmarsh Monitoring Project. Vegetation structure (Spartina anglica) target: No significant expansion of Spartina. No new sites for this species and an annual spread of less than 1% where it is known to already occur. Habitat area target: area stable or increasing subject to natural processes. Habitat distribution target: No decline, subject to natural processes. Physical structure sediment supply target: maintain / restore natural circulation of sediments and organic matters without any physical obstructions. Physical structure flooding regime target: maintain natural tidal regime. Physical structure creeks and plans target: maintain/restore	• Mediterranean salt meadows, • Mudflats and sandflats not covered by seawater at low tide, • Old sessile oak woods with Ilex and Blechnum in British Isles, • Petrifying springs with tufa formation (Cratoneurion), • Salicornia and other annuals colonizing mud and sand and Spartina swards.	Notes that it is illegal to remove hedgerows / treelines during the bird nesting season. Trees to be removed outside of the bird nesting season. Landscaping to involve native species planting. Bar soil to be seeded as soon as possible with grass seed. Lighting scheme to adhere to 'Bats and Lighting Guidance Notes for: Planners, Engineers, Architects and Developers'. Walkers using the existing paths within the SAC should be informed as to the ecologically sensitive nature of the site and its legal protection under European law.
--	---	---	--

Mediterranean salt meadows (Juncetalia maritimi) [1410]	creek and pan structure, subject to natural processes. Vegetation structure zonation target: maintain range of saltmarsh habitat zonations including transitional zones, subject to natural processes. Vegetation structure vegetation height target: maintain structural variation within sward. Vegetation structure vegetation cover target: maintain more than 90% of area outside creeks vegetated. Vegetation composition typical species and sub communities target: maintain range of sub-communities with typical species listed in Saltmarsh Monitoring Project. Vegetation structure Spartina anglica target: No significant expansion of Spartina. No new sites for this species and an annual spread of less than 1% where it is know to already occur. Habitat area target: area stable or increasing subject to natural processes. Habitat distribution target: no decline, subject to natural processes. Physical structure sediment supply target: maintain or where necessary restore natural circulation of sediments and organic matter without any physical obstructions. Physical structure flooding regime target: maintain natural tidal regime. Physical structure creeks and plans target: maintain/ restore creek and pan structure, subject to natural processes.		
--	---	--	--

	Vegetation structure zonation target: maintain range of saltmarsh habitat zonations including transitional zones, subject to natural processes. Vegetation structure vegetation height target: maintain structural variation within sward. Vegetation structure vegetation cover target: maintain more than 90% of area outside creeks vegetated. Vegetation composition target: Maintain range of sub-communities with typical species listed in Saltmarsh Monitoring Project. Vegetation structure <i>Spartina anglica</i>: No significant expansion. No new sites for this species and an annual spread of less than 1% where it is already known to occur.		
Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche</i> vegetation [3260]	Habitat distribution target: no decline, subject to natural processes. Habitat area target: area stable or increasing, subject to natural processes. Hydrological regime river flow target: maintain appropriate hydrological regimes. Hydrological regime groundwater discharge target: groundwater flow to the habitat should be permanent and sufficient to maintain the tufa formation. Substratum composition particle size range: substratum should be dominated by large particles and free from fine sediments. Water chemistry minerals target: groundwater and surface water should have sufficient concentrations of		

	minerals to allow deposition and persistence of tufa deposits. Water quality suspended sediment target: concentration of suspended solids in the water column should be sufficiently low to prevent excessive deposition of fine sediments. Water quality nutrients target: concentration of nutrients in the water column should be sufficiently low to prevent changes in species composition or habitat condition. Vegetation composition typical species target: Typical species of the relevant habitat sub-type should be present and in good condition. Floodplain connectivity target: area of active floodplain at and upstream of the habitat should be maintained.		
European dry heaths [4030]	Habitat distribution target: no decline from current habitat distribution, subject to natural processes. Habitat area target: area stable or increasing, subject to natural processes. Physical structure target: no significant change in soil nutrient status, subject to natural processes. Vegetation structure target: Cover of characteristic sub shrub indicator species at least 25%: gorse (<i>Ulex europaeus</i>) and where rocky outcrops occur bilberry (<i>Vaccinium myrtillus</i>) and woodrush (<i>Luzula sylvatica</i>). Some rock outcrops support English stonecrop (<i>Sedum anglicum</i>), sheep's bit (<i>Jasione montana</i>) and wild madder		

