



# **KILKENNY COUNTY COUNCIL**

**REPORT - Dated 10<sup>th</sup> January, 2024**

**In Accordance with Section 179A of the  
Planning and Development Acts, 2000 as amended**

*RE: The change of use of the existing single storey  
Health Centre building into a one-bedroom  
dwelling and the construction of a two-storey, two  
bedroom dwelling adjacent, at Kells, Co. Kilkenny*

*For consideration by the Chief Executive  
of Kilkenny County Council*

## **Structure of Report**

1. Introduction
2. Description of proposed development
3. Application of S179A
4. Pre-planning consultations undertaken and advice received
5. Implications for the proper planning and sustainable development of the Area
6. Council's Intention regarding proposed development

## **Appendix A**

1. Proposed architectural drawings prepared by Kilkenny County Council Housing Technical

## **Appendix B**

1. Pre-planning Report
2. Environmental Impact Assessment (EIA) Screening
3. Appropriate Assessment (AA) Screening

## **Appendix C -**

- Proposed Public Notice

## 1. Introduction

This report has been prepared for consideration by the Chief Executive of Kilkenny County Council and contains information regarding the proposed development, as required in accordance with Section 179A of the Planning & Development Acts, 2000 as amended .

## 2. Description of Proposed Development

Kilkenny County Council acquired the existing Health Centre after it had ben vacant for a number of years since the closure of a number of small rural health centres.

The intention is to upgrade the existing building and adapt it for use as a one-bedroom dwelling of approximately 54m<sup>2</sup>. It is proposed to construct a two-storey, two-bedroom dwelling of approximately 88m<sup>2</sup> on the site adjacent. A new vehicular access is proposed and parking provided for 2no. vehicles per dwelling. Connections are available to existing services.

## 3. Application of S179A

		Yes/No	Comment
A	the land is <b>owned by the local authority</b> or another specified State Body;	Yes	
B	the land is <b>zoned for residential development</b> ;	Yes	
C	the proposed development <b>does not materially contravene the development plan</b> or local area plan for the area;	Yes	
D	the proposed development is in accordance with the relevant local authority's <b>housing strategy</b> ;	Yes	
E	the land is <b>serviced or will be serviced</b> with the necessary supporting infrastructure or facilities within the timeframe of the development;	Yes	

F	the proposed development is <b>not required to undergo environmental impact assessment (EIA)</b> under the EIA Directive or appropriate assessment (AA) under the Habitats Directive; and	Yes
G	the development works in question are <b>commenced by no later than 31 December 2024.</b>	Yes

## 4. Pre-planning

As part of the planning application process the Area Planner and Roads Design were advised of planning requirements through a formal pre-planning submission prior to finalizing the details of the application.

## 5. Implications for Proper Planning and Sustainable Development of the Area

The proposed development is consistent with the provisions of the Kilkenny City and County Development Plan 2021-2027 and is compatible with the proper planning and sustainable development for the area.

Appended to this report in Appendix B are reports from:

- Planning Department
- Environmental Impact Assessment (EIA) Screening
- Appropriate Assessment (AA) Screening
- Roads Design Office Report

The following comments were noted by the Planning Department and will be addressed as follows:

1. *The developer should define the root protection area of existing trees on site, and erect suitable protection around the root protection areas, which should be maintained free from vehicles, materials and soil storage during the construction phase.*

Housing Capital will ensure the protection of the root area of the existing trees during the construction phase to ensure their survival. The existing tree on the

eastern boundary will need to be removed due to its proximity to the proposed new dwelling.

2. *Applicant to consult with the following:*

- *Water Services/ Uisce Eireann to ensure the development may be connected to the public mains water and sewer*

Housing Capital have submitted a pre-connection enquiry form with Uisce Eireann to ensure that connections are available to existing services.

- *Surface water to be disposed of on site to suitably sized soakpits*

Housing Capital will ensure that surface water is disposed of on-site to suitably sized soakpits.

- *Consult with the Roads Design Office to ensure adequate sightlines at the entrance to the site, and relating to sufficient room for turning movements.*

Housing Capital have forwarded proposals to Roads Design Office showing adequate sightlines at the entrance for vehicles exiting the site and movement turning diagrams showing sufficient room for vehicle turning within the site.

Report prepared by:

**SIGNED**



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**Richard Vaughan**  
**Executive Architect**

## 6. **Kilkenny County Council's Intention Regarding Proposed Development.**


**Proposed Development:** S179A Proposal  
**The change of use of the existing single storey Health Centre building into a one-bedroom dwelling and the construction of a two-storey, two bedroom dwelling adjacent at Kells, Co. Kilkenny**

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the report and recommendation from the Housing Capital Section dated 10<sup>th</sup> January 2024.

**SIGNED**

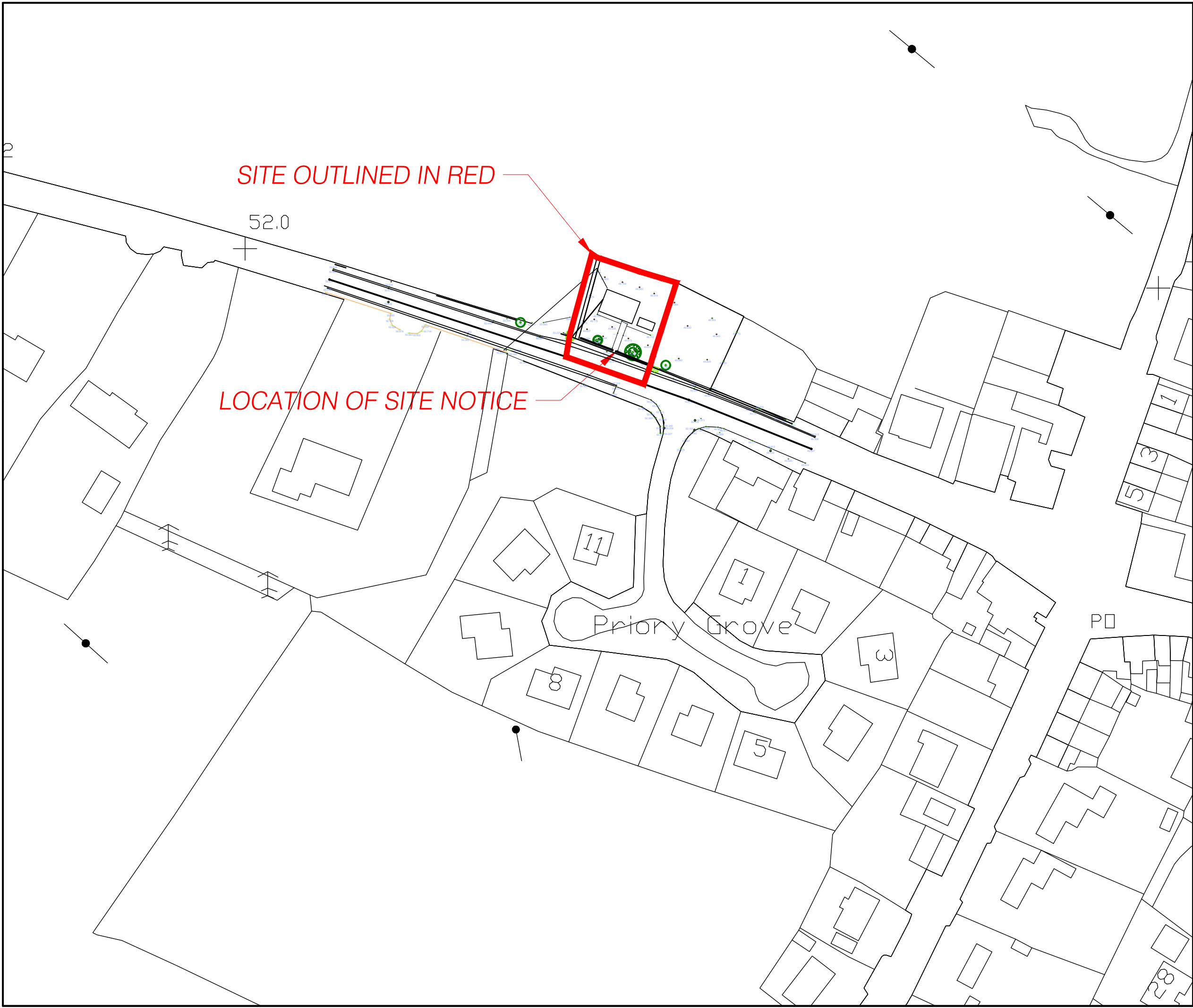
  
**Mary J. Mulholland**  
**Director of Services**

**SIGNED:**

  
**Lar Power**  
**Chief Executive**

## **Appendix A**

1. Proposed architectural drawings prepared by Kilkenny County Council Housing Technical.

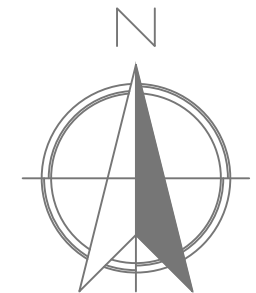


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 ALL CONSTRUCTION WORKS TO COMPLY WITH CURRENT BUILDING REGULATIONS.

**LEGEND**

SITE BOUNDARY AS SHOWN



SITE AREA: 0.0715ha/0.17668acres  
 OS REF No. 5011-C  
 Ordnance Survey Ireland Licence No.  
 Kilkenny County Council 2013 / 27 / CCMA

REV.	DESCRIPTION:	DATE:

**HOUSING CAPITAL**



**Kilkenny County Council**  
 County Hall John Street Kilkenny  
 Tel: 056 779 4000  
 E-mail: info@kilkennycoco.ie  
 Web: www.kilkennycoco.ie

STAGE:  PLANNING  TENDER  CONSTRUCTION

PROJECT: EXTENSIONS & ALTERATIONS  
 OLD HEALTH CENTRE , KELLS, KILKENNY

DRAWING: **SITE LOCATION MAP**

DRAWN BY: CN SCALE: 1/1000 @ A3

CHECKED BY: RV DATE: JULY 2023

FILE NO. **HS 157** DRAWING NO. **P-01**




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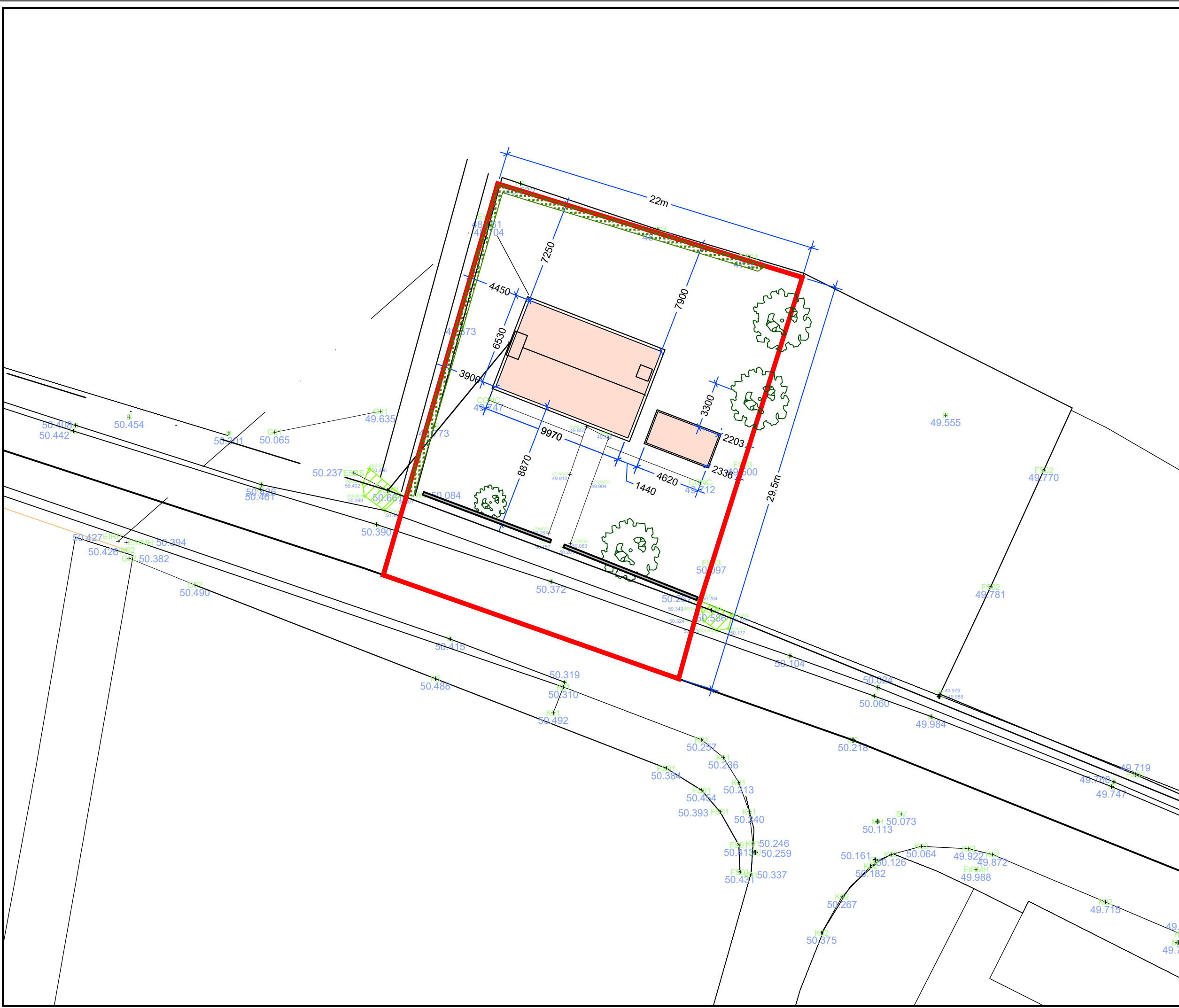
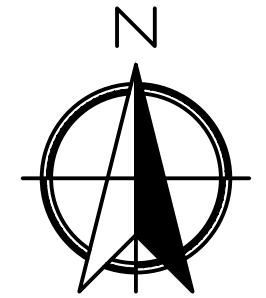



