

---

**Appendix F – Environmental Impact Assessment Screening (Ross Swift Ecology Ltd)**

**ENVIRONMENTAL IMPACT ASSESSMENT**  
**SCREENING**

**Nore River Facilities Kilkenny**



**ROSS SWIFT ECOLOGY LTD**



<b>DOCUMENT CONTROL SHEET</b>	
<b>DOCUMENT REFERENCE</b>	<b>EIA SCREENING_RSE_30052024</b>
<b>DOCUMENT TITLE</b>	<b>ENVIRONMENTAL IMPACT ASSESSMENT SCREENING OF NORE RIVER FACILITIES KILKENNY</b>
<b>DATE OF ISSUE</b>	<b>21<sup>ST</sup> JUNE 2024</b>

<b>DOCUMENT AUTHOR</b>	
<b>AUTHOR</b>	<b>DR ROSS DONNELLY-SWIFT</b>
<b>QUALIFICATIONS</b>	<b>BSc (HONS) BIOLOGY MSc ENVIRONMENTAL SCIENCE PHD BIOSYSTEMS ENGINEERING</b>
<b>ROSS SWIFT ECOLOGY LTD.</b> <a href="mailto:rse@outlook.ie">rse@outlook.ie</a> <a href="tel:+353851865905">+353 85 1865905</a>	





## TABLE OF CONTENTS

---

<b>1.0</b>	<b>INTRODUCTION.....</b>	<b>4</b>
	<b>1.1 STATEMENT OF AUTHORITY .....</b>	<b>9</b>
<b>2.0</b>	<b>CHARACTERISTICS OF THE PROPOSED DEVELOPMENT.....</b>	<b>9</b>
	<b>2.1 DESIGN OF THE PROPOSED DEVELOPMENT .....</b>	<b>9</b>
	<b>2.2 LOCATION OF THE PROPOSED DEVELOPMENT &amp; LAND USE.....</b>	<b>12</b>
	<b>2.3 CULTURAL HERITAGE .....</b>	<b>15</b>
	<b>2.4 PLANNING DEVELOPMENTS .....</b>	<b>19</b>
<b>3.0</b>	<b>WASTE POLLUTION AND HEALTH.....</b>	<b>20</b>
<b>4.0</b>	<b>SURFACE AND GROUNDWATER.....</b>	<b>21</b>
<b>5.0</b>	<b>BIODIVERSITY.....</b>	<b>24</b>
<b>6.0</b>	<b>NOISE, DUST AND AIR QUALITY.....</b>	<b>25</b>
<b>7.0</b>	<b>VISUAL IMPACTS AND MATERIAL ASSETS.....</b>	<b>26</b>
<b>8.0</b>	<b>POTENTIAL IMPACTS.....</b>	<b>28</b>
<b>9.0</b>	<b>SUMMARY SCREENING ASSESSMENT.....</b>	<b>29</b>
<b>10.0</b>	<b>CONCLUSION.....</b>	<b>32</b>
<b>11.0</b>	<b>APPENDIX.....</b>	<b>33</b>



## 1.0 INTRODUCTION

This Environmental Impact Assessment (EIA) Screening report has been prepared for the proposed development of the Nore River Facilities Kilkenny within the grounds of County Hall, Johns Street Lower, Collegepark, Kilkenny, Co. Kilkenny. The purpose of this report is to undertake a screening of the proposed development to establish whether or not it requires an EIA and as a result, if an Environmental Impact Assessment Report (EIAR) should be prepared in respect of it.

This EIA Screening has been prepared with reference to Schedules 5 and 7 of the Planning and Development Regulations 2001, as amended. The first step in screening is to determine whether a project is listed in either Part 1 or Part 2 of Schedule 5, which describes the thresholds of Part 1 projects, which require a mandatory EIAR, or Part 2 projects which may have the potential to pose a risk to the environment and require screening to determine if an EIAR is required. Schedule 7 is to be used in the case of screening determination (i.e., information to be provided by the developer on projects listed in Part 2). Schedule 7A details the criteria for determining whether a sub-threshold development would or would not be likely to have significant effects on the environment.

Relevant guidance for EIA Screening includes EIA Guidance for Consent Authorities regarding sub-threshold development (DEHLG, 2003). Guidelines for Planning Authorities and An Bord Pleanála on carrying out EIA (DEHLG, 2018). OPR Practice Note PN02 Environmental Impact Assessment Screening (Office of the Planning Regulator, 2021). European Union (EU) Guidance including Interpretation of definitions of project categories of Annex I and II of the EIA Directive (EU, 2015) and Environmental Impact Assessment of Projects - Guidance on Screening (EU, 2017). Planning and Development Act 2000 (as amended). Planning and Development Regulations 2018 (as amended). Directive 2011/92/EU. Directive 2015/52/EU. Guidance for Consent Authorities regarding Sub-threshold Development (2003; DoEHLG).

EIA requirements are derived from legislation set by the EU in the form of EIA Directive 2011/92/EU, as amended by Directive 2014/52/EU, collectively titled: '*on the assessment of the effects of certain public and private projects on the environment*'. These directives set out the principles for the environmental impact assessment of projects by introducing minimum requirements regarding:



- The type of projects subject to assessment.
- The main obligations of developers.
- The content of the assessment.
- The participation of competent authorities.

A preliminary examination is undertaken, based on professional expertise and experience, and having regard to the ‘**Source – Pathway – Target**’ model, where appropriate. The competent authority concludes that, having considered the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment, this should be recorded with reasons for this conclusion stated, and no EIA required, or formal determination made. The recording of the competent authority’s view should be brief and concise, but adequate to inform the public (OPR, 2021).

### **Mandatory EIAR Review**

**Table 1.1** below is a list of activities requiring mandatory EIA;

Crude-oil refineries and installations for the gasification and liquefaction of materials
Thermal power and nuclear power stations
Installations for the processing of irradiated nuclear fuel
Integrated works for the initial smelting of cast iron and steel, and installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials
Integrated works for the initial smelting
Integrated chemical installations
Construction of railway lines, airports, motorways, express roads, construction of new road with four or more lanes
Inland waterways and ports, trading ports, and piers
Construction of railway lines, airports, motorways, express roads, construction of new road with four or more lanes
Inland waterways and ports, trading ports, and piers
Waste disposal installations for the incineration and chemical treatment
Works for the transfer of water resources between river basins
Waste water treatment plants
Extraction of petroleum and natural gas for commercial purposes



Dams and other installations designed for the holding back or permanent storage of water
Pipelines with a diameter of more than 800 mm of more than 40 km
Installations for the intensive rearing of poultry or pigs
Industrial plants
Quarries and open-cast mining
Construction of overhead electrical power lines
Storage sites
Installations for the intensive rearing of poultry or pigs
Installations for the capture of CO2 streams for the purposes of geological storage

The development would not fall under any of the classes of development listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations and a mandatory EIA is not applicable. The proposed development will lead to the creation of a new River Nore Facilities centre. This type of development does not fall under any of the classes of development listed in Schedule 5, Part 2, and Class 12: Tourism and Leisure, of the Planning and Development Regulations. The proposed development is sub threshold for Schedule 5, Part 2, Class 10(b). Infrastructure project.

The proposed project is located partly within and adjacent to a Natura 2000 protected site and has the potential to impact upon surface water. Development Class 15 in Part 2 of Schedule 5 notes that sub-threshold development applies to any project that may have likely significant effects which does not equal or exceed or, as the case may be, a quantity, area or other limit specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended in respect of the relevant class of development. *Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.* It is considered that the proposed development is a sub-threshold development for the purposes of EIA Screening.

The Annex III EIAR screening criteria of Directive 2014/52/EU are transposed into Irish law as Schedule 7, (parts 1 to 3) of the Irish Planning and Development Regulations 2001. Schedule 7 sets out the Irish Member States criteria used for determining the likelihood of significant impacts from a development on the environment. Schedule 7A of the Planning and



Development Regulations sets out Information to be provided by the Applicant or Developer for the Purposes of Screening Sub-threshold Development for Environmental Impact Assessment. Article 120 of the Regulations of 2001 (as amended) confirms that this requirement applies local authority developments.