	(<i>Rubia peregrina</i>) as well as important moss and lichen assemblages. Vegetation structure senescent gorse target: cover less than 50%. Vegetation structure browsing target: long shoots of bilberry with signs of browsing collectively less than 33%. Vegetation structure native trees and shrubs target: cover of scattered native trees and shrub less than 20%. Vegetation composition number: Number of positive indicator species at least 2, Cover of positive indicator species at least 60%. This should include plant species characteristic of dry heath in this SAC including gorse, bilberry and associated acid grassland flora. Vegetation composition: bryophyte and non-crustose lichen species target: Number of bryophyte or non-crustose lichen species present at least 2. Vegetation composition: bracken (<i>Pteridium aquilinum</i>) target: Cover of bracken less than 10%. Vegetation structure: weedy negative indicator species target: Cover of agricultural weed species (negative indicator species) less than 1%. Vegetation composition: non native species target: Cover of non-native species less than 1%. Vegetation composition: rare/scarce heath species target:	
--	--	--

	No decline in distribution or population sizes of rare, threatened or scarce species, including Greater Broomrape (<i>Orobanche rapum-genistae</i>) and the legally protected clustered clover (<i>Trifolium glomeratum</i>). Vegetation structure: disturbed bare ground target: Cover of disturbed bare ground less than 10% (but if peat soil less than 5%) Vegetation structure: burning target: No signs of burning within sensitive areas.		
Hydrophilous tall herb fringed communities of plains and montane alpine levels [6430]	Habitat distribution target: no decline, subject to natural processes. Habitat area target: area stable or increasing, subject to natural processes. Hydrological regime: maintain. Vegetation structure: sward height target: 30-70% of sward is between 40 and 150cm in height. Vegetation composition: Broadleaf herb grass ratio target: Broadleaf component of vegetation between 40 and 90% herb. Vegetation composition typical species target: at least 5 positive indicator species present. Vegetation composition: negative indicator species target: Negative indicator species, particularly non-native invasive species, absent or under control- NB Indian balsam (<i>Impatiens glandulifera</i>), monkeyflower (<i>Mimulus guttatus</i>), Japanese knotweed (<i>Fallopia japonica</i>) and giant hogweed (<i>Heracleum</i>		

	mantegazzianum).		
Petrifying springs with tufa formation (Cratoneurion) [7220]	Habitat area target: area stable or increasing, subject to natural processes. Habitat distribution target: no decline. Hydrological regime target: maintain. Water quality target: maintain oligotrophic and calcareous conditions. Vegetation composition target: maintain typical species.		
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	Habitat area target: area stable or increasing, subject to natural processes. Habitat distribution target: no decline. Woodland size target: area stable or increasing. Woodland structure cover and height: diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semi-mature trees and shrubs; and well developed herb layer. Woodland structure: community diversity and extent target: Maintain diversity and extent of community types. Woodland structure: natural Regeneration target: Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy. Woodland structure: dead Wood target: At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter.		

