



KILKENNY COUNTY COUNCIL

REPORT - Dated 7th June, 2024

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

RE: Community Dwelling at Scart, Dunbell, 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. 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 have an existing 4-bedroom bungalow at Scart Dunbell, Maddockstown, Co. Kilkenny that is proposed to extend for the use as a community dwelling. The proposed dwelling will be a 4-bedroom plus carer, single storey building with associated car parking and site works.

3. Application of S179A

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

The site is not zoned residential but is an acceptable residential use on an established rural dwelling site

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

4. Pre-planning

As part of the planning application process the Area Planner and the Area Engineer were advised of the planning proposals 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. A copy of a report to this effect from the Planning Department is appended to this report.

Appended to this report in Appendix B are reports from:

- Planning Department
- Appropriate Assessment (AA) Screening

The following comments were noted by the Planning Department to be addressed at detailed design/ construction stage as follows:

Surface Water

All surface water from roofs, driveway & paved areas shall be collected and appropriately discharged in such a manner that it does not discharge onto the public road or interfere with adjacent properties

Access/Sightlines

Comply with any requirements issued from Area Engineer

Waste Water Treatment System

The Kilkenny Environmental Officer should report on proposed development. The upgraded on-site wastewater treatment system proposed shall be constructed in accordance with the recommendations in the Environmental Protection Agency's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (EPA, 2021). The complete on-site wastewater treatment system shall be installed and maintained in accordance with the manufacturer's instructions and shall be designed to cater for relevant PE associated with the community home. The design location should be shown on final site layout plan with public notice description amended to include for waste water treatment system upgrade.

Housing Capital will consult with the Area Engineer regarding any requirements for access and sightlines and the Environmental Officer regarding the upgraded wastewater treatment system at the detailed design stage.

The amended public notice is attached in Appendix C

Report prepared by:

SIGNED



Richard Vaughan
Executive Architect

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

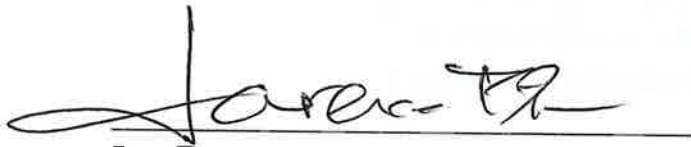
Proposed Development: S179A Proposal
Community Dwelling at Scart, Dunbell
Co. Kilkenny

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the report and recommendation from the Housing Capital Section dated 7th June, 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.



NOTES

DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY.

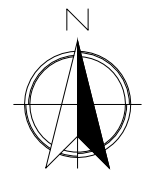
VERIFY DIMENSION ON SITE AND REPORT ANY DISCREPANCIES TO KILKENNY COUNTY COUNCIL REP. IMMEDIATELY.

DRAWINGS TO BE READ IN CONJUNCTION WITH ALL SPECIFICATIONS AND OTHER DESIGN TEAM ENGINEERING DRAWINGS.

ALL CONSTRUCTION WORKS TO COMPLY WITH CURRENT BUILDING REGULATIONS.

LEGEND

SITE AREA: 0.2814ha/0.6953 acres
OS REF No. 4767-D/4768-C



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HOUSING CAPITAL SECTION



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

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| PLANNING | <input checked="" type="checkbox"/> TENDER | CONSTRUCTION |
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PROJECT: PROPOSED EXTENSION TO GROUP HOME AT SCART DUNBELL, Co. KILKENNY