<b>Table 1.2 Criteria for the Purposes of Sub-Threshold Development</b>	
<b>1.</b>	<b>Characteristics of proposed development</b>
	<p>The characteristics of proposed development, in particular to:</p> <ul style="list-style-type: none"> <li>(a) the size and design of the whole of the proposed development,</li> <li>(b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A) (b) of the Act and/or development the subject of any 118 [296] development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,</li> <li>(c) the nature of any associated demolition works,</li> <li>(d) the use of natural resources, in particular land, soil, water, and biodiversity,</li> <li>(e) the production of waste,</li> <li>(f) pollution and nuisances,</li> <li>(g) the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge, and</li> <li>(h) the risks to human health</li> </ul>
<b>2.</b>	<b>Location of proposed development</b>
	<p>The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to;</p> <ul style="list-style-type: none"> <li>(a) the existing and approved land use,</li> <li>(b) the relative abundance, availability, quality, and regenerative capacity of natural resources (including soil, land, water, and biodiversity) in the area and its underground,</li> <li>(c) the absorption capacity of the natural environment, paying particular attention to the following areas:                             <ul style="list-style-type: none"> <li>(i) wetlands, riparian areas, river mouths;</li> <li>(ii) coastal zones and the marine environment,</li> <li>(iii) mountain and forest areas,</li> <li>(iv) nature reserves and parks,</li> <li>(v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;</li> </ul> </li> </ul>





- (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure,
- (vii) densely populated areas,
- (viii) landscapes of historical, cultural, or archaeological significance

### **3. Types and characteristics of potential impacts**

The potential significant effects of projects in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

- (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected).
- (b) the nature of the impact.
- (c) the transboundary nature of the impact.
- (d) the intensity and complexity of the impact.
- (e) the probability of the impact.
- (f) the expected onset, duration, frequency, and reversibility of the impact.
- (g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and
- (h) the possibility of effectively reducing the impact.

Ross Swift Ecology (RSE) Ltd. has been appointed by Ailtiri Architects to prepare the relevant Environmental Impact Assessment (EIA) Screening, relative to the proposed development within the grounds of County Hall, Johns Street Lower, Collegepark, Kilkenny, Co. Kilkenny. This EIA Screening report will identify, describe, and assess the direct and indirect significant effects of the project on specified environmental factors to enable the competent authority to assess the environmental impact from the proposed development.

The development is approximately 0.24 hectares with Centre Point Coordinates of (ITM: 650884.8216,655893.0411). The development falls below the thresholds for the requirement of mandatory EIA. This development would be considered a recreational facility, and it is not considered that the individual scale of the facility would present a significant environmental risk. The development would occur on previously developed ground. The River Nore is a natural protected habitat however the riverbank has been significantly modified as part of the OPW Flood Defence of Kilkenny City completed in 2005. The design of the facility and ponton would conform to the standard engineering principals for the development of a



recreational facility of this scale. The potential for the development design to impact upon environmental receptors will be discussed further within this report, however, it is not considered that the proposed project design poses a specific risk to the environment. The proposed park development includes minor site clearance and demolition of a small outbuilding.

## **1.1 STATEMENT OF AUTHORITY**

This report was undertaken by Dr Ross Donnelly-Swift who has a BSc (Hons) in Biology from Maynooth University NUI, an MSc in Environmental Science from Trinity College Dublin, and a PhD in Biosystems Engineering from University College Dublin. Ross has extensive environmental knowledge gained from academic research and the completion of scientific and environmental reports for a wide range of developments. Ross has completed EIA Screenings and EIAR in a wide range of industries including recreational amenities. Ross has also completed Construction Environmental Management Plans (CEMP) for large and small scale developments.

## **2.0 CHARACTERISTICS OF THE PROPOSED DEVELOPMENT**

Having regard to the criteria set out **Table 1.2** this section of the report addresses the assessment of sub-threshold development under the Characteristics of Proposed Development.

### **2.1 DESIGN OF THE PROPOSED DEVELOPMENT**

The proposed development consists of the construction of a riverside facilities centre comprising the following;

- a)** Demolition of an existing single-storey maintenance store;
- b)** Removal of selected on-site vegetation to facilitate the works;
- c)** Single-storey facilities block with a flat, intensive green roof build-up, containing toilets, universally accessible bathroom, changing places facility, showering / changing cubicles, cleaner's store, outdoor showers, an external plant area, storage lockers, wash trough, and a drying room;



- d)** Single storey adjoining community block with an asymmetrical pitched roof containing a community room, associated kitchenette, and a plant room / central information point;
- e)** Adjoining external covered terrace area with a flat intensive green roof build up;
- f)** A single-storey storage block with an asymmetrical pitched roof containing equipment storage, a dragon-boat / rowing boat storage, and a maintenance store;
- g)** A single-storey adjoining block with a mono-pitched roof containing a boat / general storage area;
- h)** A hard landscaped pedestrian central space with raised central planter / seating, planted areas, boat wash-down area and associated surface water UV filtration system;
- i)** Proposed shared surface including a central set-down / vehicular turning area for boat loading / unloading and pedestrian use generally;
- j)** Access route to river over berm comprising a sloped access path with associated retaining wall, steps, landings, balustrading, and associated handrails;
- k)** Raised walkway from top of berm to pontoon with associated balustrading / handrails;
- l)** Part fixed / part floating access pontoon within the river;
- m)** Site services connections and drainage works including connection to existing public foul and stormwater system;
- n)** Universally accessible parking bay and covered bicycle parking area;
- o)** Public lighting to all pedestrian / vehicular / parking areas;
- p)** All necessary landscaping, site boundary and site development works.

There will be bike and car parking facilities and areas for boat storage and associated water sports equipment. See Site Layout in Appendix and accompanying development package by Ailtiri Architects. The surface water runoff from the roof areas will be captured by a combination of green roof system which comprise a multi-layered system that covers the roof of the building with vegetation and a blue roof system with an attenuation cell with 0.95%



void to allow for water storage. It is proposed that a Bauder Blue Stormcell sedum green roof or similar be adopted. In addition, there will be attenuation cells, permeable surfaces and a rain garden see **DRA Consulting Engineers** Document Reference (**22175-Civil Eng Report-240418**) for design of drainage system. There will be UV filtration system and biosecurity wash down area for operational activities.

The proposed development will take approximately 18 months to complete. The pontoon will take approximately 15 weeks to complete and will be moored off driven steel piles. The piles will be driven from a rig on a floating barge. The underside of the bank seat will be above the existing water level, with bank seat of precast concrete blocks anchored to the ground with screw anchors / driven piles. This will be done as the same time as the pontoon supports

The proposed development will be used as a base for activities such as kayaking, dragon boat, cycling, water safety storage, river rescue coordination hub, community meeting space and a meeting space for aquatic clubs. In addition, the facility can potentially cater to local commercial interests such as river boat tours (already in operation from St John's Bridge pontoon) and stand-up paddle boarding. The maximum operational hours for water activities will be from Dawn to Dusk. The main building will be in operational use after dark in the winter months for training facilities, community meetings and recreational use.

During excavation works, excavated soil would be temporarily stored onsite before been removed to a licenced facility if a re-use in reinstatement works where not possible. This material will be inspected by the construction contractor to determine if can be reused at the site during construction works or removed to a licenced waste facility. The risk of potential in-combination construction impacts would be minimised through the implementation of appropriate controls and mitigation during the construction phase of the project. A Construction Environmental Management Plan (Document Reference: **CEMP\_RSE\_30052024**) has been prepared for the proposed development. The CEMP is a "live" document and would be reviewed and updated as necessary throughout the construction phase.



## 2.2 LOCATION OF THE PROPOSED DEVELOPMENT & LAND USE

As per Kilkenny City and County Development Plan 2021-2027 is listed as the largest settlement in the County. See **Figures 2.1.1** and **2.1.2** for location. The last published census (2016) for Kilkenny City had a population of 26,512 with the population set to grow with the publication of the latest census. Kilkenny City is a strategically important urban centre that provides commercial, residential, cultural and recreational amenities. In addition Kilkenny City has a significant number of important heritage buildings. The proposed development site is located in the grounds beside County Hall and the pontoon will be located on the River Nore approximately 165m from St John's Bridge. The proposed site will be accessible from the Johns Street Lower (pedestrian) and from Maudlin Street for both pedestrian and vehicle. The access from Maudlin Street is via the existing public access road to County Hall and associated car park.

The proposed development is listed as Level 1 Description: Artificial Surfaces, Level 2 Description: Urban fabric, Level 3 Description: Continuous urban fabric under the Corine 2018. The dataset is based on interpretation of satellite imagery and national in-situ vector data. The location of the proposed development is zoned as "Community Facilities" as per Kilkenny City and County Development Plan. See Appendix for copy of Kilkenny City Zoning Map.