	Woodland structure: veteran Trees target: no decline. Woodland structure: indicators of local distinctiveness target: no decline. Vegetation composition: native tree cover target: no decline. Native tree cover not less than 95%. Vegetation composition: typical species target: A variety of typical native species present, depending on woodland type, including oak (<i>Quercus petraea</i>) and birch (<i>Betula pubescens</i>). Vegetation composition: negative indicator species target: Negative indicator species, particularly non-native invasive species, absent or under control.		
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, <i>Salicion albae</i>) [91E0]	Habitat area target: area stable or increasing. Habitat distribution target: no decline. Woodland size target: area stable or increasing. Woodland structure target: cover and height target: Diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semi mature trees and shrubs; and well-developed herb layer. Woodland structure community diversity and extent target: Maintain diversity and extent of community types. Woodland structure: natural Regeneration target: Seedlings, saplings and pole age-classes occur in adequate proportions to		

	ensure survival of woodland canopy. Hydrological regime: flooding depth/height of water table target: Appropriate hydrological regime necessary for maintenance of alluvial vegetation. Woodland structure: dead Wood target: At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter (greater than 20cm diameter in the case of alder). Woodland structure: veteran Trees target: no decline. Woodland structure: indicators of local distinctiveness target: no decline. Vegetation composition: native tree cover target: No decline. Native tree cover not less than 95%. Vegetation composition: typical species target: A variety of typical native species present, depending on woodland type, including ash (<i>Fraxinus excelsior</i>) alder (<i>Alnus glutinosa</i>), willows (<i>Salix</i> spp) and locally, oak (<i>Quercus robur</i>). Vegetation composition: negative indicator species target: Negative indicator species, particularly non-native invasive species, absent or under control.		
Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	Distribution: occupied sites target: no decline. Population size: adults target: At least 5 adults snails in at least 50% of samples.		

	Population density target: Adult snails present in at least 60% of samples per site. Area of occupancy target: Minimum of 1ha of suitable habitat per site. Habitat quality: vegetation target: 90% of samples in habitat classes I and II as defined in Moorkens & Killeen (2011). Habitat quality: soil moisture Levels target: 90% of samples in moisture class 3-4 as defined in Moorkens & Killeen (2011).		
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	Distribution: Ballymurphy target: Restore distribution at 3.91km. See map 8. Distribution: Mountain target: Restore distribution at 9.45km. See map 8. Distribution: Nore target: Restore distribution at 21.13km. See map 8. Population size: Ballymurphy target: Restore Ballymurphy population to at least 1,000 adult mussels. Population size: Mountain target: Restore Mountain population to at least 4,000 adult mussels. Population size: Nore target: Restore Nore population to at least 5,000 adult mussels. Population structure: recruitment target: Restore to at least 20% of population no more than 65mm in length; and at least 5% of population no more than 30mm in length. Population structure: adult mortality. Ballymurphy target: No more than 5% decline from previous number of live adults		

	counted; dead shells less than 1% of the adult population and scattered in distribution. Population structure: adult mortality. Mountain target: No more than 5% decline from previous number of live adults counted; dead shells less than 1% of the adult population and scattered in distribution. Population structure: adult mortality. Nore target: No more than 5% decline from previous number of live adults counted; dead shells less than 1% of the adult population and scattered in distribution. Suitable habitat: extent target: Restore suitable habitat in more than 3.91km in the Ballymurphy, 5.3km in the Mountain and 16.72km in the Nore system (see map 8) and any additional stretches necessary for salmonid spawning. Suitable habitat: condition target: Restore condition of suitable habitat. Water quality: macroinvertebrates and phytobenthos (diatoms) target: Restore water quality- macroinvertebrates: EQR greater than 0.90 (Q4-5 or Q5); phytobenthos: EQR greater than 0.93. Substratum quality: filamentous algae (macroalgae); macrophytes (rooted higher plants) target: Restore substratum quality- filamentous algae: absent or trace (less than 5%); macrophytes: absent or trace (less than 5%). Substratum quality: sediment target: Restore substratum quality- stable cobble and		
--	---	--	--