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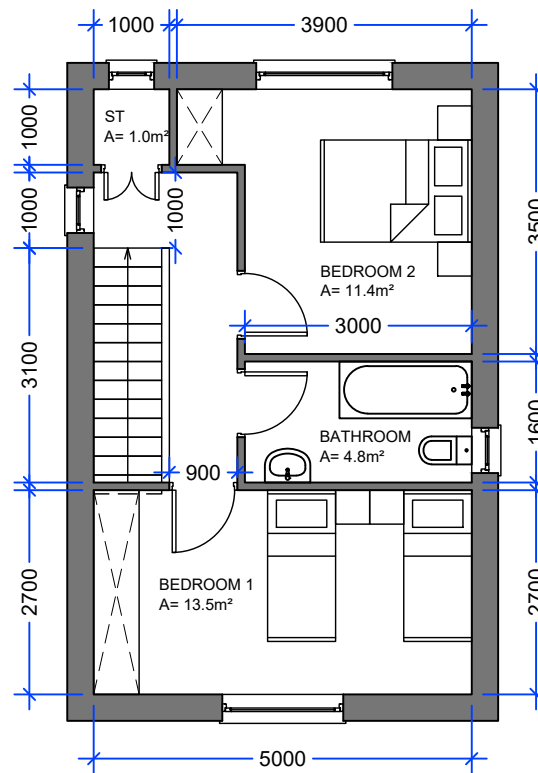
**LEGEND**

 SITE BOUNDARY AS SHOWN  
 EXISTING XXX  
 PROPOSED XXX

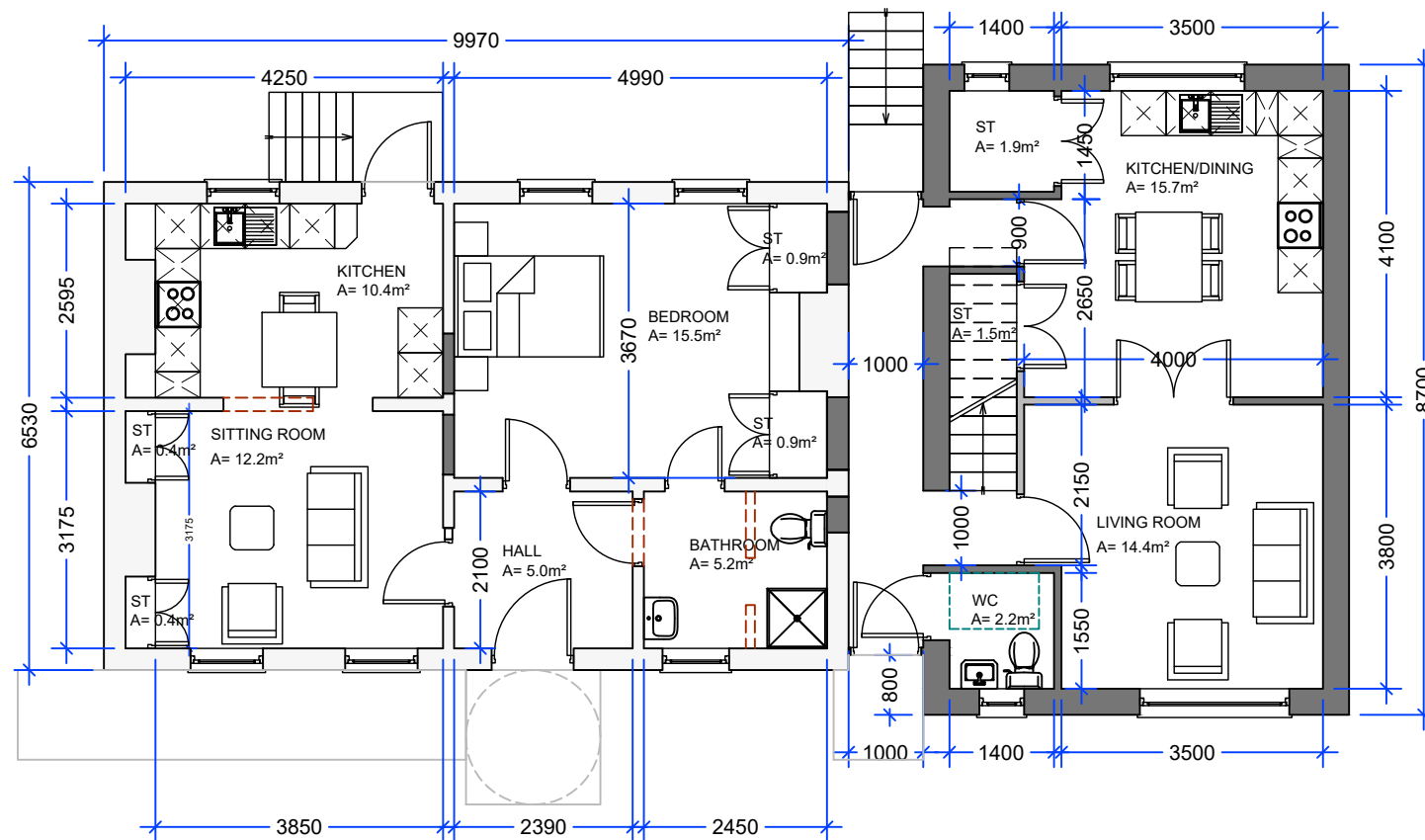


REV:	DESCRIPTION:	DATE:
<b>HOUSING CAPITAL</b>		
 <b>Kilkenny County Council</b> County Hall John Street Kilkenny Tel: 056 779 4000 E-mail: info@kilkennycoco.ie Web: www.kilkennycoco.ie		
STAGE:	PLANNING <input checked="" type="checkbox"/>	TENDER <input type="checkbox"/>
PROJECT: EXTENSIONS & ALTERATIONS OLD HEALTH CENTRE , KELLS, KILKENNY		
DRAWING: <b>EXISTING SITE LAYOUT</b>		
DRAWN BY:	CN	SCALE: 1/250 @ A3
CHECKED BY:	RV	DATE: JULY 2023
FILE NO.	<b>HS 157</b>	DRAWING NO. <b>PL-02</b>
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**PROPOSED FF NEW BUILDING**  
SCALE 1/100



**PROPOSED GF EXISTING BUILDING**  
SCALE 1/100

**PROPOSED GF NEW BUILDING**  
SCALE 1/100

FLOOR AREA SCHEDULE				
Table in accordance with figures taken from Design Manual for Quality Housing				
EXISTING BUILDING, HOUSE TYPE: 1BED/2P House (1 STOREY)				
RELEVANT AREA	PROPOSED UNIT		DEPARTMENT GUIDELINES	
	WIDTH PROVIDED	AREA PROVIDED	MIN WIDTH REQUIRED	MIN AREA REQUIRED
BEDROOM 1	3.7m	15.5m <sup>2</sup>	2.8m	11.4m <sup>2</sup>
LIVING ROOM	3.2m	12.2m <sup>2</sup>	3.3m	11m <sup>2</sup>
TOTAL STORAGE AREA	2.6m <sup>2</sup>		2m <sup>2</sup>	
TOTAL LIVING/KITCHEN/DINING AREA	22.6m <sup>2</sup>		23m <sup>2</sup>	
GROSS INTERNAL AREA	53.8m <sup>2</sup>		44m <sup>2</sup>	
NEW BUILDING, HOUSE TYPE: 2BED/4P House (2 STOREY)				
RELEVANT AREA	PROPOSED UNIT		DEPARTMENT GUIDELINES	
	WIDTH PROVIDED	AREA PROVIDED	MIN WIDTH REQUIRED	MIN AREA REQUIRED
BEDROOM 1	2.7m	13.5m <sup>2</sup>	2.8m	13.0m <sup>2</sup>
BEDROOM 2	3.0m	11.4m <sup>2</sup>	2.8m	11.4m <sup>2</sup>
LIVING ROOM			3.5m	14.4m <sup>2</sup>
TOTAL STORAGE AREA	4.4m <sup>2</sup>		4m <sup>2</sup>	
TOTAL LIVING/KITCHEN/DINING AREA	30.1m <sup>2</sup>		30m <sup>2</sup>	
GROSS INTERNAL AREA	88m <sup>2</sup>		80m <sup>2</sup>	

**NOTES**

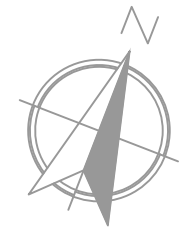
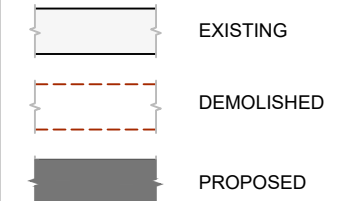
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**LEGEND**