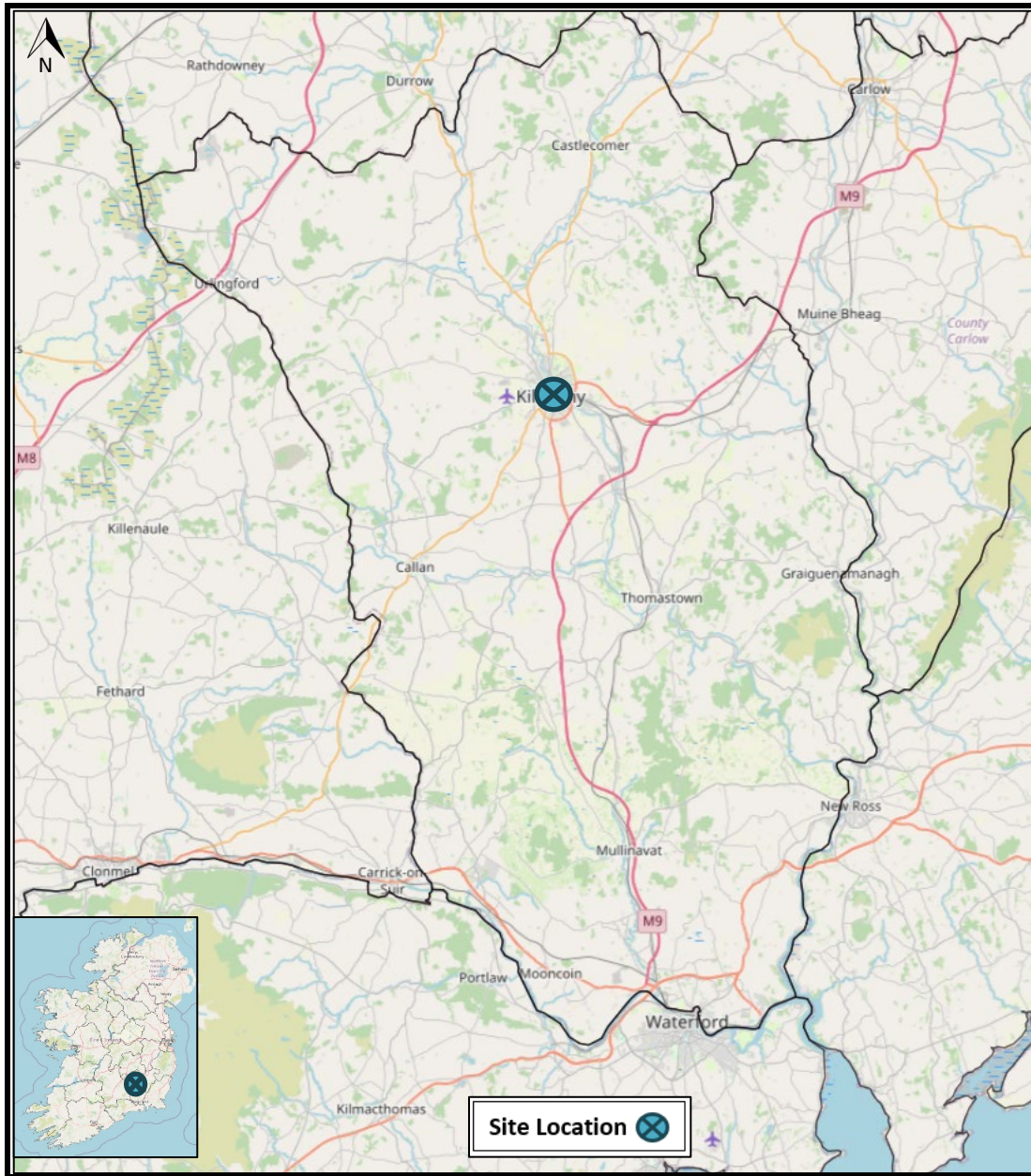


Figure 2.1.1: Location of proposed development site (Open Street Map ©)



ENVIRONMENTAL IMPACT ASSESSMENT SCREENING  
NORE RIVER FACILITIES KILKENNY

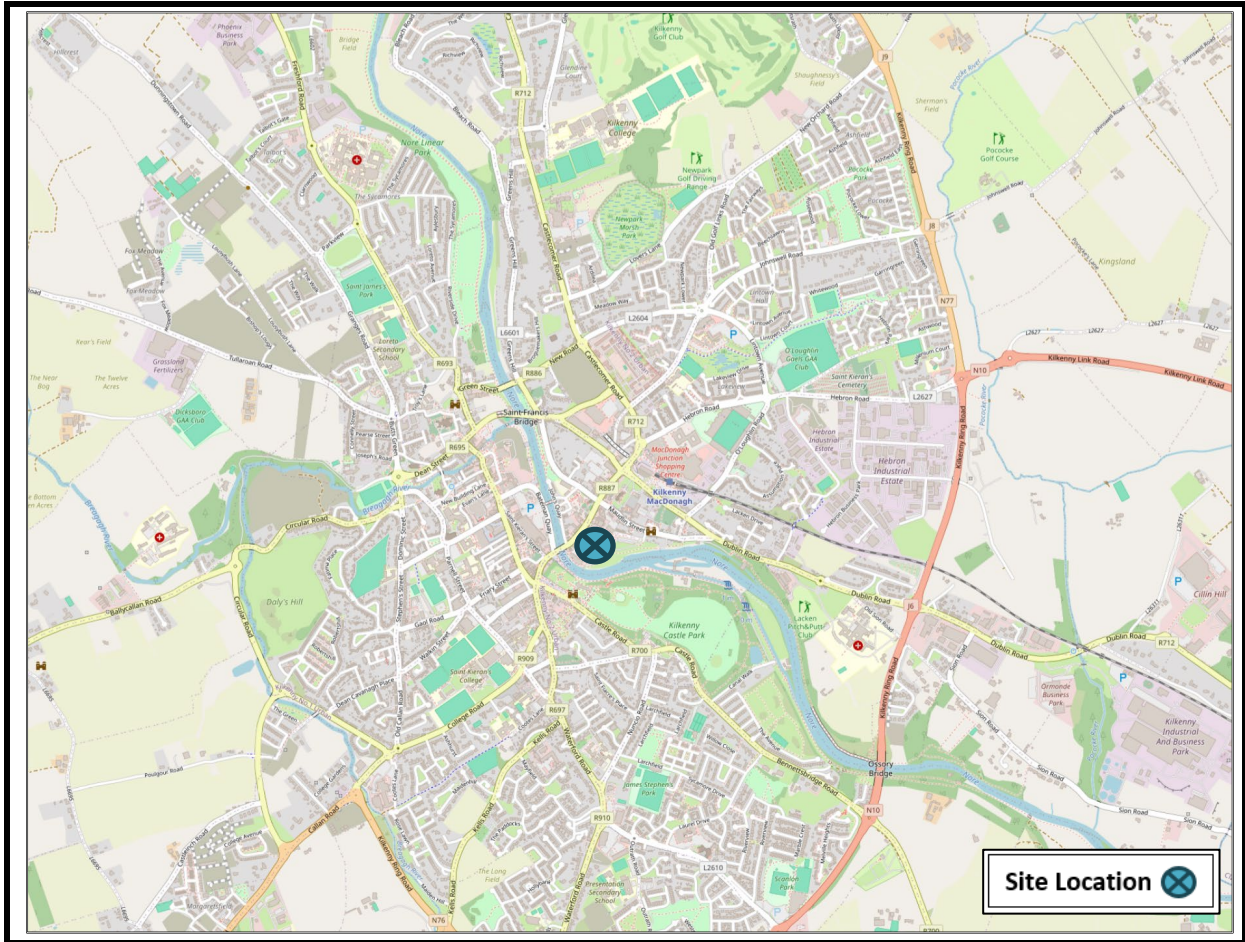


Figure 2.1.2: Location of proposed development site in Kilkenny (Open Street Map ©)



## 2.3 CULTURAL HERITAGE

As per Kilkenny City and County Development Plan 2021-2027; Strategic Aim: *To seek the protection and sustainable management of Kilkenny's heritage for the benefit of current and future generations; to encourage the collection of knowledge to inform its protection; and to promote access to, awareness of and enjoyment of heritage. It is the aim of the Council to develop and support programmes which encourage active participation in identifying, recording, protecting, communicating and enjoying Kilkenny's heritage.*

An Architectural Conservation Area (ACA) is a place, area, group of structures or townscape, taking account of building lines and heights, that is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or that contributes to the appreciation of a Protected Structure. The objective of the ACA designation is to protect the special character of an area through control and positive management of any changes made to the built environment. Owners and occupiers of non-protected structures in any ACA should be aware that works which in the opinion of the planning authority would materially affect the character of the area as outlined here would require planning permission.