	gravel substrate with very little fine material; no artificially elevated levels of fine sediment. Substratum quality: oxygen Availability target: Restore to no more than 20% decline from water column to 5cm depth in Substrate. Hydrological regime: flow variability target: Restore appropriate hydrological regime. Host fish target: Maintain sufficient juvenile salmonids to host glochidial larvae. Fringing habitat: area and condition target: Restore the area and condition of fringing habitats necessary to support the population.		
Austropotamo- bius pallipes (White-clawed Crayfish) [1092]	Distribution target: no reduction from baseline. Population structure: recruitment target: Juveniles and/or females with eggs in at least 50% of positive samples. Negative indicator species target: No alien crayfish species. Disease target: no instances of disease. Water quality target: at least Q3-4 at all sites sampled by the EPA. Habitat quality heterogeneity target: no decline in heterogeneity or habitat quality.		
Petromyzon marinus (Sea Lamprey) [1095]	Distribution: extent of anadromy target: Greater than 75% of main stem length of rivers accessible from estuary.		

	Population structure of juveniles target: At least three age/size groups present. Juvenile density in fine sediment target: Juvenile density at least 1/m². Extent and distribution of spawning habitat target: No decline in extent and distribution of spawning beds. Availability of juvenile habitat target: More than 50% of sample sites positive.		
Lampetra planeri (Brook Lamprey) [1096]	Disbribution target: access to all water courses down to first order streams. Population structure of juveniles target: at least three age/size groups of brook/ river lamprey present. Juvenile density in fine sediment target: Mean catchment juvenile density of brook/river lamprey at least 2/m². Extent and distribution of spawning habitat target: No decline in extent and distribution of spawning beds. Availability of juvenile habitat target: more than 50% of sample sites positive.		
Lampetra fluviatilis (River Lamprey) [1099]	Distribution: extent of anadromy target: Greater than 75% of main stem and major tributaries down to second order accessible from estuary. Population structure of juveniles target: At least three age/size groups of river/brook lamprey present.		

	Juvenile density in fine sediment target: Mean catchment juvenile density of brook/river lamprey at least 2/m². Extent and distribution of spawning habitat target: No decline in extent and distribution of spawning beds. Availability of juvenile habitat target: More than 50% of sample sites positive.		
<i>Alosa fallax</i> (Twaites Shad) [1103]	Distribution: extent of anadromy target: Greater than 75% of main stem length of rivers accessible from estuary. Population structure: age classes target: More than one age class Present. Extent and distribution of spawning habitat target: No decline in extent and distribution of spawning habitats. Water quality: oxygen levels target: No lower than 5mg/l. Spawning habitat quality: Filamentous algae; macrophytes; Sediment target: Maintain stable gravel substrate with very little fine material, free of filamentous algal (macroalgae) growth and macrophyte (rooted higher plants) growth.		
<i>Salmo salar</i> (Salmon) [1106]	Distribution: extent of anadromy target: 100% of river channels down to second order accessible from estuary. Adult spawning fish target: Conservation limit (CL) for each system consistently exceeded.		

	Salmon fry abundance target: Maintain or exceed 0+ fry Mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 min sampling. Out-migrating smolt abundance target: No significant decline. Number and distribution of redds target: No decline in number and distribution of spawning redds due to anthropogenic causes. Water quality target: At least Q4 at all sites sampled by EPA.		
Lutra lutra (Otter) [1355]	Distribution target: no significant decline. Extent of terrestrial habitat target: No significant decline. Area mapped and calculated as 122.8ha above high water mark (HWM); 1136.0ha along river banks / around ponds. Extent of marine habitat target: No significant decline. Area mapped and calculated as 857.7ha. Extent of freshwater (river) habitat target: No significant decline. Length mapped and calculated as 616.6km. Extent of freshwater (lake) habitat target: No significant decline. Area mapped and calculated as 2.6ha. Couching sites and holts target: No significant decline. Fish biomass available target: no significant decline.		
Vandenboschia speciosa (Killarney Fern) [6985]	Distribution target: No decline. Three locations known, with three colonies of gametophyte and one sporophyte colony. See map 7.		