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REV:	DESCRIPTION:	DATE:
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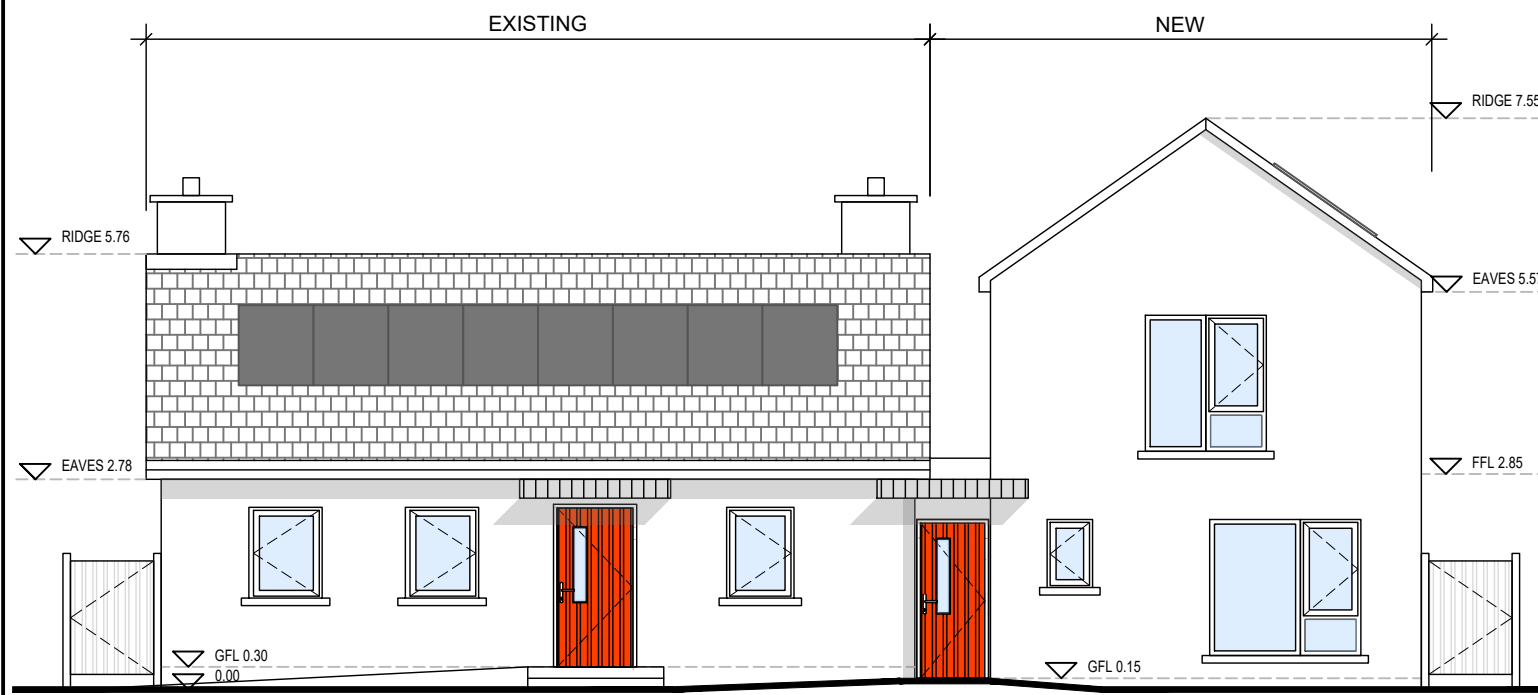
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County Hall John Street Kilkenny

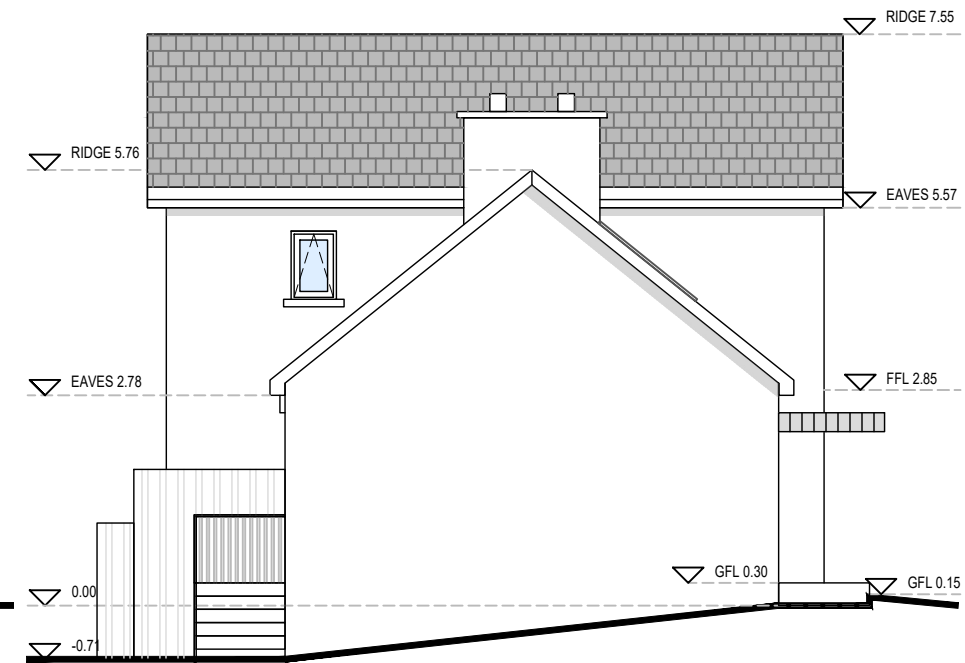
Tel: 056 779 4000  
E-mail: info@kilkennycoco.ie  
Web: www.kilkennycoco.ie

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CHECKED BY:	RV	DATE:	JULY 2023			
FILE NO.	HS 157	DRAWING NO.	PL-06-ALT			

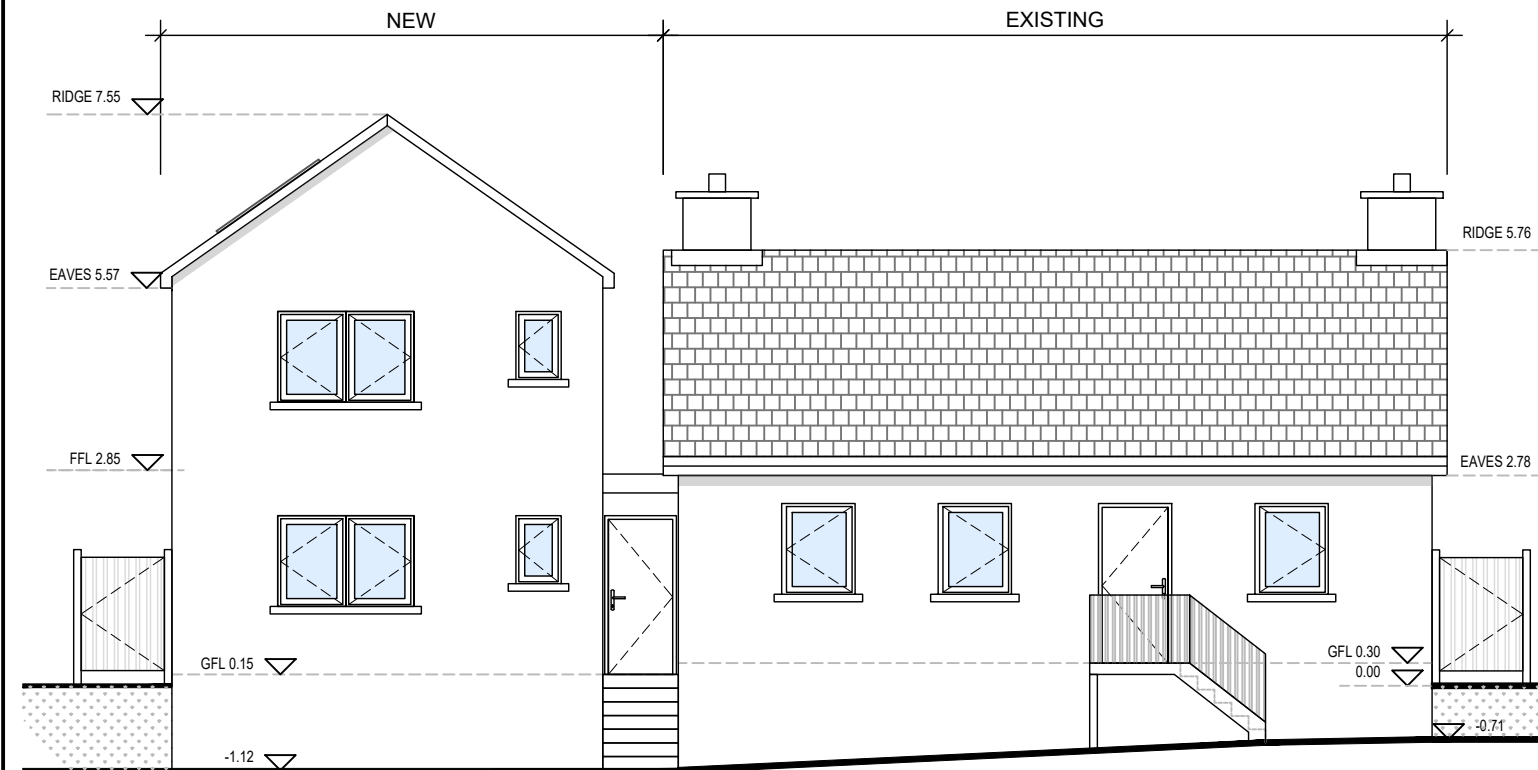
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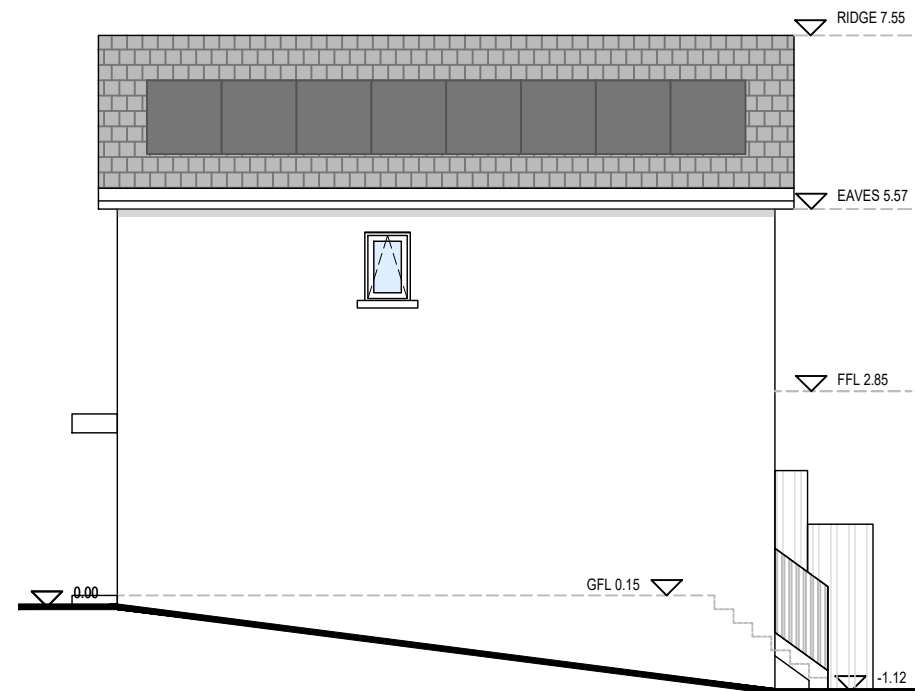
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SCALE 1/100



**PROPOSED WEST ELEVATION**  
SCALE 1/100



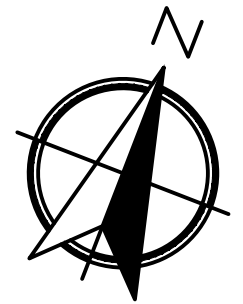
**PROPOSED NORTH ELEVATION**  
SCALE 1/100



**PROPOSED EAST ELEVATION**  
SCALE 1/100

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REV:	DESCRIPTION:	DATE:

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 Web: www.kilkennycoco.ie

STAGE:	PLANNING	<input checked="" type="checkbox"/>	TENDER	<input type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>
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PROJECT: EXTENSION & ALTERATIONS  
 OLD HEALTH CENTRE, KELLS, KILKENNY