The proposed development is located within John Street ACA;

*On the east bank of the River Nore, and linked with the Hightown by John's Bridge, was the suburb of St. John's which occupied a roughly quadrangular area located around the axis of John St. The area was surrounded by the St. John's Circuit of medieval city wall of which some sections remain and was dominated by the Augustinian Priory of St. John the Evangelist, the substantial above ground remains survive as a romantic ruin which contributes significantly to the character of the area. These ruins wrap around the Board of First Fruits Church of St. John (1817) providing a dramatic backdrop to the later church. The Greek Revival detailed cut limestone Evans Almshouses, to a design by William Robertson, adjacent to the Abbey are a significant landmark and, until recently have been concealed in the back lands of the area. Following extensive conservation and refurbishment by the Council, Evans Almshouse now operates as the Butler Gallery.*

Any proposed development within John Street ACA must adhere with the following requirements;





<p><b>JSACA 1:</b> To maintain high standard of presentation of ground and upper floors by controlling the size, number and composition of advertisements on buildings to prevent and reduce visual clutter in the ACA. Plastic or neon signage will not be considered in the ACA.</p>
<p><b>JSACA 2:</b> Assessment of proposals for the presentation of commercial premises will require retention of genuine early/original shopfronts/pub fronts, the provision of high-quality contemporary design when new shopfronts/commercial fronts are proposed.</p>
<p><b>JSACA 3:</b> Where windows on upper floors of commercial premises have been replaced with uPVC or aluminium in the past there will be a requirement that these be replaced by appropriate timber windows where planning permission of any sort is being sought for the structure.</p>
<p><b>JSACA 4:</b> To protect historic plot sizes along John St. Upper and Lower and to avoid amalgamation of sites for new buildings.</p>
<p><b>JSACA 5:</b> To protect and retain the historic integrity of the city walls, in accordance with the Kilkenny City Walls Conservation Plan.</p>
<p><b>JSACA 6:</b> To ensure any new developments to the south of Maudlin St. are sensitive in scale to the surrounding buildings and that any future re-development of the former petrol station and adjoining sites on the Dublin Road is sensitive in scale to the surrounding buildings.</p>
<p><b>JSACA 7:</b> To promote the conservation of the front garden areas and railings to the houses of St. John's Place on the Dublin Road and to ensure that proposals for accommodating residential parking which impact on these will not be permitted.</p>
<p><b>JSACA 8:</b> To consider the balance of uses on John St. when dealing with change of use applications.</p>
<p><b>JSACA 9:</b> To ensure there is no large-scale development which interrupts the visual pleasing skyline of the city from Dublin Road looking northwest.</p>
<p><b>JSACA 10:</b> To ensure there is no large-scale development which interrupts the visual pleasing streetscape of John's Quay</p>

The proposed development meets the requirements for a development within the John Street ACA and will not impact on this Architectural Conservation Area.

The **Archaeological Desktop Assessment** by **Cultural Resource Management and Planning Ltd.** with the archaeological assessment undertaken by John Cronin; *There are a total of 30 archaeological sites published by the Archaeological Survey of Ireland within a 200m study area surrounding the subject site. Two sites (Town defences KK019-026001-, Dovecote KK019-026238).*

The main conclusions of this report;

- *Lands within the development site have been subject to moderate modern disturbance and development within the northern portion of the site which is currently in use as a car park. The southern portion of the site consists of a greenfield area under grass on the*



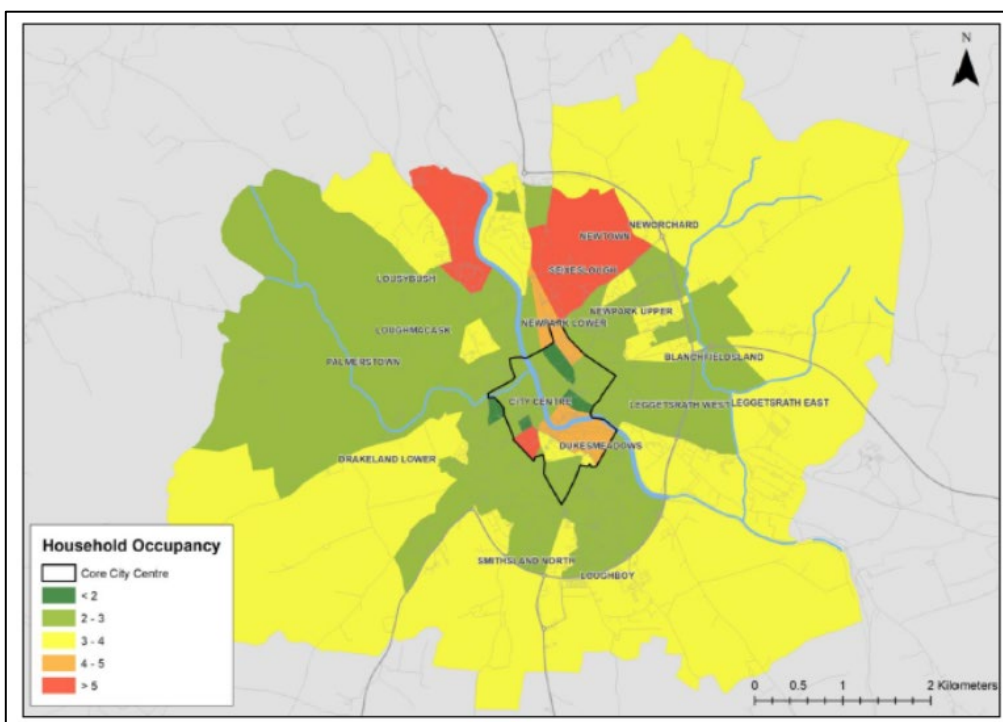
*eastern bank of the River Nore and extends into the river itself. The riverbank has previously been developed at this location as part of flood alleviation works which were subject to archaeological mitigation. An underwater survey is therefore not considered necessary in relation to this development.*

- *The northwest portion of the development will encroach on the projected line of the medieval town defences of Kilkenny (KK019-026001-), a National Monument. While this area has been subject to moderate modern disturbance, and the precise location of the wall remain uncertain, there is a potential for remains of the town defences to be present within the boundary of the proposed development. Any works at or in proximity to a National Monument in the ownership or guardianship of the Minister for Housing, Local Government and Heritage, or a Local Authority, will require Ministerial Consent as per Section 14 of the National Monuments Act 1930 (as amended) which remains in force until the Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 commence.*
- *The development will also encroach into the immediate surrounding of a recorded monument, Dovecote (KK019-026238-), which was identified and excavated during the River Nore flood alleviation scheme in 2003. The Historic Environment Viewer records a further 28 archaeological sites within the 200m study area surrounding the site boundary. The wider landscape around the proposed scheme contains a high number of archaeological excavations dating from the late prehistoric period onwards.*

As per the findings of the Archaeological Desktop Assessment a competent and qualified archaeologist will monitor all sub-surface works carried out as part of the proposed development as the subject lands can be considered to possess a high archaeological potential and for direct and indirect impacts to recorded and unrecorded archaeological heritage resources should the proposed development proceed subject to no mitigation measures. Mitigation measures will include archaeological monitoring of the removal of any topsoil, ground excavations works, and no sub-surface works will take place without prior agreement with the archaeologist.



**Figure 2.2:** Recorded archaeological sites (red dots) within the 200m study area (shaded yellow), subject site defined by red line (Source: Cultural Resource Management and Planning Ltd).



**Figure 2.3:** Household Occupancy in Kilkenny City (Kilkenny County Council ©)



## 2.4 PLANNED DEVELOPMENTS

The developments within close proximity to the proposed development are the following;