Estuaries [1130]	Population size target: Maintain at least three colonies of gametophyte, and at least one sporophyte colony of over 35 fronds. Population structure: juvenile Fronds target: At least one of the locations to have a population structure comprising sporophyte, unfurling fronds, 'juvenile' sporophyte and gametophyte generations. Habitat extent target: No loss of suitable habitat, such as shaded rock crevices, caves or gullies in or near to, known colonies. No loss of woodland canopy at or near to known locations. Hydrological conditions: visible Water target: Maintain hydrological conditions at the locations so that all colonies are in dripping or damp seeping habitats, and water is visible at all locations. Hydrological conditions: humidity target: No increase. Presence of dessicated sporophyte fronds or gametophyte mats indicates conditions are unsuitable. Light levels: shading target: No changes due to anthropogenic impacts. Invasive species target: absent or under control. Habitat area target: The permanent habitat area is stable or increasing, subject to natural processes. Community distribution target: Conserve the following community types in a natural condition: Muddy estuarine		
-----------------------------	---	--	--

	community complex; Sand to muddy fine sand community complex; Fine sand with <i>Fabulina fabula</i> community; Sheltered to moderately exposed intertidal reef community complex. Community structure: extent target: Conserve the extent of <i>Sabellaria alveolata</i> reef community, subject to natural processes. Community structure: quality target: Conserve the high quality of the <i>Sabellaria alveolata</i> reef community, subject to natural processes.		

The above table is 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 those relating to otter for example where it notes possible significant effects due to:

- *A decrease in water quality in the River Nore due to contaminated run off or pollution from the site – this may impact upon the diet of the otter.*
- *Disturbance to habitats within the territory of the otter due to inappropriate disposal of waste or increases in human activity.*
- *Disturbance to the otter due to increased human activity and additional lighting that may be associated with the operation of the proposed development. (see page 37 of NIS)*

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

(i) Water quality degradation

Potential negative effects on habitat quality/ function and prey availability/ undermine conservation objectives related to water quality if polluted water / pollutants released as a result of the proposed development and travel to the SAC in close proximity.

For example Table 3 of the NIS lists potential effects on Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels including from, inter alia, “*disturbance of the ecosystem within this habitat due to silt / hydrocarbon run-off from the site*”.

Mitigation measures and conditions

Best practice construction and waste measures. Measures noted in relation to construction stage and operational stage surface water run-off to ensure no polluted waters reach the SAC, for example the use of silt barriers. Fencing off of SAC woodland during construction. These

measures can be conditioned should permission be granted. However, I note no specific reference to the location of the stormwater detention basin which would be in the SAC and which construction and operation could impact directly on the water quality of the SAC and the qualifying interests linked to water quality of the SAC.

(ii) Disturbance of mobile species

Potential disturbance/displacement of otter due to construction activity / inappropriate disposal of waste or increases in human activity /lighting on the site, Table 3 of the NIS notes *“disturbance to habitats within the territory of the otter due to inappropriate disposal of waste or increases in human activity and disturbance to the otter due to increased human activity and additional lighting that may be associated with the operation of the proposed development”*.

I note that the Quality Audit makes clear that an active travel route to the River Nore is to be provided from the subject site and I note this would be a new route from the proposed houses.

Mitigation measures and conditions

Mitigation measures are listed in relation to mammal friendly lighting which can be conditioned. There is otherwise an absence of credible mitigation measures listed in the NIS specifically to deal with potential disturbance to otter, particularly related to the potential increased human activity associated with the new route to the River Nore. While Section 5.4 refers to an increase in human activity during construction and operation that could negatively impact on otter, it does not quantify or clearly state how significant such increase in human activity would be, particularly noting that there is an existing walking route adjacent to the River Nore, a short distance to the south.

While it states that walkers using the existing paths in the SAC should be informed of its ecological sensitivity and legal protection, I do not consider that this would be sufficient to credibly avoid potential impacts if the quantity of new trips through the SAC increase significantly.

I note otter often use the banks and areas in the vicinity of rivers. I note that construction impacts could be dealt with by best practice construction measures which would include, by law, site hoarding to screen human activity impacts. Post construction, I note that the NIS fails to provide mitigation measures for the new routes from the site to the River Nore, including in relation to the new routes to the SAC woodland and which is noted to be an active travel route in the Quality Audit. In this context and noting the reliance on historic surveys and the absence of up to date dated surveys of the otter of the SAC in the vicinity of the site and I consider the NIS to be deficient.