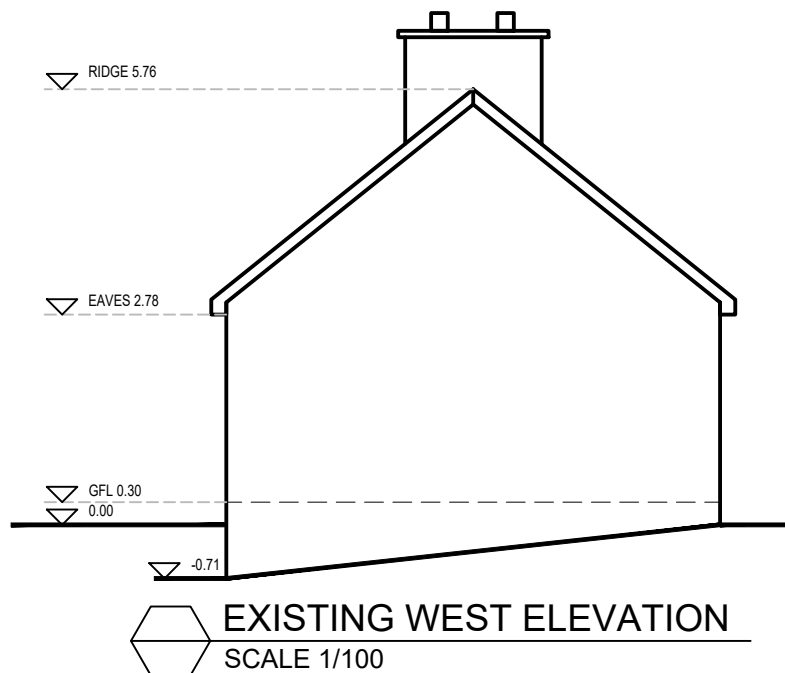
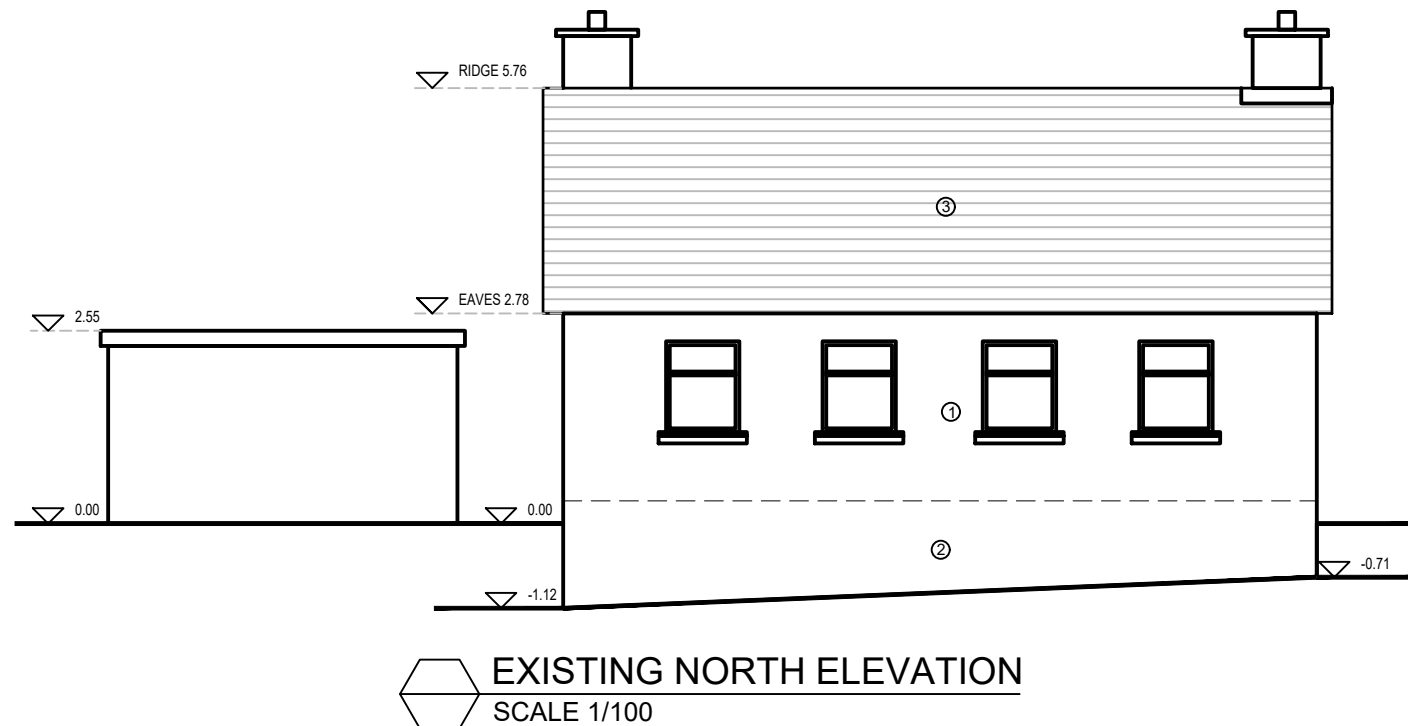
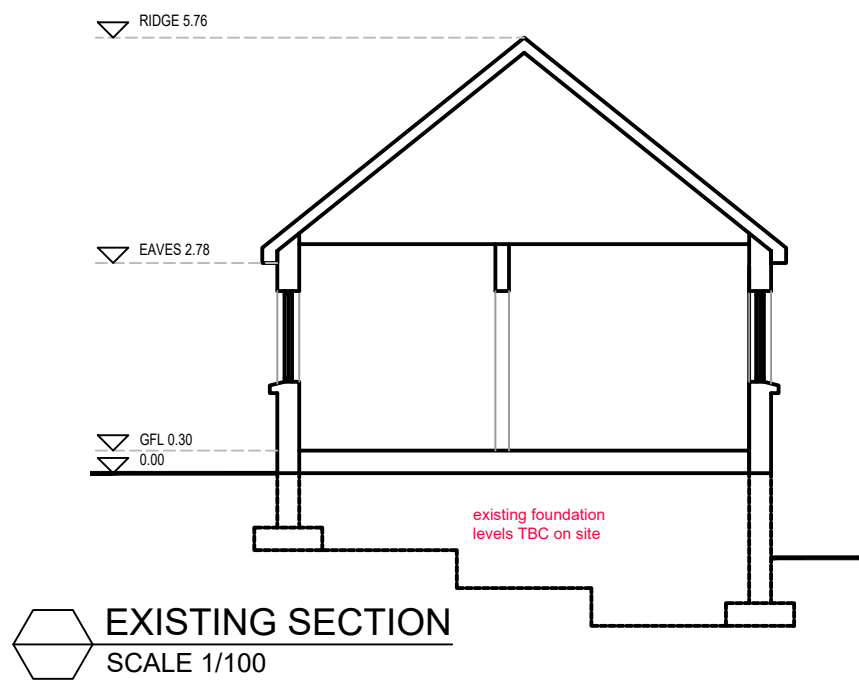
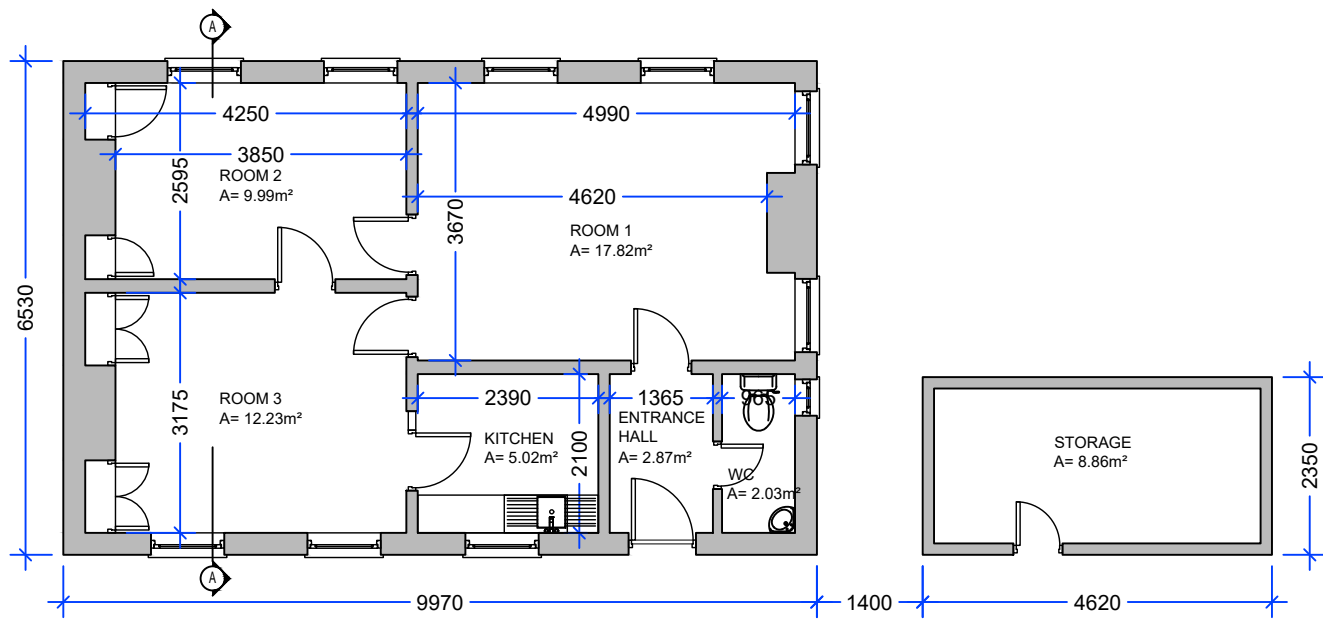
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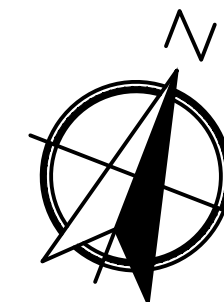


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**LEGEND**

- ① Pebbledashed wall
- ② coloured strip
- ③ concrete roof tiles



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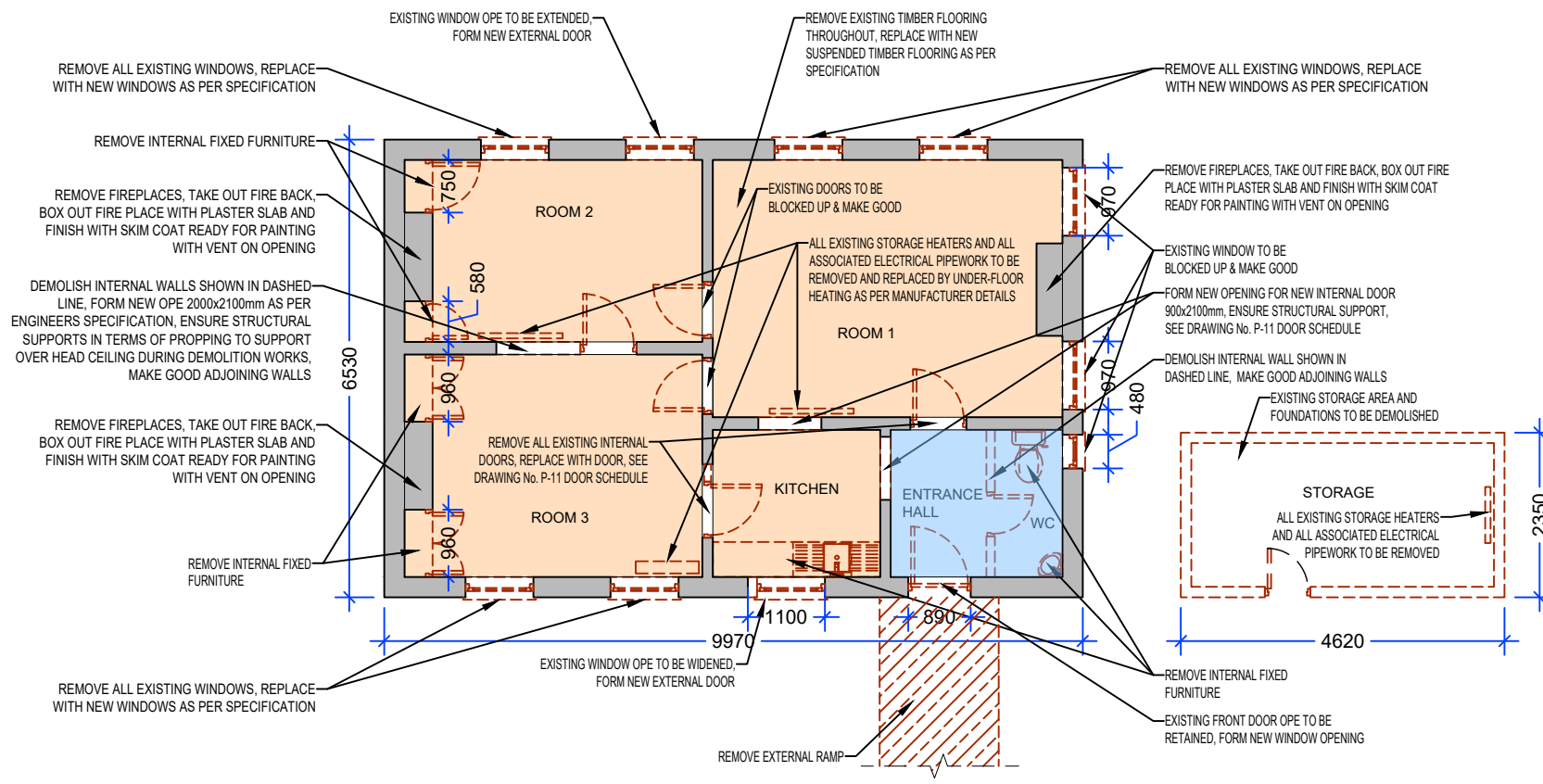
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PROJECT: EXTENSION & ALTERATIONS  
 OLD HEALTH CENTRE, KELLS, KILKENNY