- **19604** - Permission for alterations to existing protected structure (RPS Ref: PB 107) comprising (a) modifications to internal layouts including changing bar, restaurant and kitchen areas to bedrooms to provide total of 8 no. bedrooms and 6 no. suites (14 no. bedrooms currently), (b) alterations to existing window openings to rear and sides including widening of windows and lowering of cill levels, (c) forming of new door to the side and (d) erection of new single storey flat roof link extension at first floor level comprising 5 no. new bedrooms and corridor link connecting McCourts Townhouse (Protected Structure Ref: PB 107) to the Rivercourt Hotel at first floor level and all associated site works – **Granted.**
- **22423** - To retain external covered seating, single storey toilets and all associated site development works - **Refused.**
- **16647** - Extension of Duration of Planning Permission Reference in Planning Register P.11990037 – **Granted.**
- **21522** - Permission for or development works to improve universal access to the castle and grounds to consist of the following: 1. The Installation of a Universally Accessible Lift to the north turret of the mid-19th Century Long Gallery with associated works, including part demolition of late 20th Century intermediate floor (12 m<sup>2</sup>) and late 20th Century flat roof (11 m<sup>2</sup>) and construction of a new, lead-clad, roof structure. 2.The construction of external steps and ramps adjacent to the north turret to provide access to the basement level. 3.The removal of late 20th Century steps (6 m<sup>2</sup>) and partial removal of 20th Century Plant room (5.5m<sup>2</sup>) and 19thCentury store (33 m<sup>2</sup>) to facilitate new universal access. 4.The provision of Universally Accessible W.C.& additional W.C. facilities (45 m<sup>2</sup>) in the existing 19th Century basement, semi-vaulted area, external to the castle. 5.Re-landscaping works to the Castle Courtyard and curtilage, involving the permanent display of the recent archaeological excavations of Marshal's Gate (medieval entrance) which is to be partially uncovered with the formation of new embankments, a new pedestrian route and associated treatment. 6.Resurfacing works to the Castle Courtyard, including the removal of 20th Century grassed areas and replacement of existing tarmacadam surface with a new surface (2692 m<sup>2</sup>). 7.Rationalisation of futureproofing of services within the courtyard, to include the installation of new drainage. 8.Conservation and restoration of Kilkenny Limestone pavement and earthenware channels to the perimeter of the Courtyard. 9.Resurfacing works to the Formal Garden to the northwest of the Castle with the replacement of the existing tarmacadam surface treatment with a new surface (2238 m<sup>2</sup>). 10.New sloped paths to provide Universal Access to the perimeter of the Formal Garden (22 m<sup>2</sup>). 11.Resurfacing works to the linking path between the Formal Garden and Castle Courtyard with the replacement of the existing tarmacadam surface treatment with a new surface (872 m<sup>2</sup>). 12.The replacement of existing temporary security cameras with permanent





cameras and fixtures. 13.The Installation of Emergency Lighting at high level to the Castle Courtyard Facades - **Granted**.

The developments listed above will not cause any potential cumulative effects on the environment when considering any potential impacts from the proposed development.

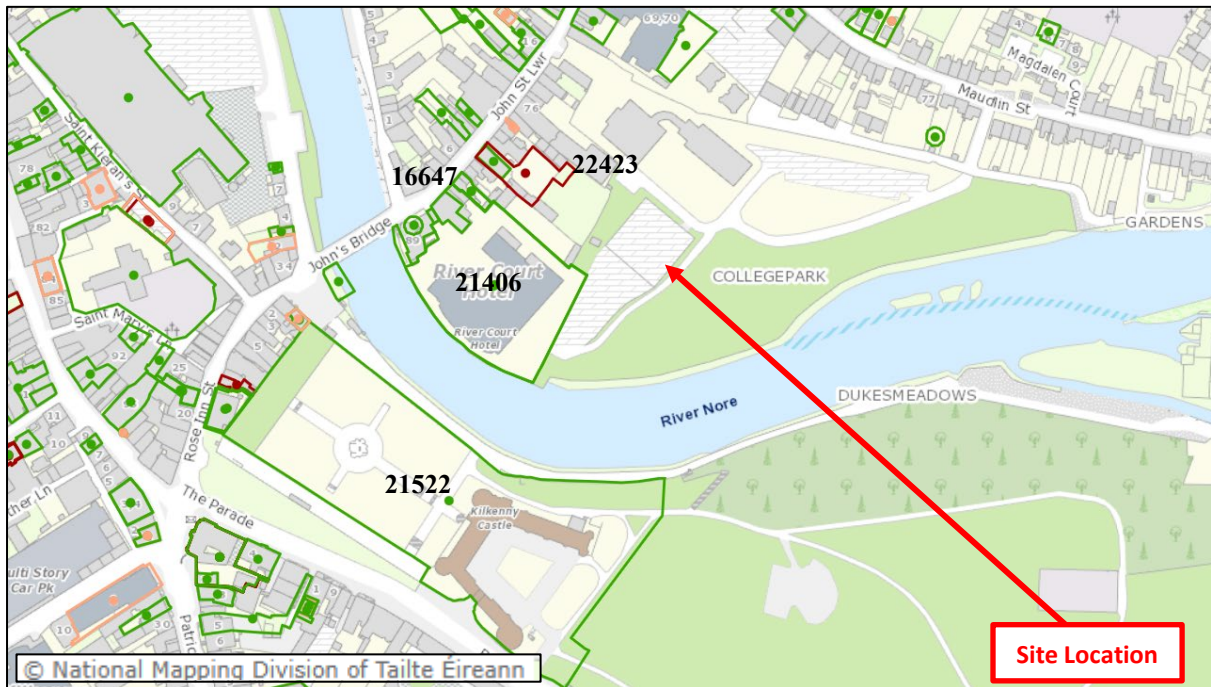


Figure 2.4: Developments within close proximity to project

### 3.0 WASTE, POLLUTION AND HEALTH

The proposed works will comprise of building a facility with a floor area of 460 sq.m. The development will include a pontoon, walkway, car and bike parking, landscaping, drainage system with SuDS compliance features and associated site works. Due to the nature of the proposed development, there will be excavation on site however the majority of this will take place within artificial surfaces. Any waste material generated during the construction phase will be transported to a licenced waste facility and the construction phase will follow waste management guidelines for Construction Projects. All environmental control measure to protect the environment during the construction phase will be implemented by the construction contractor and ensure compliance with construction related impacts (As per the accompanying CEMP). Given the type of development there will be no significant waste,



pollution, or potential impact on human health. The facility does not fall within the Seveso III Regulations or European Communities (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2015, as no dangerous substances would be used at the site. It not anticipated there would be a significant volume of chemicals or fuels stored at the site for the operation of the facility. The operational phase of the project will actively encourage healthy recreation activities and all general waste generated by visitors will be encouraged to be brought home as per Fáilte Ireland guidance for the development of environmentally sustainable tourism projects to ensure that the impact on local biodiversity is minimised and areas are carefully managed on an ongoing basis. The centre will also raise awareness of biosecurity measures to prevent the spread of invasive species along the River Nore.

#### **4.0 SURFACE & GROUNDWATER**

The proposed development is located within the Nore\_SC\_090 sub-catchment, which is part of the Nore Catchment. The closest mapped watercourse to the proposed development site is the River Nore (EPA Code: 15N01 – Order 6) which is located within the site boundary. There are no drainage ditches or other watercourses within the site boundary. The Environmental Protection Agency (EPA) undertakes surface water monitoring along the River Nore. EPA comments on the most recent monitoring results for the River Nore are as follows: *“The 2022 biological water quality results for the River Nore main channel are most disappointing, with 12 of the 19 sites assessed found to be in unsatisfactory condition. Only at the uppermost site (Station 0080) was there a slight improvement in Q-value recorded, while declines in ecological condition was found to have occurred at nine sites. This includes a drop from High to Good ecological condition at Poorman's Bridge (Station 0900), which was the only site where Q4-5 was recorded in 2019. Eight sites from Threecastles Bridge (Station 1700) downstream dropped from Good to Moderate ecological condition, resulting in all sites surveyed along the channel downstream of this point recorded as unsatisfactory in 2022.*