DRAWING: SITE LOCATION MAP

DRAWN BY: CN

CHECKED BY: RV

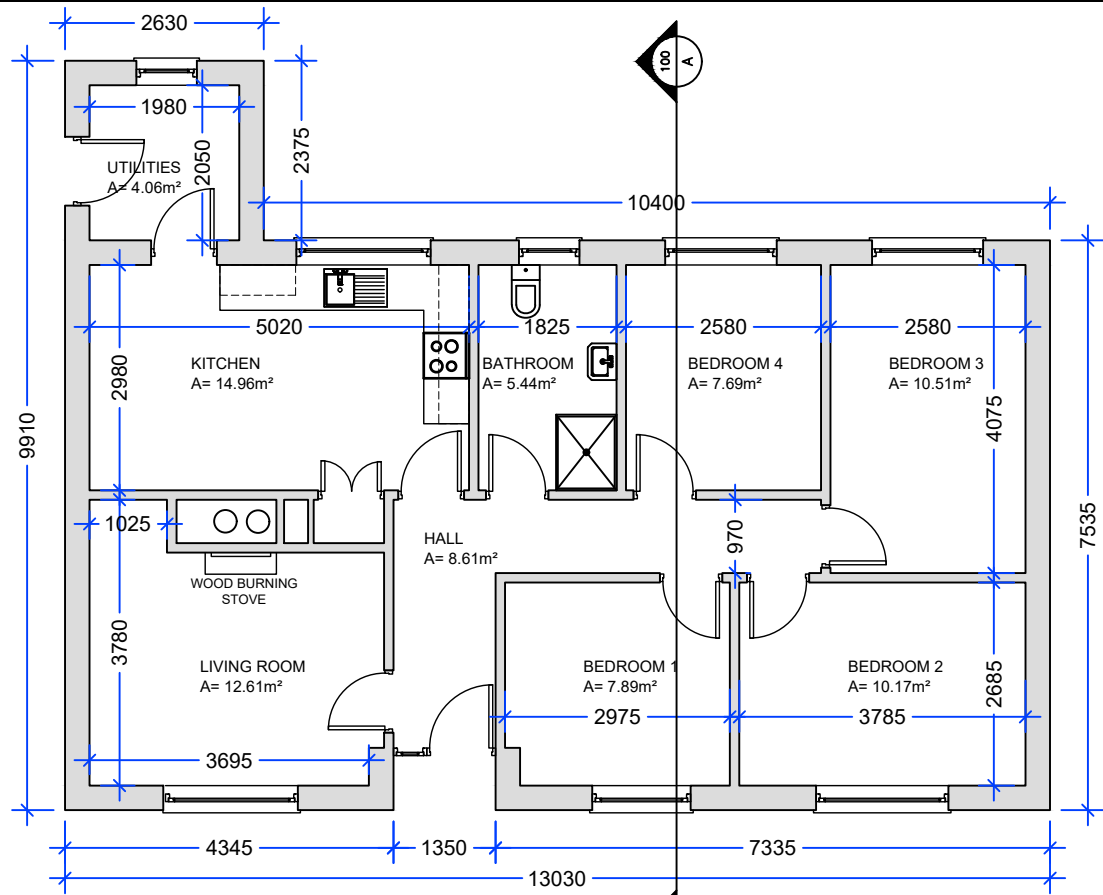
SCALE: 1:2500/A3

DATE: FEBRUARY 2024

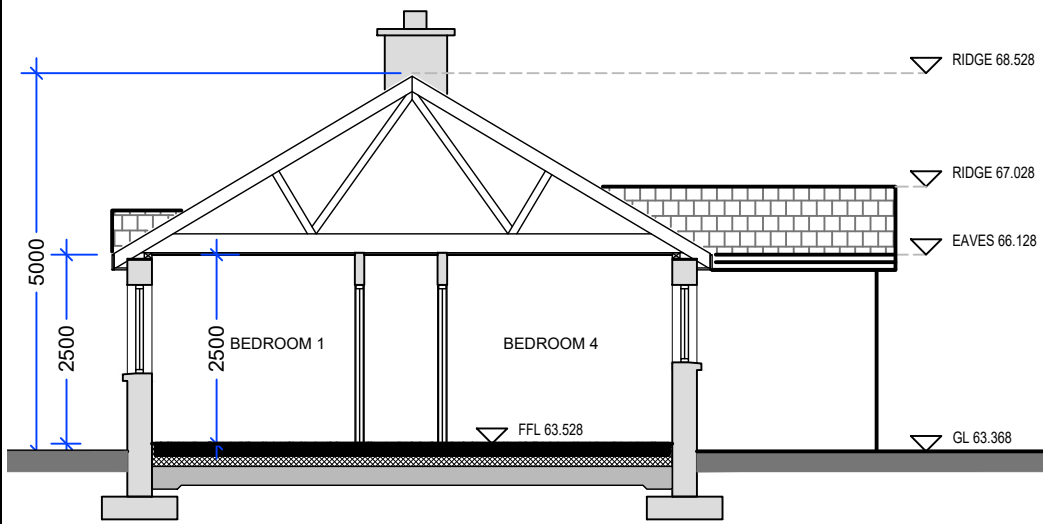