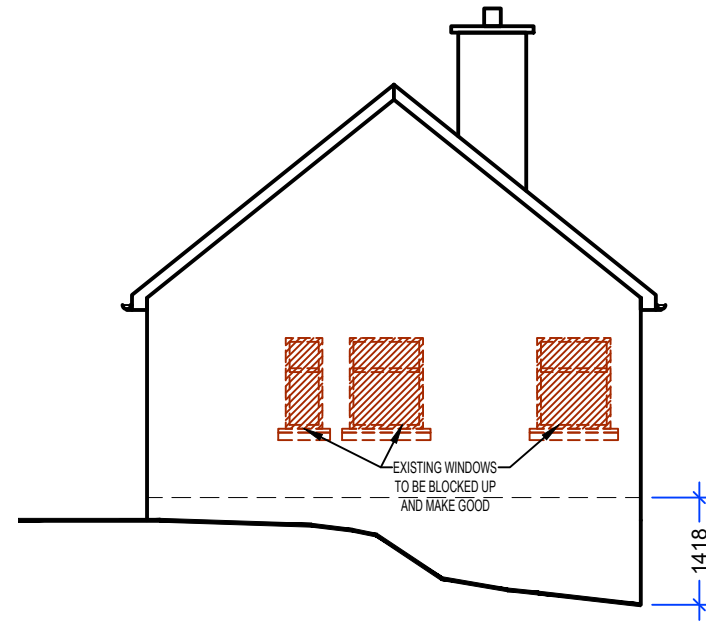
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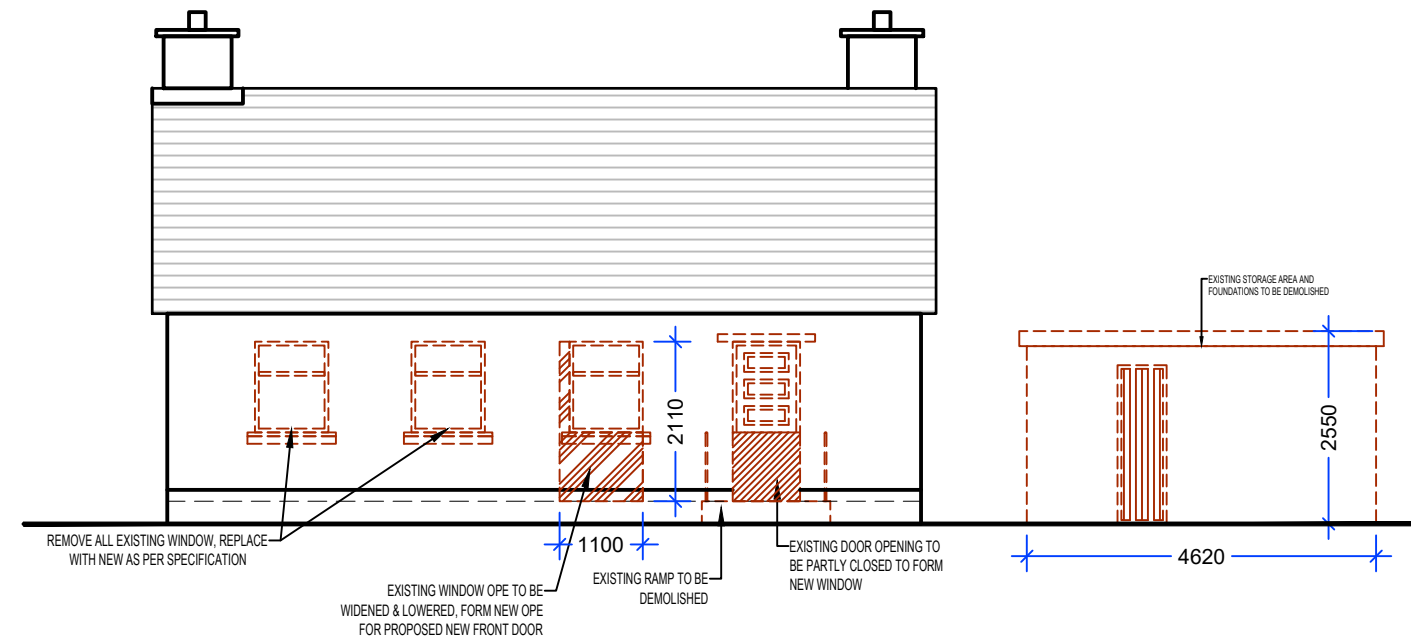
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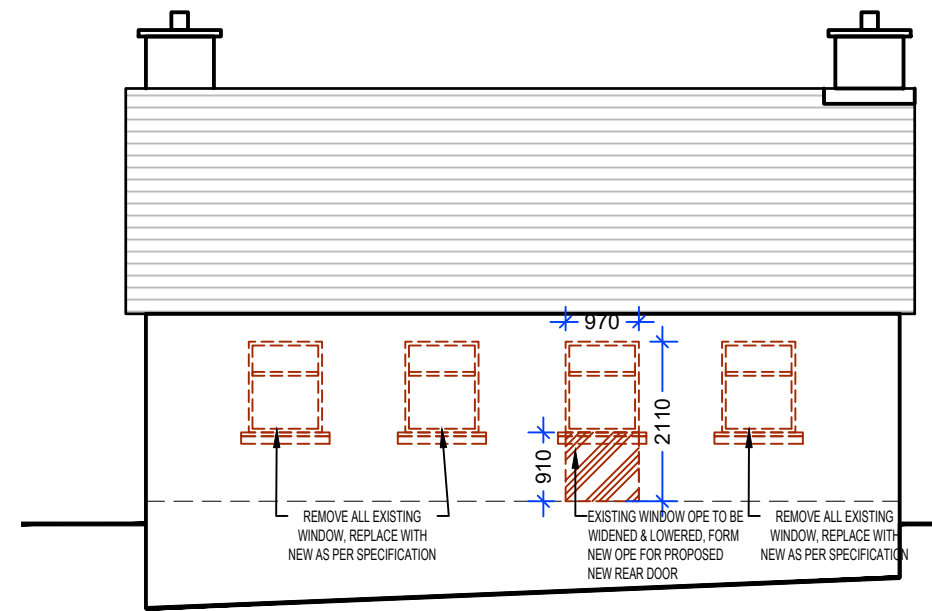
PLAN LAYOUT  
SCALE 1/100



EAST ELEVATION  
SCALE 1/100



SOUTH ELEVATION  
SCALE 1/100



NORTH ELEVATION  
SCALE 1/100

NOTES

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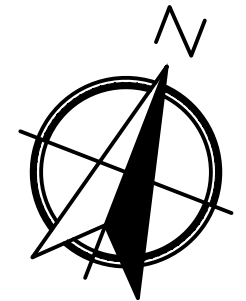
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LEGEND

- EXISTING WALLS
- STRUCTURE TO BE DEMOLISHED
- EXISTING CONCRETE FLOOR
- EXISTING TIMBER FLOOR



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REV:	DESCRIPTION:	DATE:

HOUSING CAPITAL



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County Hall John Street Kilkenny  
Tel: 056 779 4000  
E-mail: info@kilkennycoco.ie  
Web: www.kilkennycoco.ie

STAGE:	PLANNING	<input checked="" type="checkbox"/> TENDER	CONSTRUCTION
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PROJECT: EXTENSIONS & ALTERATIONS  
OLD HEALTH CENTRE, KELLS, KILKENNY

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CHECKED BY:	RV	DATE:	12/05/2023
FILE NO.	<b>HS 157</b>	DRAWING NO.	<b>PL-05</b>

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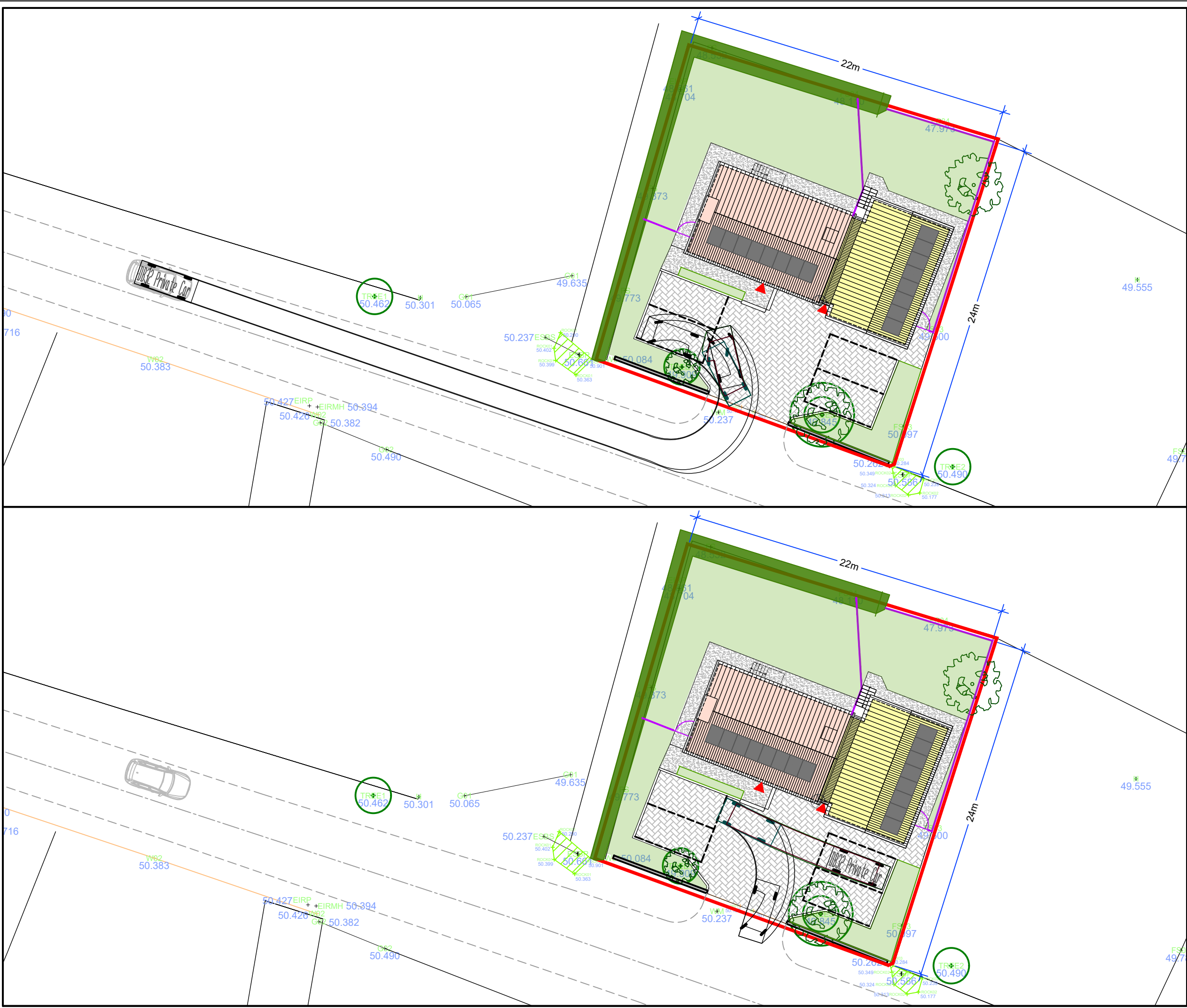
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**LEGEND**