(iii) Spread of invasive species

None noted on the site.

Mitigation measures and conditions

Best practice construction measures which can be conditioned include measures to prevent the spread of invasive species on to the subject site.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS.

Findings and conclusions

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

Based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the River Barrow and River Nore SAC (site code 002162) considered in this part of the Appropriate Assessment. I note an absence of up to date dated surveys of otter in the vicinity of the subject site. I am not satisfied that potential impacts from the stormwater detention basin have been considered or mitigated and that the mitigation measures are complete in relation to addressing potential disturbance to otter from a new route from the subject site to the River Nore. I consider that potential adverse effects cannot be ruled out.

Reasonable scientific doubt

I am not satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development could affect the attainment of the Conservation objectives of the River Barrow and River Nore SAC. Adverse effects on site integrity cannot be excluded and 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 the River Barrow and River Nore SAC (site code 002162) in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on the site integrity of the River Barrow and River Nore SAC (site code 002162) cannot be excluded in view of the conservation objectives of this site and that reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The absence of up to date and dated surveys of the otter of the SAC in the vicinity of the site in line with best practice.
- The potential disturbance of otter from the new route from the subject site to the River Nore and the likelihood of increase human activity with no credible mitigation measures outlined in the NIS to address this.

- The failure to address the location of the stormwater detention basin and its construction and operation within the SAC.

NAME OF SAC/ SPA (SITE CODE): River Nore SPA (site code 004233).

Summary of Key issues that could give rise to adverse effects (from screening stage):

See Section 4.2 of the submitted NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)
		NIS Section 4.2	NIS Section 6
Kingfisher (Alcedo atthis) [A229]	Population size target: No significant decline in the long term. Productivity rate target: Sufficient productivity to maintain the population trend as stable or Increasing. Spatial distribution of territories target: No significant loss of distribution in the long term, other than that occurring due to natural patterns of variation. Extent and quality of nesting banks and other suitable nesting features target: Sufficient area of high quality nesting habitat to support the population target. Forage spatial distribution, extent, abundance and availability target: Sufficient number of locations, area of suitable forage habitat and available forage biomass to support the population target. Water quality target: Both biotic (i.e. Q-value) and abiotic indices reflect overall good-high quality Status. Barriers to connectivity target: no significant increase.	See NIS Section 4.2 Table 3 of the NIS lists possible significant effects due to: • <i>Eutrophication arising from run-off from the site during the site preparation and operation.</i> • <i>Disturbance or loss of bankside perching habitats.</i> • <i>An increase in human activity on the site at all stages of construction and operation may deter kingfishers from the site.</i>	See NIS Section 6 <u>Construction Stage</u> Information for site workers in relation to the ecological sensitivity of the site, fencing off of woodland areas within the SAC, fence to include geotextile barrier to prevent silt passing through, site works to follow Inland Fisheries Ireland requirements, safe removal of construction waste per best practice, run-off from the construction areas to be intercepted and managed through a series of treatment stages, best practice concrete / aggregate management measures should be employed on site, best practice management measures for hydrocarbons and fluid management, topsoil to be stored on

	Disturbance to breeding sites target: Disturbance occurs at levels that do not significantly impact upon breeding Kingfisher.		the site and away from the SAC. <u>Operational Stage</u> Surface water run-off to be directed into properly designed and constructed soakaways. Notes that it is illegal to remove hedgerows / treelines during the bird nesting season. Trees to be removed outside of the bird nesting season. Landscaping to involve native species planting. Bar soil to be seeded as soon as possible with grass seed. Lighting scheme to adhere to 'Bats and Lighting Guidance Notes for: Planners, Engineers, Architects and Developers'. Walkers using the existing paths within the SAC should be informed as to the ecologically sensitive nature of the site and its legal protection under European law.
The above table is 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.			