FILE No.: HS 197

DRAWING No.: P-01

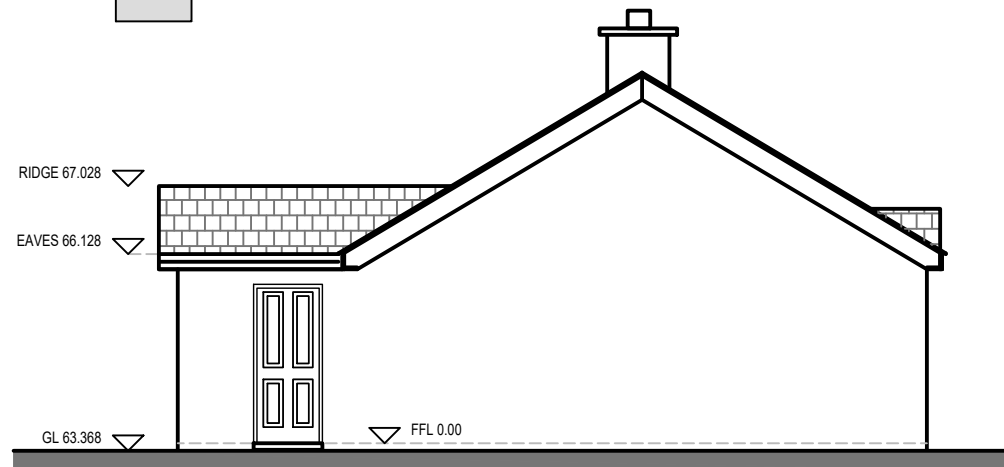
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EXISTING PLAN LAYOUT
SCALE 1/100