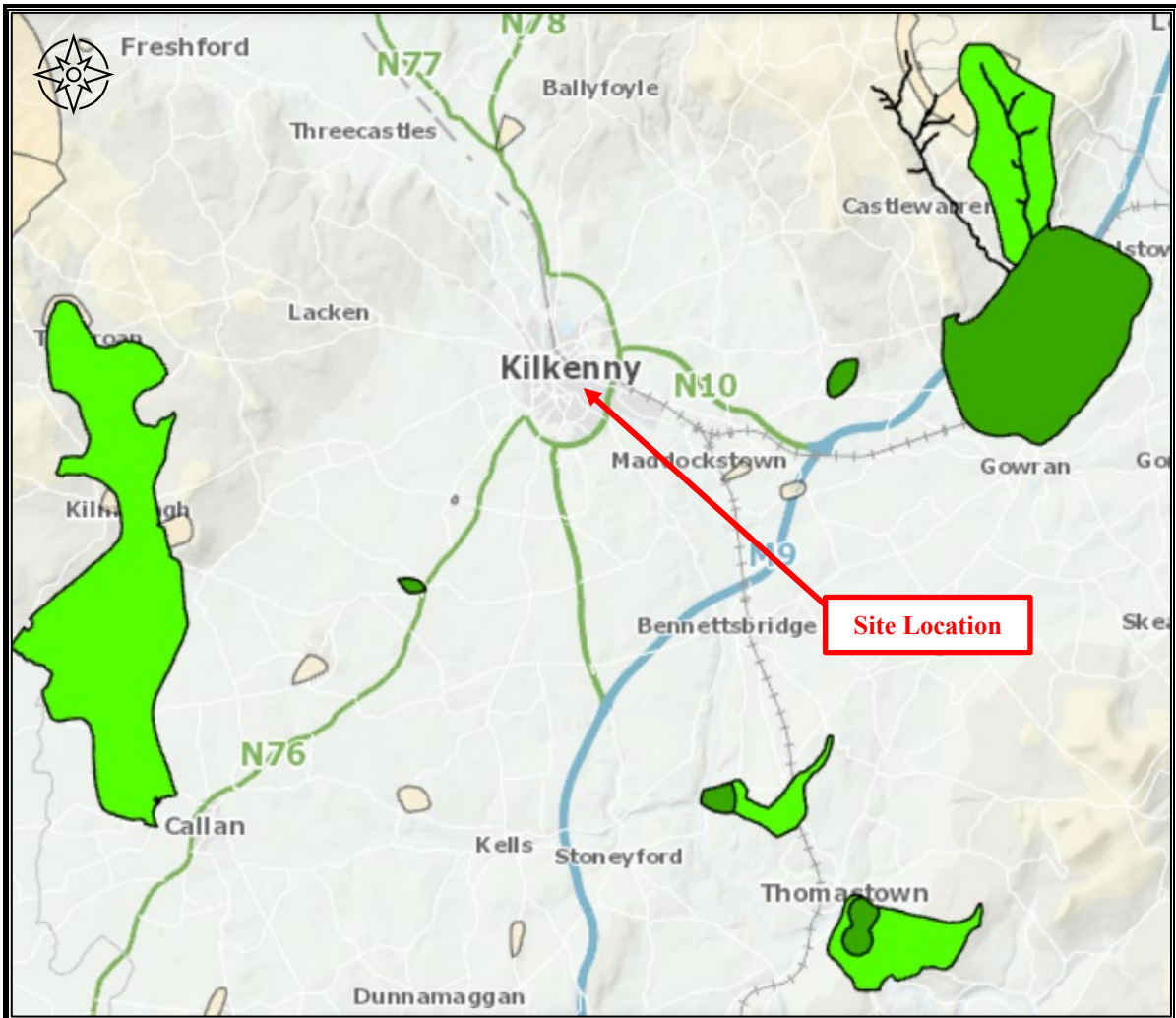
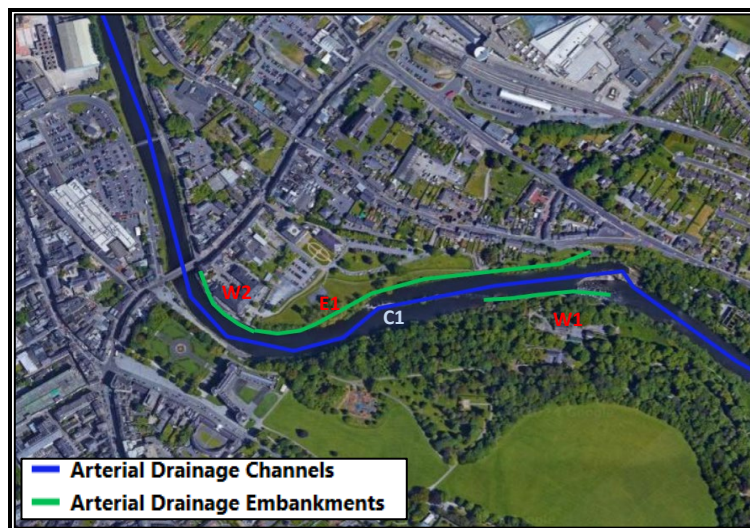


Figure 4.1: Group Scheme and Public Supply Protection Zones (Source: Geological Survey Ireland ©)

There are no groundwater source protection areas within the vicinity of the site. The closest groundwater source protection area to the site is the Clifden Clara Water Supply Scheme which is located approximately 7.22km to the east. The Geological Survey Ireland has no records for groundwater abstractions within the vicinity of the site, however, this is not a complete register. There would be no significant volumes of fuels, oils or other chemicals stored during the construction or operational phases of the project. Potential impacts during the construction phase would be prevented through the implementation of the CEMP. It is not anticipated that there would be a significant risk to groundwater.



A flood relief scheme was completed in Kilkenny city in 2005 to provide defence against the 100 years flood from the Nore. The location of the proposed pontoon is at a Kilkenny Flood Relief Scheme (FRS) embankment (See **Figure 4.2: E1**). The bank at this location is not muddy but is made of stone with some vegetation overgrowth (See accompanying EclA). The proposed facility will be protected from flooding by the earth embankment that runs along the parkland adjacent to Kilkenny County Hall. Maintenance of this FRS is undertaken by the Office of Public Works (OPW). The Scheme involves a range of standard maintenance activities, including in-channel vegetation management, silt removal, bridge/weir maintenance and tree works. These are all carried out following detailed environmental procedures (EPs) contained in OPW's Environmental Guidance: Drainage Maintenance and Construction (Brew & Gilligan 2019) which set out the minimum environmental and ecological standards that activities should follow and is subject to Appropriate Assessment (NIS) (Document Reference: JBA Consulting 2023s0205 - Kilkenny City FRS 2023 NIS S3 P03).



**Figure 4.2:** OPW Arterial Drainage Scheme (Google Image ©)

During the operational there would be no significant impact to the existing surface water quality and absorption capacity of the Nore catchment. During the construction phase mitigation measures will be implemented to ensure there is no adverse impact to the River Nore. The construction contractors would take cognizance of the guidance on the protection of the water quality during the construction phase and ensure compliance. There will be no significant impact on water quality from the operational phase of the project with no





significant pollutants or any potential hydrocarbons generated at the recreational development.

## 5.0 BIODIVERSITY

A site characterisation assessment was undertaken on the 27<sup>th</sup> of April 2024, 3<sup>rd</sup> and 17<sup>th</sup> May 2024 to examine the ecological context of the development site, by systematically walking the proposed site and boundaries and determining the habitats present. The habitat survey was undertaken in accordance with the standard methodology outlined in Fossitt’s “*A Guide to Habitats in Ireland*”, a hierarchical classification scheme based upon the characteristics of vegetation present. The Fossitt system also indicates when there are potential links with Annex I habitats of the E.U. Habitats Directive (92/43/EEC). Cognisance was also taken of the Heritage Council guidelines, “*Best Practice Guidance for Habitat Survey and Mapping*”, (Smith *et al.*, 2011). There was no flora listed under The Flora (Protection) (S.I. No. 235 of 2022), no plant species of conservation significance or Third Schedule invasive plant species found within the site boundary. Giant Hogweed (*Heracleum mantegazzianum*) and Indian Balsam (*Impatiens glandulifera*) were found along the riparian zone of the River Nore downstream of the proposed development. The identified habitats at the proposed development site, as per the Fossitt habitat classification scheme, are summarised in **Table 5.1** below. See Ecological Impact Assessment for a detailed habitat description of the existing development site and boundaries (Document Reference: **EclA RSE 30052024**).

**Table 5.1:** Summary of Habitats Identified at the Proposed Development Site

HABITAT CLASSIFICATION HIERARCHY		
LEVEL 1	LEVEL 2	LEVEL 3
F Freshwater	FW Watercourses	FW2 Depositing / lowland rivers
G – Grassland and marsh	GA Improved grassland	GA2 Amenity grassland
W Woodland and scrub	WN Semi-natural woodland	WN5 Riparian woodland
	WD Highly modified / non- native woodland	WD5 Scattered trees and parkland
B Cultivated and built land	BC Cultivated land	BC4 Flower beds and borders
	BL Built land	BL3 Buildings and artificial surfaces



A bird survey, otter survey, bat survey and invasive species survey were also undertaken as part of the ecological assessment of proposed development. Given that part of the proposed development will be within River Nore and along its riparian zone the accompanying Ecological Impact Assessment details the impacts and any measures to prevent a significant impact on species and habitats associated with the River Nore (Document Reference: **EclA RSE 30052024**).

During the Appropriate Assessment Screening stage, it was determined that the proposed development would have a significant impact on the River Barrow and River Nore SAC (Site Code: 002162) and the River Nore SPA (Site Code: 004233) as both are considered to be within the Zone of Influence (ZoI) and have a Source-Pathway-Receptor with the proposed development. To prevent an adverse effect on the protected habitats and species associated with the River Barrow and River Nore SAC and the River Nore SPA mitigation measures have been proposed and are contained within the accompanying Natura Impact Statement (Document Reference: **NIS\_RSE\_30052024**). There is no direct connection to any Natural Heritage Area or proposed Natural Heritage Area within the ZoI (Document Reference: **EclA RSE 30052024**).