- SITE BOUNDARY AS SHOWN
- SIGHTLINES



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<b>HOUSING CAPITAL</b>	
<b>Kilkenny County Council</b> County Hall John Street Kilkenny Tel: 056 779 4000 E-mail: info@kilkennycoco.ie Web: www.kilkennycoco.ie	
STAGE:	PLANNING <input type="checkbox"/> TENDER <input checked="" type="checkbox"/> CONSTRUCTION <input type="checkbox"/>
PROJECT: EXTENSIONS & ALTERATIONS OLD HEALTH CENTRE , KELLS, KILKENNY	
DRAWING: <b>PROPOSED SIGHT LINES</b>	
DRAWN BY: CN	SCALE: 1/500 @ A3
CHECKED BY: RV	DATE: DECEMBER 2023
FILE NO. <b>HS 157</b>	DRAWING NO. <b>PL-03-1</b>
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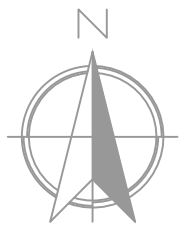
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**LEGEND**

— SITE BOUNDARY AS SHOWN



REV:	DESCRIPTION:	DATE:
<b>HOUSING CAPITAL</b>		
<b>Kilkenny County Council</b> County Hall John Street Kilkenny Tel: 056 779 4000 E-mail: info@kilkennycoco.ie Web: www.kilkennycoco.ie		
STAGE:	PLANNING <input type="checkbox"/>	TENDER <input checked="" type="checkbox"/>
PROJECT: EXTENSIONS & ALTERATIONS OLD HEALTH CENTRE, KELLS, KILKENNY		
DRAWING: <b>PROPOSED VEHICLE TURNING MOVEMENTS</b>		
DRAWN BY: CN	SCALE: 1/250 @ A3	
CHECKED BY: RV	DATE: JANUARY 2024	
FILE NO. <b>HS 157</b>	DRAWING NO. <b>PL-03-2</b>	
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## **Appendix B**

1. Pre-planning Report
2. Environmental Impact Assessment (EIA) Screening
3. Appropriate Assessment (AA) Screening

**Comhairle Chontae Chill Chainnigh  
Kilkenny County Council  
Planning Report**



**Planning and Development Act 2000, as amended  
Planning and Development Regulations 2001, as amended**

**Applicant:** Housing Section, Kilkenny County Council

**Subject:** Section 179 A Housing Section proposed development for the change of use of the single storey Health Centre building into a one-bedroom dwelling and the construction of a two-storey, two-bedroom dwelling adjacent and all associated site works at Goodwingsarden, Kells, Co. Kilkenny.

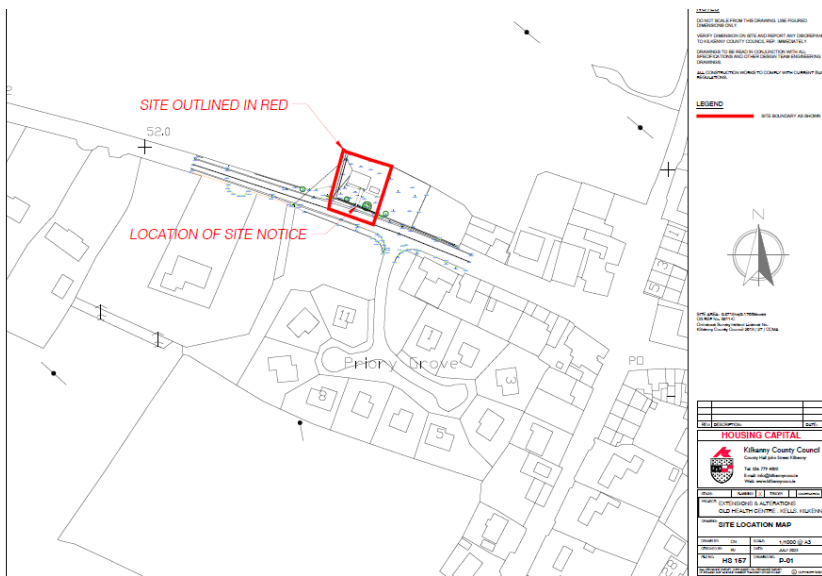
**Site History**

No recent on-site history

**Site location and description**

The site is located on the northern side of the regional road R697 on the western approach into Kells, Co. Kilkenny, and is located within the settlement boundary as per the current development plan. The King's River is located to the north and west of the site, at a distance of over 300m at the nearest point; there does not appear to be a hydrological connection between the site and the river.

There is an existing single storey former Health Centre located on site, which was vacant at the time of site inspection.



Site location map submitted



Image of site as per Google Maps as at 2019

### Development Plan Policy

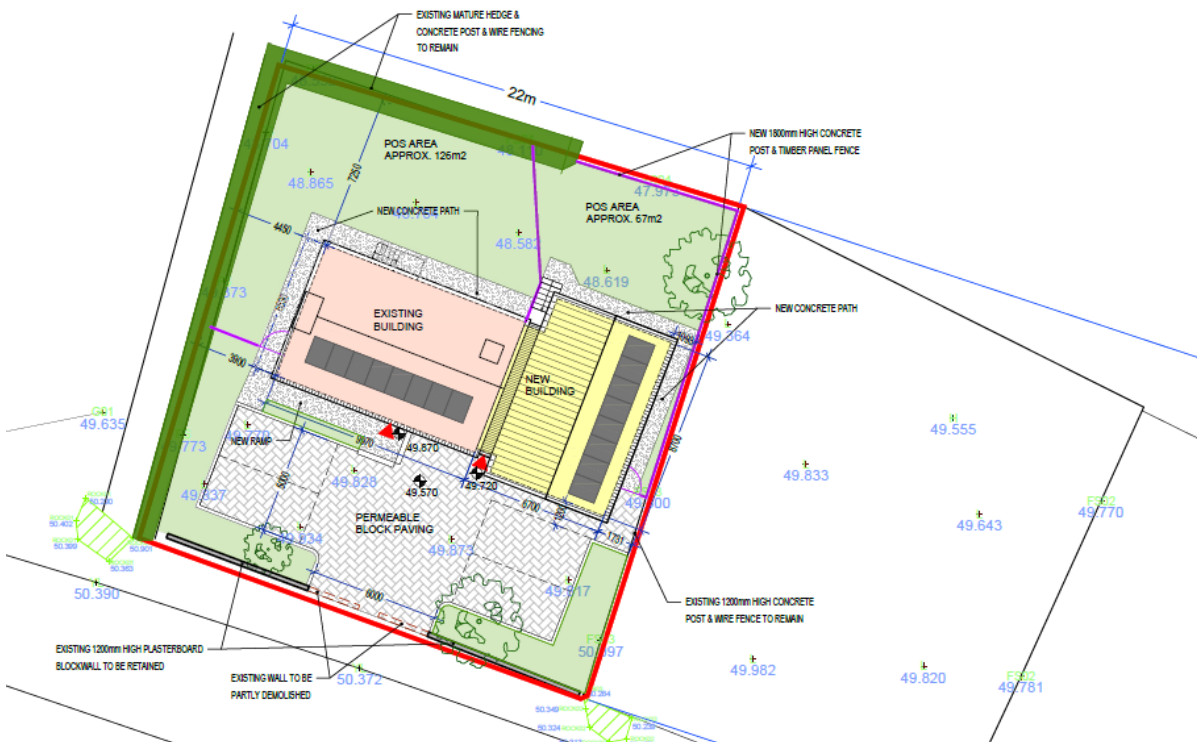
The site is located within the settlement boundary for Kells, and the proposed development is acceptable in principle on this site. The site is not subject to the rural housing policy having regard to its location within the settlement boundary.

### Proposed development

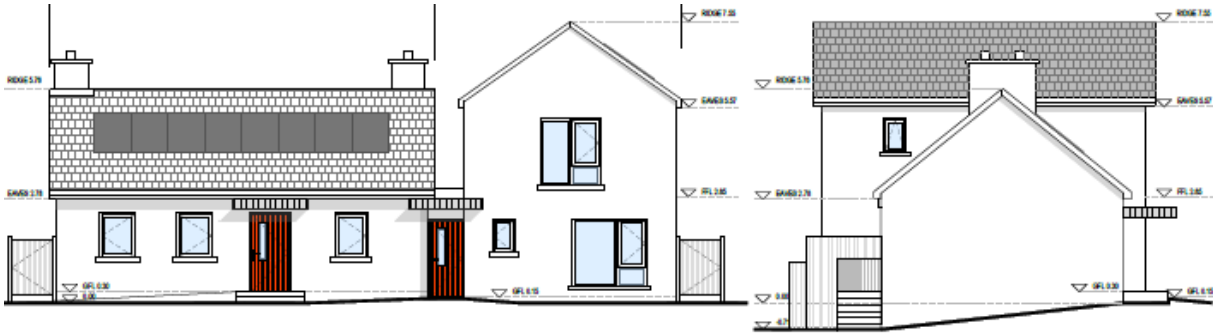
Proposed change of use of the single storey Health Centre building into a one-bedroom dwelling and the construction of a two-storey, two-bedroom dwelling adjacent.

The site has a stated area of 0.75ha. The existing dwelling has a stated area of 73sq.m., and the proposed extension has a stated area of 27sq.m.

The application form states that the lands are owned by the Local Authority and that works will commence prior to 31<sup>st</sup> December 2024.