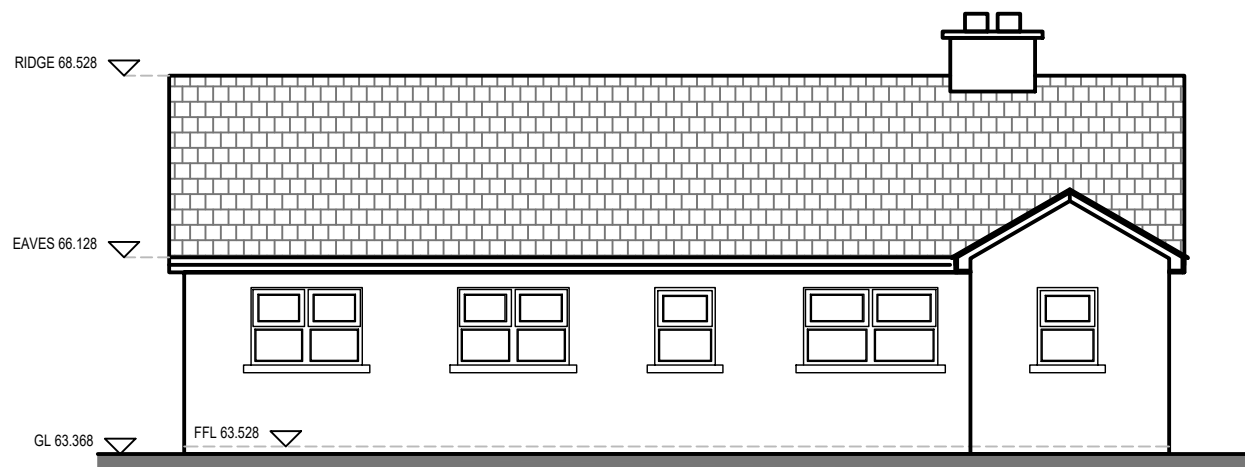
EXISTING SECTION
SCALE 1/100



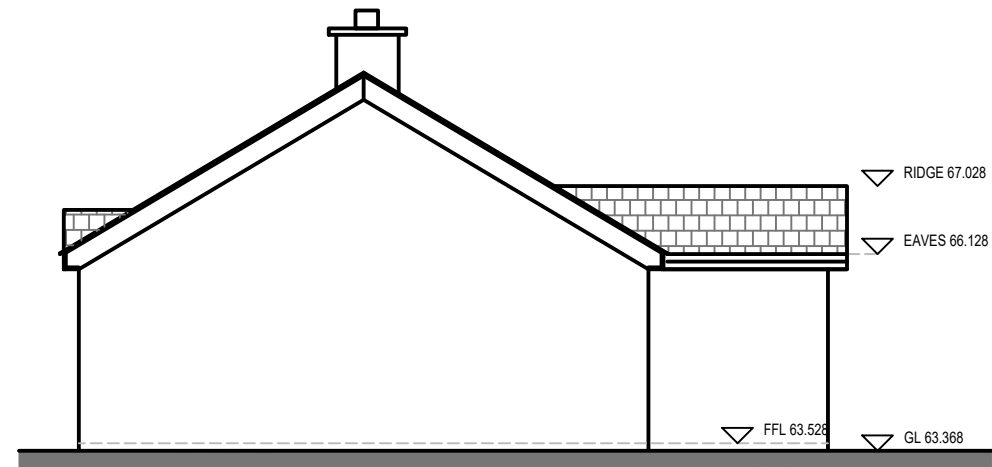
EXISTING WEST ELEVATION
SCALE 1/100



EXISTING SOUTH ELEVATION
SCALE 1/100



EXISTING NORTH ELEVATION
SCALE 1/100



EXISTING EAST ELEVATION
SCALE 1/100

NOTES

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DRAWINGS TO BE READ IN CONJUNCTION WITH ALL SPECIFICATIONS AND OTHER DESIGN TEAM ENGINEERING DRAWINGS.

ALL CONSTRUCTION WORKS TO COMPLY WITH CURRENT BUILDING REGULATIONS.

LEGEND

EXISTING WALLS



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Web: www.kilkennycoco.ie

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PROJECT: PROPOSED EXTENSION TO GROUP HOME AT SCART DUNBELL, Co. KILKENNY