## **6.0 NOISE, DUST & AIR QUALITY**

Noise levels from the proposed development would be experienced as part of everyday life in an urban area and would be limited to opening hours of the recreational facility. Noise emanating from the project during the construction phase has the potential to impact off-site receptors. The proposed development will be obliged to comply with BS 5228 “Noise Control on Construction and open sites Part 1”. The appointed contractor would ensure compliance with guidelines to limit construction related noise and follow best practicable means to control noise. All plant and equipment will comply with the noise limits quoted in the relevant European Commission Directive 2000/14/EC. No out of hours work will be undertaken unless permission to do so has been granted. The majority of dust would be generated during site excavation works where topsoil would be cleared and the demolition of the outbuilding. The introduction of class 804 and other gravels, sands and silts on to the site for the creation of hardcore surfaces will also increase the potential for dust to become a nuisance issue. The



potential for construction dust dispersion depends on the local meteorological conditions such as rainfall, wind speed and wind direction. The proposed development once in operation will not have a significant effect on air quality. Given the type of development (recreational facility) standard construction environmental control measures would be put in place to prevent any impact on air quality during this phase. During construction, the proposed scheme can be expected to affect pedestrian, cycle, and vehicular traffic and to cause temporary noise, dust, and visual effects. Odours emanating from the proposed development are not anticipated to cause a nuisance due to the nature of the activities during the operational phase. The accompanying CEMP details measures to prevent an impact from dust and noise during the construction phase (Document Reference: **CEMP\_RSE\_30052024**).

## **7.0 VISUAL IMPACTS & MATERIAL ASSETS**

The proposed development would be anticipated to have no significant negative impact on the visual amenity of the area. As per Kilkenny County Development Plan it would not block views of any heritage building or site. The proposed pontoon would not obstruct views from St John's Bridge. The landscape plan will not significantly alter the riparian zone of the River Nore with replanting with native species upon completion of pontoon construction. No mature trees in the County Hall parkland will be removed (such as Lime, Plane, Oak). A semi mature Ash (west corner) and an immature Willow will be removed. Willow will rejuvenate along the River Nore riparian zone. The area for development is currently in use as a car park and an outbuilding which are both visually not of significant value. The operational phase will result in a positive visual impact with the completion of a moderate scale development, adjacent to the public and commercial developments. A visual impression of the scheme is shown in Appendix and accompanying planning pack. It is considered that additional investigation within an EIAR of visual and landscape impacts from the development would not be required.



**Figure 7.1:** View of development site from River Nore Canal Walk and County Hall Car Park

In terms of existing utilities, the proposed development will require access to the local water supply, wastewater, public roads infrastructure, electricity supply, telecommunications, municipal waste management and gas, all of which are readily available. The additional demand on these services can be facilitated and will not lead to any negative environmental impacts. Equally the construction of the development will not negatively impact on existing services.

In terms of traffic, there will be temporary and limited localised impacts on traffic associated with the construction phase of the development. Once operational, the proposed development will generate limited trips, therefore the existing road and junction links to access the proposed development site can operate satisfactorily in accommodating the levels and types of traffic likely to be generated by the proposed development. In addition given the central location with public transport links, secure bike parking, pedestrian access via John Street, this type of recreational facility will encourage different modes of transport. Parking



will be controled via existing pay parking facilites at County Hall with the entrance to/from Maudlin Street.

## **8.0 POTENTIAL IMPACTS**

Potential impacts are anticipated as negligible given the nature and scale of the proposed development. The proposed development will predominately be contained within existing modified areas. Therefore, there are no significant interactions with any landscape or archaeological features. The NIS report submitted as part of the planning application concludes that the proposed development will not give rise to any adverse effect on the ecological integrity of any European sites, alone or in combination with other plans or projects. Air quality, light, noise, and water pollution impacts associated with the proposed works are anticipated to be negligible with proposed mitigation measures outlined in the EclA, the existing condition of the majority of habitats at the existing site as well as the moderate scale and nature of the proposed development. During construction, noise and air pollution have a probability of occurrence in the absence of any environmental control measures. However, given the scale of these and the limited construction activities the potential impact on the surrounding environment is low and temporary. During the construction phase archaeological monitoring of the site will be on-going to ensure no impact on heritage or potential subsurface artefacts. In addition, the CEMP details the required mitigation measures and the responsibility for implementation. The potential impacts due to risk of accidents and/or disasters are anticipated to be negligible given the nature of the proposed development and the existing flood defences at this location. The risks to human health are anticipated to be negligible given the recreational nature of the proposed development. The local road network is anticipated to be sufficient to accommodate construction site related traffic. Sightlines from the existing carpark entrance road entrance are sufficient for safe ingress/egress to the site.

During the operational phase there will be an intensification of use on site. The location of the proposed development on zoned land for “Community Facilities” within Kilkenny City with surrounding established commercial uses. The development also proposes to improve the existing site, therefore, has the potential to act as a positive impact in terms of local amenity



and to the local economy. This development will enable recreational outdoor activities and outdoor aquatic clubs to have a central base in Kilkenny City.

Inter-relationship between the different factors as per the sections above it is considered that any of the previously identified relatively minor impacts would not in themselves be considered significant nor would they cumulatively result in a likely significant effect on the environment.

## 9.0 SUMMARY TO DETERMINE THE REQUIREMENT FOR EIA

<b>1. Characteristics of proposed development</b>		
<b>Description</b>	<b>Yes/No</b>	<b>Is this likely to result in a significant impact Yes/No - Reason</b>
The size and design of the whole of the proposed development?	No	No (Sub threshold)
Potential for impacts from project in culmination with other existing and/or approved projects?	No	No significant impact with other projects
The nature of any associated demolition works?	No	No – Outbuilding is small in scale and away from protected sites.
Use of natural resources in particular land, soil, water, and biodiversity?	Yes	No – habitats will not be adversely impacted with implementation of mitigation measures
The production of waste?	No	No – any construction waste will be disposed as per guidelines
Pollution and nuisances?	No	Not a significant impact
Risk of major accidents and/or disasters relevant to the project including those caused by Climate Change in accordance with scientific knowledge?	No	No – Site located behind Kilkenny Flood Defence Wall
Risks to human health	No	No – Recreational centre
<b>2. Location of proposed development</b>		
Environmental Sensitivity of project in relation to existing and approved land use?	Yes	No – operational phase will limit activities on River Nore from dusk/dawn





Relative abundance, availability, quality, and regenerative capacity of natural resources (including soil, land, water, and biodiversity) in the area and its underground?	No	No significant impact to natural resources, activities on River Nore are recreational and local.
Absorption capacity of the natural environment including wetlands, riparian areas, river mouths, coastal zones and the marine environment, mountain, and forest area?	No	No significant impact to natural environment
Potential of works to impact directly or indirectly on sites designated for nature conservation (NHA/SAC/SPA)?	Yes	No - See accompanying NIS for mitigation measures to prevent an adverse effect on Natura 2000 sites.
Potential for impacts directly or indirectly on Habitats or Species listed on Annex I, II and IV of the Habitats Directive?	Yes	No - See accompanying NIS and EclA for mitigation measures to prevent an impact on protected species and habitats
Potential for impacts on breeding places of any species protected under the Wildlife Act?	Yes	No - See accompanying EclA for mitigation measures to prevent an impact on protected species and habitats
Potential to impact directly or indirectly on any listed ACA in the County Development Plan?	Yes	No – development does not contain any protected buildings
Potential to impact directly or indirectly on any protected structure or recorded monuments and places of Archaeological Interest?	Yes	No – Archaeologist will be present throughout all subsurface digs
Potential to impact directly or indirectly on listed or scenic views or protected landscape in the County Development Plan?	No	No – Development will not obstruct views of historical or visual importance
Potential to impact on areas in which there has already been a failure to meet the environmental quality standards and relevant to the project, or in which it is considered that there is such a failure?	No	No – Development has been designed to be sensitive to the cultural and biodiversity sensitive nature of the surrounding environment.
Potential to impact on densely populated areas?	No	No – A recreational development



<b>3. Types and characteristics of potential impacts</b>		
Human Beings	No	No - Minor and localised impacts are during the construction phase
Flora and Fauna	Yes	No - Measure to prevent a significant impact on flora and fauna are detailed in the accompanying Ecological Impact Assessment. Lighting will be sensitive to nocturnal species.
Soils and Geology	No	No - Development will not impact on site regenerative capacity for natural resources (including soil, land, water, and biodiversity) in the area and its underground.
Hydrology	No	No - All surface runoffs will be SuDS compliant. There will green roofs, rain gardens and permeable surfaces as part of the design.
Air and Climate	No	None No impact on air quality by the proposed development
Noise and Vibration	No	None Noise and Vibration levels will be restricted during the constructions works, no potential impacts during the operational phase.
Material Assets	No	None The proposed development will not have any significant impact on material assets including public





		utilities and natural resources.
Cultural Heritage	No	None The proposed development will not have any significant impact on Cultural Heritage.
Interaction of Foregoing	No	No significant effects likely to arise associated with the characteristics of the potential impacts.