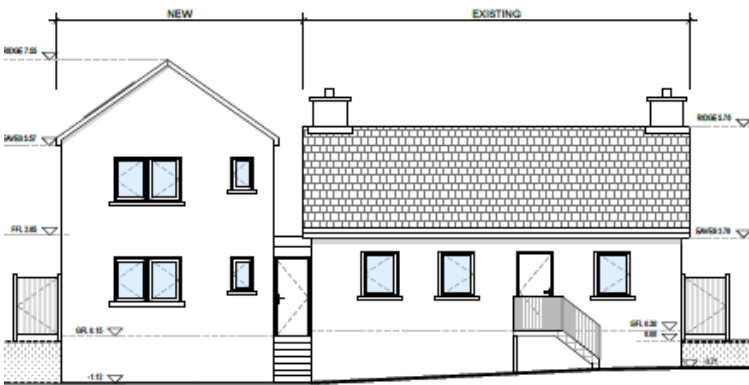


Proposed Site Layout Plan

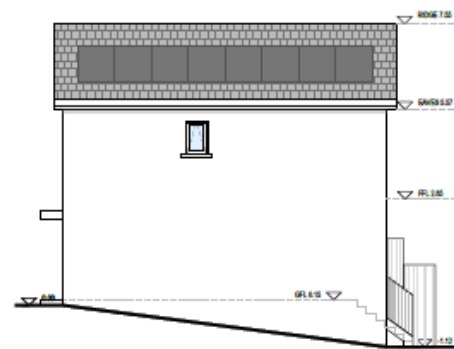


PROPOSED SOUTH ELEVATION  
SCALE 1/100

PROPOSED WEST ELEVATION  
SCALE 1/100

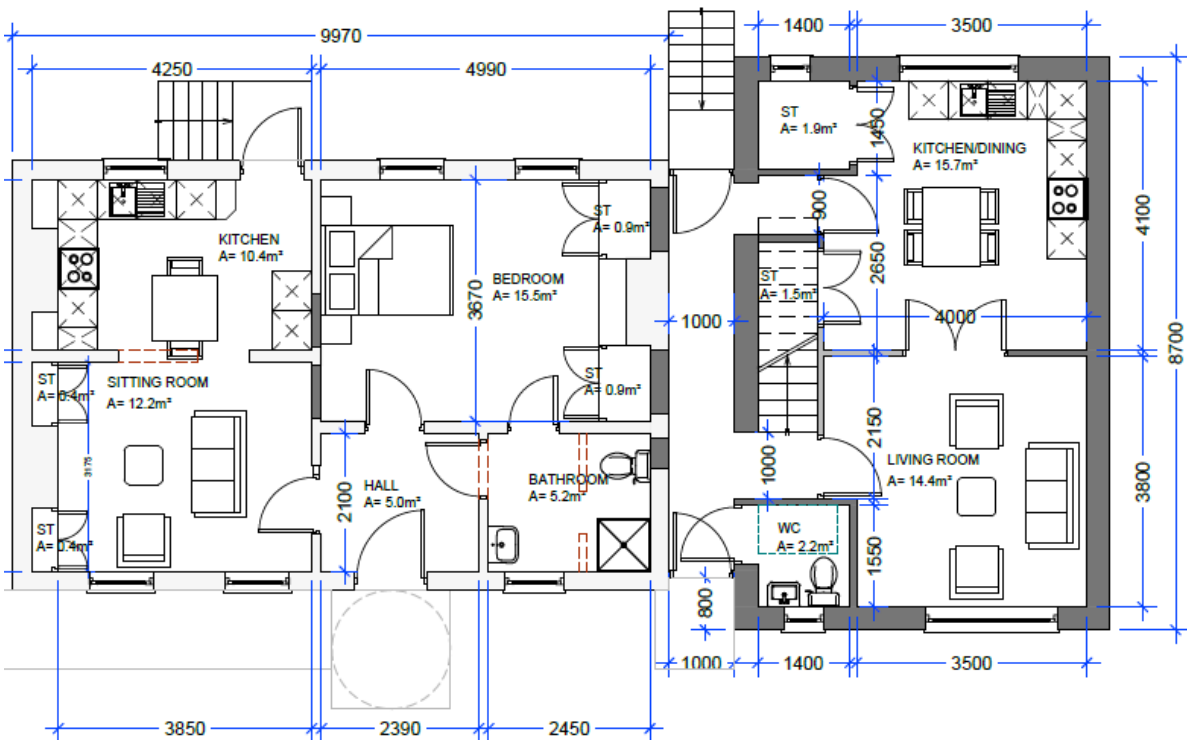


PROPOSED NORTH ELEVATION  
SCALE 1/100



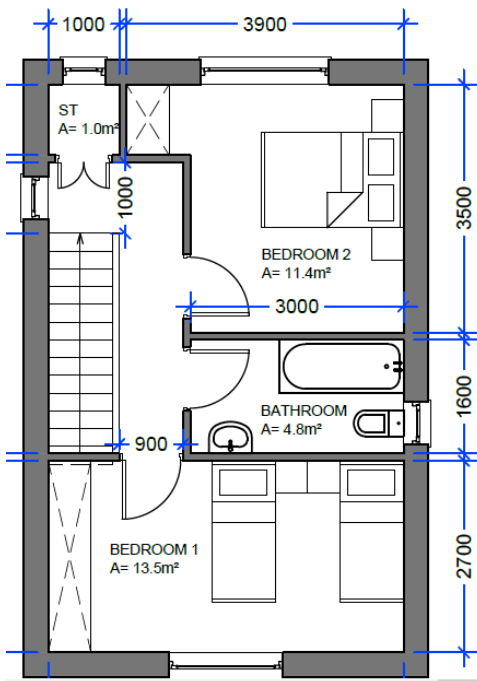
PROPOSED EAST ELEVATION  
SCALE 1/100

Proposed Elevations



PROPOSED GF EXISTING BUILDING  
Proposed ground floor plans

PROPOSED GF NEW BUILDING



FLOOR AREA SCHEDULE				
Table in accordance with figures taken from Design Manual for Quality Housing				
EXISTING BUILDING, HOUSE TYPE: 1BED/2P House (1 STOREY)				
RELEVANT AREA	PROPOSED UNIT		DEPARTMENT GUIDELINES	
	WIDTH PROVIDED	AREA PROVIDED	MIN WIDTH REQUIRED	MIN AREA REQUIRED
BEDROOM 1	3.7m	15.5m <sup>2</sup>	2.8m	11.4m <sup>2</sup>
LIVING ROOM	3.2m	12.2m <sup>2</sup>	3.3m	11m <sup>2</sup>
TOTAL STORAGE AREA	2.6m <sup>2</sup>		2m <sup>2</sup>	
TOTAL LIVING/KITCHEN/DINING AREA	22.6m <sup>2</sup>		23m <sup>2</sup>	
GROSS INTERNAL AREA	53.8m <sup>2</sup>		44m <sup>2</sup>	
NEW BUILDING, HOUSE TYPE: 2BED/4P House (2 STOREY)				
RELEVANT AREA	PROPOSED UNIT		DEPARTMENT GUIDELINES	
	WIDTH PROVIDED	AREA PROVIDED	MIN WIDTH REQUIRED	MIN AREA REQUIRED
BEDROOM 1	2.7m	13.5m <sup>2</sup>	2.8m	13.0m <sup>2</sup>
BEDROOM 2	3.0m	11.4m <sup>2</sup>	2.8m	11.4m <sup>2</sup>
LIVING ROOM			3.5m	14.4m <sup>2</sup>
TOTAL STORAGE AREA	4.4m <sup>2</sup>		4m <sup>2</sup>	
TOTAL LIVING/KITCHEN/DINING AREA	30.1m <sup>2</sup>		30m <sup>2</sup>	
GROSS INTERNAL AREA	88m <sup>2</sup>		80m <sup>2</sup>	

Proposed floor plans and accommodation schedule

### Services

Services have not been clarified; it is assumed that connections are proposed to mains water and sewer.

### Access

A new vehicular access is proposed onto the regional road R697; sightlines have not been demonstrated. Parking on site is proposed for four car-parking spaces.

### Impact on Natura 2000 site

A Screening exercise was completed, which showed that no significant environmental impact is likely on any Natura 2000 site.

### EIA Conclusion

A preliminary examination of the nature, size and location of the proposed development has been carried out which determines that there is no real likelihood of significant effects on the environment arising from the proposed development. It is therefore concluded that an EIAR is not required.

**Recommendation:**

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I have no objections in principle to the proposed development, subject to the following:

1. The developer should define the root protection area of existing trees on site, and erect suitable protection around the root protection areas, which should be maintained free from vehicles, materials and soil storage during the construction phase.
2. Applicant to consult with the following:
  - Water Services/ Uisce Eireann to ensure the development may be connected to the public mains water and sewer
  - Surface water to be disposed of on site to suitably sized soakpits
  - Consult with the Roads Design Office to ensure adequate sightlines at the entrance to the site, and relating to sufficient room for turning movements.



12<sup>th</sup> December 2023

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C. Kelly, Executive Planner

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N. Louw, Senior Executive Planner

Comhairle Chontae Chill Chainnigh  
Kilkenny County Council  
Planning Report



Planning and Development Act 2000, as amended  
Planning and Development Regulations 2001, as amended

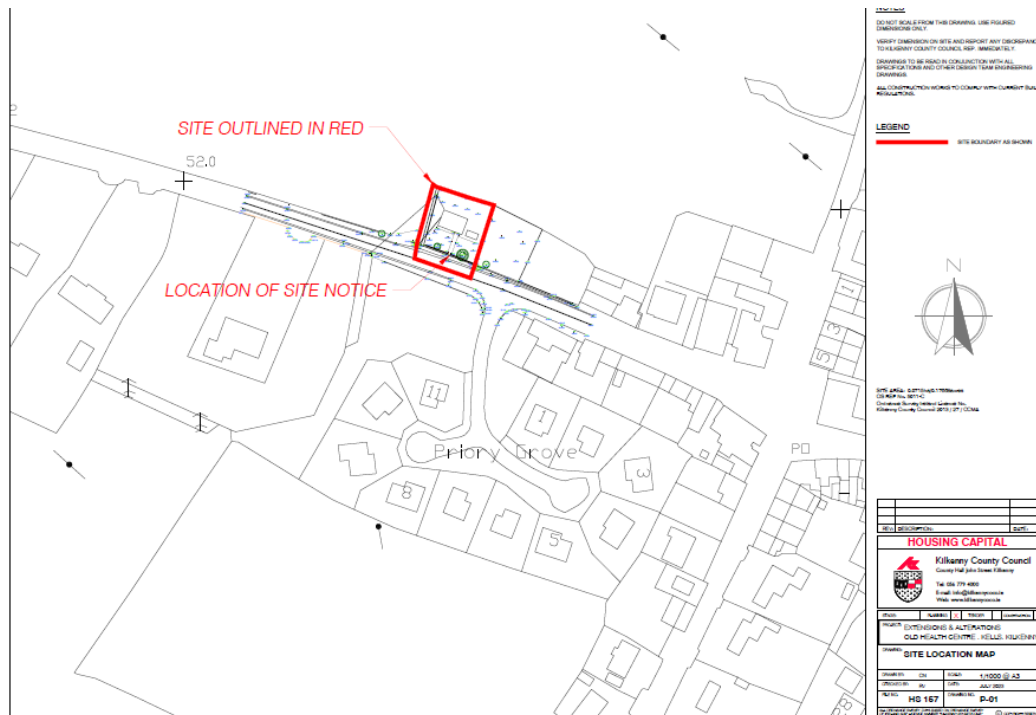
EIAR Screening Determination

**Applicant:** Housing Section, Kilkenny County Council

**Subject:** Section 179 A Housing Section proposed development for the change of use of the single storey Health Centre building into a one-bedroom dwelling and the construction of a two-storey, two-bedroom dwelling adjacent and all associated site works at Goodwinsgarden, Kells, Co. Kilkenny.

**Site location and description**

The site is located on the northern side of the regional road R697 on the western approach into Kells, Co. Kilkenny, and is located within the settlement boundary as per the current development plan. The King's River is located to the north and west of the site, at a distance of over 300m at the nearest point; there does not appear to be a hydrological connection between the site and the river. There is an existing single storey former Health Centre located on site, which was vacant at the time of site inspection.



Site location map submitted

### **Proposed Development**

Section 179 A Housing Section proposed development for the change of use of the single storey Health Centre building into a one-bedroom dwelling and the construction of a two-storey, two-bedroom dwelling adjacent and all associated site works at Goodwinsgarden, Kells, Co. Kilkenny.

### **EIA Conclusion**

A preliminary examination of the nature, size and location of the proposed development has been carried out which determines that there is no real likelihood of significant effects on the environment arising from the proposed development. It is therefore concluded that an EIAR is not required.



12<sup>th</sup> December 2023

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C. Kelly, Executive Planner



13/12/'23

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N. Louw, Senior Executive Planner



## AA: Screening Form

### STEP 1. Description of the project/proposal and local site characteristics:

<b>(a) File Reference No:</b>	Section 179 A Housing Section
<b>(b) Brief description of the project or plan:</b>	Proposed change of use of the single storey Health Centre building into a one-bedroom dwelling and the construction of a two-storey, two-bedroom dwelling adjacent and all associated site works at Goodwingsgarden, Kells, Co. Kilkenny.
<b>(c) Brief description of site characteristics:</b>	Site is located in Co. Kilkenny approx. 334m from the King's River which forms part of the River Barrow and River Nore SAC; there is no identified pathway or hydrological link between the proposed site and works and the Natura 2000 sites.
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	n/a
<b>(e) Response to consultation:</b>	n/a

### STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

Natura 2000 European Site	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
See tables 2 and 3 below	See tables 2 and 3 below	See tables 2 and 3 below	No	No

<sup>1</sup> Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

<sup>2</sup> If the site or part thereof is within the European site or adjacent to the European site, state here.

**Table 2: Identification of Natura 2000 sites (SACs and SPAs) which may be impacted by the proposed development**

Please answer the following five questions in order to determine whether there are any Natura 2000 sites which could potentially be impacted by the proposed development. If the answer to all of these questions is no, significant impacts can be ruled out for habitats and bird species. No further assessment is required. Please refer to tables 3 and 4 where the answer to any of these questions is yes.