DRAWING: EXISTING PLAN, SECTION & ELEVATIONS

DRAWN BY: CN

CHECKED BY: RV

SCALE: 1:100/A3

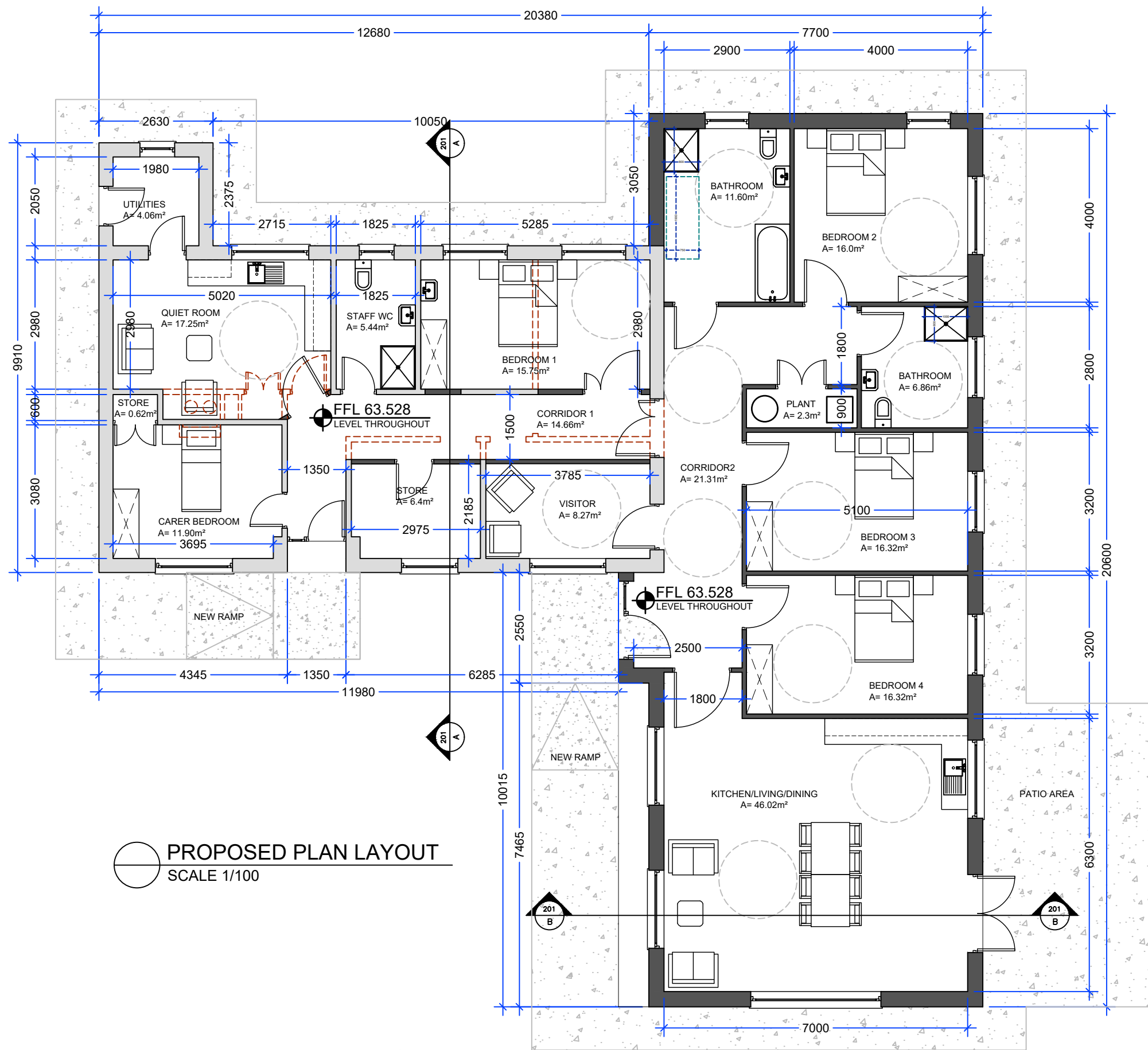
DATE: JANUARY 2024

FILE No.: HS 197

DRAWING No.: P-100

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PROPOSED PLAN LAYOUT
SCALE 1/100

NOTES

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LEGEND

- EXISTING WALLS
- DEMOLISH
- NEW WALLS

EXISTING DWELLING 89m2
PROPOSED EXTENSION 140.8m2
TOTAL AREA 230m2

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PROJECT: PROPOSED EXTENSION TO GROUP HOME AT SCART DUNBELL, Co. KILKENNY