## 10.0 CONCLUSION

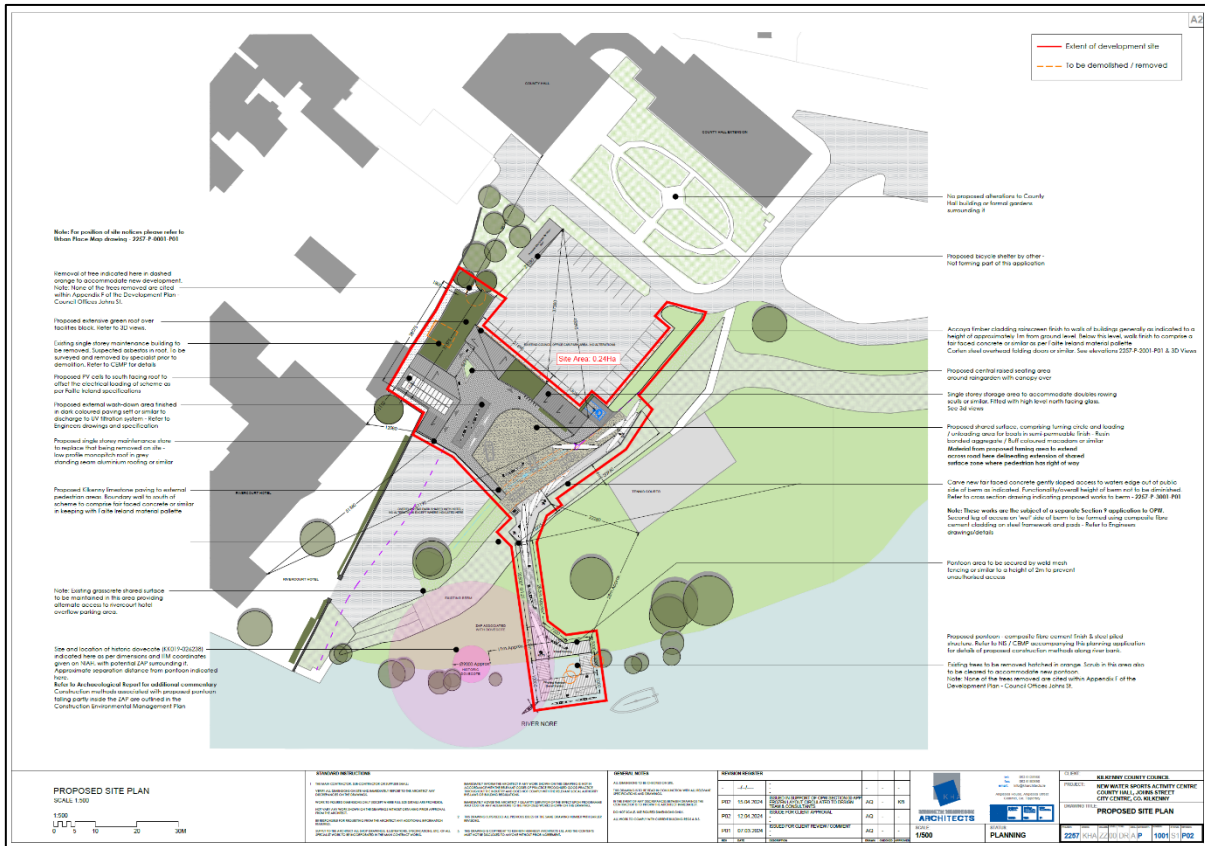
It is considered that the proposal does not come within the scope of any class of project prescribed in Schedule 5 of the Regulations (SI 600 of 2001 as amended). Having considered the nature, scale, and location of the proposal, having regard to the characteristics and location of the proposed development, and having regard to the characteristics of potential impacts it is considered that the project is unlikely to give rise to significant environmental impacts. The development is below the mandatory threshold required for an EIAR, outlined in the Planning and Development Regulations. This sub-threshold EIA screening assessment has been carried out in accordance with the criteria listed in Schedule 7 and Schedule 7A of the Planning Regulations, in cognizance of the sensitivities of the area.

In conclusion, it is considered that the proposed development will not have any significant impacts on the environment. All recommended mitigation measures and standard practices will be employed throughout the construction and operation phase of the development to ensure that the proposed development will not create any significant impacts on the quality of the surrounding environment. Therefore, there is no requirement for an Environmental Impact Assessment Report to be prepared for the proposed River Nore Facilities Kilkenny.



11.0 APPENDIX

A1: Site Layout and Visual Site Layout



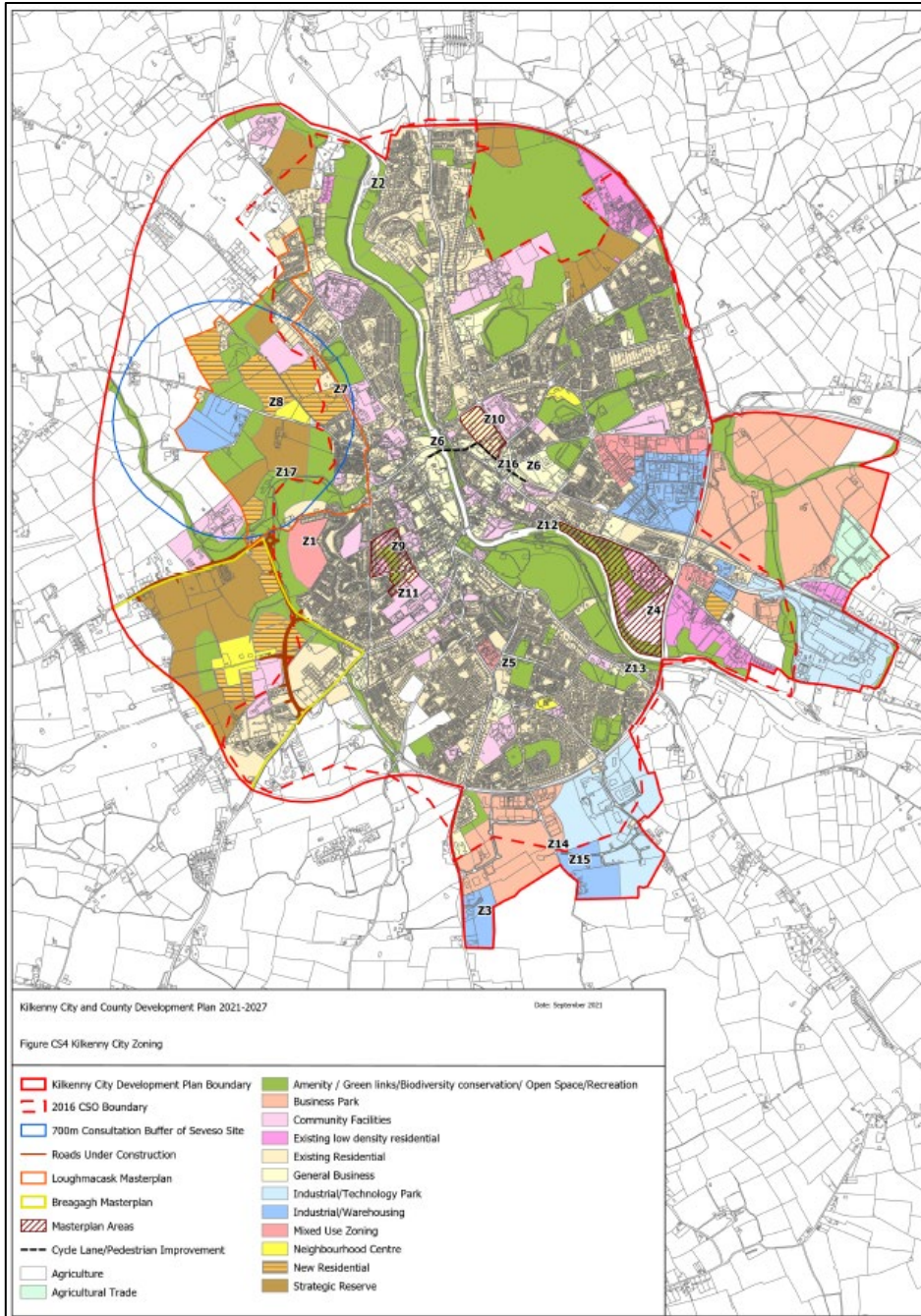


Figure A2: Kilkenny City Zoning