	<b><i>Using the Source – Pathway- Receptor model, please consider the following</i></b>	Y/N
1	<b>ONE- OFF HOUSE /SMALL EXTENSION/ ALTERATION TO EXISTING BUILDING</b>	

	<b>Using the Source – Pathway- Receptor model, please consider the following</b>	Y/N
1a	<p>Is the development a one- off house/small extension/alternation to existing building within an SAC/SPA or within 100m of an SAC/SPA and likely to discharge pollutants or nutrients of a significant nature and amount to surface water within catchments of and SAC/ SPA as part of its construction or operational phase (including the installation of waste water treatment systems; percolation areas; septic tanks within SAC/SPA or very close proximity)?.</p> <p><b>If the answer to the above question is:</b>  - no, then no appropriate assessment required  - yes, then an appropriate assessment is required  - not sure, then an appropriate assessment is required in accordance with the precautionary principle</p>	N
<b>2</b>	<b>DEVELOPMENTS OTHER THAN THOSE DESCRIBED IN 1 ABOVE</b>	
2a	<p><b>Impacts On Freshwater Habitats</b>  <i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats, or in the catchment of same and does the development propose to discharge water to or abstract water from the habitat?</i></p> <p><b>Sites to consider:</b> Lower River Suir, River Barrow, River Nore. (these sites also include many tributaries – check on NPWS website)</p> <p><b>Habitats to consider:</b>  Alluvial Wet Woodland, (Lower River Suir and Nore), Dry Heath (some steep slopes along River Barrow and its tributaries) Rivers, Streams, Lakes and Lagoons, Old Oak Woodland, floating river vegetation,</p> <p><b>Species to consider:</b>  River Lamprey, Brook Lamprey, Freshwater Pearls Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, Vertigo Moulinsiana,</p>	N
2b	<p><b>Impacts On Wetland Habitats</b>  <i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats, or likely to discharge water to or abstract water from the wetland?</i></p> <p><b>Sites to consider:</b> Hugginstown Fen, Galmoy Fen, The Loughans, Flood Plain wetlands</p> <p><b>Habitats to consider:</b>  Bogs, Alkaline Fens (Hugginstown and Galmoy), Turloughs (The Loughans), wet grassland and Marsh (river floodplains)</p>	N
2c	<p><b>Impacts on Intertidal and Marine Habitats</b>  <i>Is the development located within a Special Area of Conservation whose qualifying interests include intertidal and marine habitats and species, or within the catchment of same and likely to discharge water to or abstract water from the habitats.</i></p> <p><b>Sites to consider:</b> Lower River Suir</p> <p><b>Habitats to consider:</b> <i>Atlantic Salt meadows, Mudflats, sandflats, saltmarsh, estuary</i></p> <p><b>Species to consider:</b> Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter.</p>	N
2d	<p><b>Impacts On Woodlands And Grasslands</b>  <i>Is the development within a Special Area of Conservation whose qualifying habitats include terrestrial habitats, or in close proximity to same with a likely ecological impact?.</i></p> <p><b>Sites to consider:</b> Spa hill and Clomantagh Hill, Cullahil Mountain, River Barrow, River Nore, Lower River Suir</p> <p><b>Habitats to consider:</b>  <i>Alluvial Wet Woodlands</i> (River Nore below Inistioge and River Suir at Fiddown Island and Carrick on Suir), Eutropic tall herb vegetation (River Suir at Fiddown Island and Carrick on Suir), and grasslands (Spa hill and Clomantagh Hill, Cullahil Mountain)</p> <p>Oak Woodlands in old estates next to the Nore and Barrow</p> <p><b>Species to consider:</b> Greenwinged, Frog and Bee Orchids (Cullahill and Clomantagh Hill), Nettle Leaved Bellflower and Autumn Crocus</p>	N
2e	<p><b>Impacts On Birds</b>  <i>Is the development within a Special Protection Area, or likely to discharge water to same or likely to have another significant impact on the habitats of Birds in same?.</i></p> <p><b>Sites to consider:</b> <i>River Nore</i></p> <p><b>Species to consider:</b>  <b>River Nore:</b> Kingfisher (Alcedo Atthis) – Nesting in river banks</p>	N

**Table 3: Determination of possible impacts on Natura 2000 sites.**

Where it has been identified in table 2 that there is a Natura 2000 site within the potential impact zone of the proposed development, it is necessary to try to determine the nature of the possible impacts. Please answer the following questions as appropriate.

	<b><i>Using the Source – Pathway- Receptor model, please consider the following- notwithstanding distance any direct link needs consideration</i></b>	
<b>1.</b>	<b>Impacts on designated freshwater habitats (rivers, lakes streams and lagoons).</b>  <i>Please answer the following if the answer to question 2a in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
1.1	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge	
1.2	Abstraction from surfacewater or groundwater within 1km of SAC/SPA.	
1.3	Removal of topsoil within 100 m of watercourses with potential for surface water runoff.	
1.4	Infilling or raising of ground levels within 100m of watercourses with potential for surface water runoff.	
1.5	Construction of drainage ditches within 1km of SAC/SPA.	
1.6	Construction within a floodplain or within an area liable to flood.	
1.7	Crossing or culverting of rivers or streams within 1km of SAC/SPA.	
1.8	Storage of chemicals hydrocarbons or organic wastes within 100 m of a watercourse.	
1.9	Development of a large scale which involves the production of an EIS.	
1.10	Development of quarries, particularly where abstraction is below water table. Provision of process water silt management systems	
1.11	Development of windfarms within 1km of an SAC or with the risk of runoff to an SAC/SPA, particularly during construction.	
1.12	Development of pumped hydro electric stations.	
<b>2</b>	<b>Impacts on designated wetland habitats (bog, heath, marsh, fen).</b>  <i>Please answer the following if the answer to question 2b in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
2.1	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge.	
2.2	Construction of roads or other infrastructure on peat habitats within 1km of a Natura 2000 site of which qualifying interests include peat, fen or marsh. (Only Peat habitat at Bruckana – consider Galmoy fen – impact unlikely	
2.3	Development of a large scale within 1km within a Natura 2000 site, whose qualifying features include fen or marsh, which involves the production of an EIS.	
<b>3</b>	<b>Impacts on designated intertidal and marine habitats (mudflats, sandflats, estuaries, reefs and sea cliffs).</b>  <i>Please answer the following if the answer to question 2c in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
3.1	Impacts on intertidal and marine habitats from potential development which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge	
3.2	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a Natura 2000 site whose qualifying features include intertidal or marine habitats.	
3.3	Dredging within 5km of a Natura 2000 site whose qualifying features include intertidal or marine habitats.	

3.4	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge.	
3.5	Removal of topsoil or infilling within 100m of Natura 2000 sites whose qualifying features include intertidal or marine habitats where potential for surface water runoff exists.	
3.6	Development of a large scale within 1km of Natura 2000 sites whose qualifying features include intertidal or marine habitats, which involves the production of an EIS.	
<b>4</b>	<b>Impacts on other designated woodlands and grasslands</b> (woodland, upland grassland, lowland grassland, coastal grassland including dunes).  <i>Please answer the following if the answer to question 2d in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
4.1	Works within the boundary of a Special Area of Conservation whose qualifying interests include woodland or grassland habitat types.	
4.2	Development within 200m of Natura 2000 site with woodland or grassland habitats.	
4.3	Development of a large scale within 1km of Natura 2000 site with woodland, grassland or coastal habitats which involves the production of an EIS.	
<b>5</b>	<b>Impacts on birds in SPAs</b>  <i>Please answer the following if the answer to question 2e in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
5.2	Erection of wind turbines within 1km of an SPA.	
5.3	All construction works within 100m of SPA (River Nore), including the development of cycle ways or walking routes	
5.4	Infilling of coastal habitats within 500m of intertidal SPA.	
5.5	Works within 1km of coastal SPA which will result in discharges to rivers or streams that are directly connected to designated sites.	

**Conclusion:** If the answer to question 1 and 2a-e are no or n/a, significant impacts on habitats within Natura 2000 sites and on SPAs can be ruled out. No further assessment is required in relation to habitats or birds. If the answer to any question in table 2 is yes, you may require further information, unless you are satisfied that the project proponents have incorporated adequate mitigation into their design to avoid impacts on the Natura 2000 site (eg water pollution protection measures). Such information should be provided in the form of a Natura Impact Statement which should address the particular issues of concern as identified through the above.

**Table 4: Consideration of potential impacts on protected species**

Many of our Special Areas of Conservation are designated for species as well as for habitats. These are listed below, alongside the sites for which they are designated. Included is a short list of the types of activities which could have an impact on these species. Please tick if you are concerned that the proposed development could have an impact on these species.

Species	Relevant Sites	Activities which could have impacts on species	Possible Impacts Identified? Y/N
Otter	River Nore River Barrow Lower River Suir  Note: Otters are a strictly protected species. All breeding sites and resting places are protected regardless of whether or not they are within or external to Special Areas of Conservation.	Activities that interfere with river banks.	

Species	Relevant Sites	Activities which could have impacts on species	Possible Impacts Identified? Y/N
Atlantic Salmon	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	
River Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	
Brook Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	
Sea Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality or the river bed – estuarine areas;	
Twaite Shad	Lower River Suir	Activities that interfere with water quality or the river bed – estuarine areas;	
Crayfish	Lower River Suir	Activities that interfere with water quality or the river bed;	
Freshwater Pearl Mussel	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed ;	
Nore Freshwater Pearl Mussel	River Nore	Activities that interfere with water quality, levels or the river bed ;	

**Conclusion:** If the answer to all of the above is no, significant impacts on species can be ruled out. If the answer to any of the above is yes, then further information is likely to be required in relation to potential for impact on that particular species. Where potential impacts are identified on Otters or on Bats outside designated sites, then further information should be sought in the form of a species specific survey. In these cases, appropriate assessment is not required.

### STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> <li>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>Dust, noise, vibration</li> <li>Lighting disturbance</li> <li>Impact on groundwater/dewatering</li> <li>Storage of excavated/construction materials</li> <li>Access to site</li> <li>Pests</li> </ul>	Not anticipated to
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>Direct emission to air and water</li> <li>Surface water runoff containing contaminant or sediment</li> <li>Lighting disturbance</li> <li>Noise/vibration</li> <li>Changes to water/groundwater due to drainage or abstraction</li> <li>Presence of people, vehicles and activities</li> <li>Physical presence of structures (e.g. collision risks)</li> <li>Potential for accidents or incidents</li> </ul>	None anticipated

In-combination/Other	None anticipated
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**(b) Describe any likely changes to the European site:**

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	None anticipated
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**(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?**

No	
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**Step 4: Habitats Directive Screening Conclusion Statement**

Conclusion:		
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	√	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	 12 <sup>th</sup> December 2023	

## Appendix C

### 1. Public Notice



**Planning and Development Act 2000, as amended  
Planning and Development Regulations 2001, as amended**

**NOTICE OF INTENTION TO UNDERTAKE DEVELOPMENT  
BY A LOCAL AUTHORITY UNDER SECTION 179A OF THE  
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

In accordance with the provisions of Section 179A of the Planning and Development Act 2000 (as amended) Kilkenny County Council gives notice of its intention to carry out the following development:

**The change of use of the existing single storey Health Centre building into a one-bedroom dwelling and the construction of a two-storey, two-bedroom dwelling on the site adjacent and all associated site works at Kells, Co. Kilkenny**

Plans and particulars of the proposed development will be available for inspection or purchase for a fee not exceeding the reasonable cost of making a copy during office hours from Planning Dept., Kilkenny County Council, County Hall, John St., Kilkenny City from 9am to 1pm & 2pm to 4pm Monday to Friday (excluding weekends and Bank Holidays) and can be viewed online at <https://consult.kilkenny.ie/>

**Screening Determination:-** In accordance with the requirements of Article 120(1)(a) of the Planning and Development Regulations 2001 (as amended) the Planning authority has made a preliminary examination of the nature, size and location of the proposed development. The authority has concluded that there is no real likelihood of significant effects on the environment arising from the proposed development and a determination has been made that an Environmental Impact Assessment (EIA) is not required. The authority has concluded that there is no likelihood of significant effects on a European Site and that an Appropriate Assessment is not required. As per Article 120(3) of the Planning and Development Regulations 2001 (as amended), where any person considers that the development proposed to be carried out would be likely to have significant effects on the environment, he or she may, at any time before the expiration of 4 weeks beginning on the date of the publication of this updated notice apply to An Bord Pleanála for a screening determination as to whether the development would be likely to have a significant effect on the environment.

Within a period of 8 weeks from the date of this notice any person may question the validity of any decision of the Planning Authority by way of an application for judicial review. The development will not commence until this period of 8 weeks has expired.

Mary Mulholland, Director of Services.

**Date of Notice**