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

(i) Water quality degradation

Potential negative effects on habitat quality/ function and prey availability/ undermine conservation objectives related to water quality if polluted water / pollutants released as a result of the proposed development and travel to the SPA, including eutrophication.

Mitigation measures and conditions

Best practice construction and waste measures. Measures noted in relation to construction stage and operational stage for surface water run-off to ensure no polluted waters reach the SPA, for example the use of silt barriers. Fencing off of woodland during construction. These measures can be conditioned should permission be granted.

(ii) Disturbance of mobile species

Potential disturbance/displacement of kingfisher although the subject site is c.28m north of the SPA through increase human activity within and adjoining the SPA.

Mitigation measures and conditions

Mitigation measures are listed in relation to mammal friendly lighting which can be conditioned. There is otherwise an absence of credible mitigation measures listed in the NIS specifically to deal with potential disturbance to kingfisher. I note that construction impacts could be dealt with by best practice construction measures which would include, site hoarding to screen human activity impacts. Post construction, I note that human activity could increase on the banks of the River Nore due to the provision of a new route from the site through the woodland to the river.

I note a failure of the NIS to quantify this increase in human activity by reference to the existing walking route through the adjacent woodland to the south of the subject site and to consider its potential significance. In this context and noting the reliance on historic surveys and the absence of up-to-date dated surveys of the kingfisher of the SPA in the vicinity of the site, I consider the NIS to be deficient.

(iii) Spread of invasive species

None noted on the site.

Mitigation measures and conditions

Best practice construction measures which can be conditioned include measures to prevent the spread of invasive species on to the subject site.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS.

Findings and conclusions

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

Based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the River Nore SPA (site code 004233) considered in this part of the Appropriate Assessment. I note an absence of up to date surveys of kingfisher in the vicinity of the site. I am not satisfied that the mitigation measures are complete or credible in relation to addressing potential disturbance to kingfisher from a new route / increased human activity from the subject site to the River Nore. I consider that potential adverse effects cannot be ruled out.

Reasonable scientific doubt

I am not satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development could affect the attainment of the conservation objectives of the River Nore SPA (site code 004233). Adverse effects on site integrity cannot be excluded and 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 the River Nore SPA (site code 004233) in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on the site integrity of the River Nore SPA (site code 004233) cannot be excluded in view of the conservation objectives of the site and that reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The absence of detailed current dated surveys of the kingfisher of the SPA in the vicinity of the site in line with best practice.
- The potential disturbance of kingfisher from the new route and potential increased human activity from the subject site to the River Nore with no credible mitigation measures outlined in the NIS to address this.

Appendix 5
Water Framework Directive

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-501602-KK-26	Townland, address	Sion Hermitage, Sion Road, Kilkenny.
Description of project		Construction of 39 dwellings, and alterations to and demolition of existing buildings, and all associated site works. A N.I.S. (Natura Impact Statement) has been submitted with the application.	
Brief site description, relevant to WFD Screening,		The subject site slopes gently downhill towards the south and then more steeply towards the south. The parkland site consists of some existing buildings close to the public road and is largely surrounded by mature trees on three sides.	
Proposed surface water details		SUDS with nature-based solutions incorporated.	
Proposed water supply source & available capacity		Connection to public network available, capacity available.	
Proposed wastewater treatment system & available capacity, other issues		Connection to public network available, capacity available.	
Others?			

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
Ground	Kilkenny (IE_SE_G_078)	Good	At risk	Unknown, agriculture.	Drainage to ground, surface run-off during construction and at operational stage.	Best practice construction and waste management measures and SUDS incorporated.	Mitigation sufficient, no residual impacts.
River	NORE_180 (IE_SE_15N012000)	Moderate	Not at risk	Urban wastewater	Surface water run-off during construction and at operational stage.	Best practice construction and waste management measures and SUDS incorporated. Connection to public water services.	Mitigation sufficient, no residual impacts.