DRAWING: PROPOSED GROUND FLOOR PLAN

DRAWN BY: CN

CHECKED BY: RV

SCALE: 1:100/A3

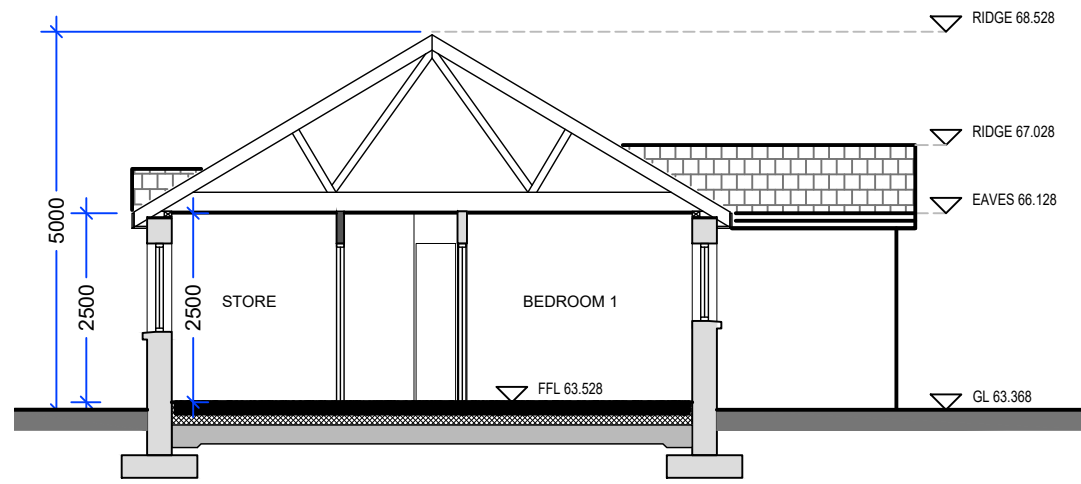
DATE: JANUARY 2024

FILE No.: HS 197

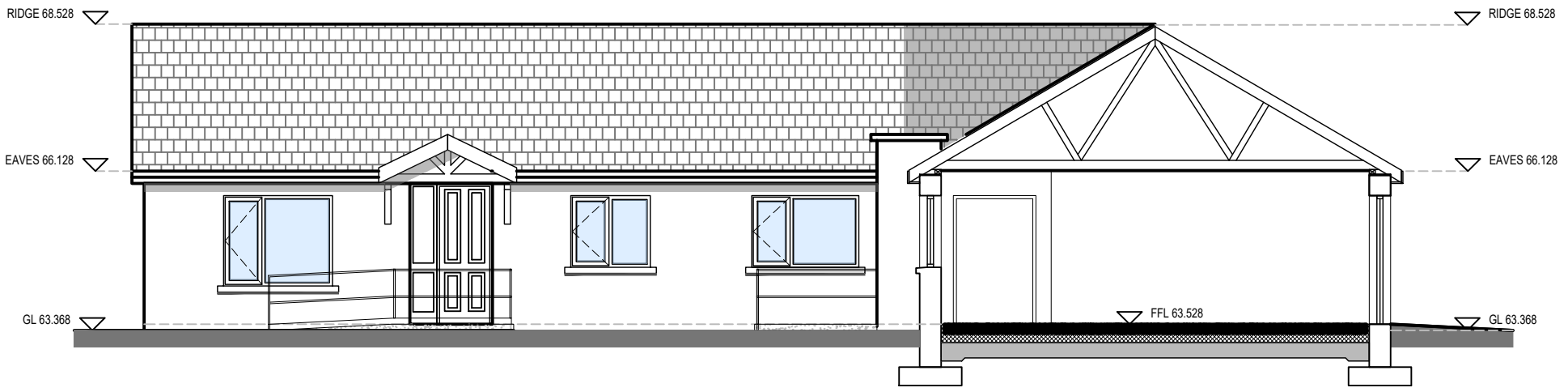
DRAWING No.: P-200

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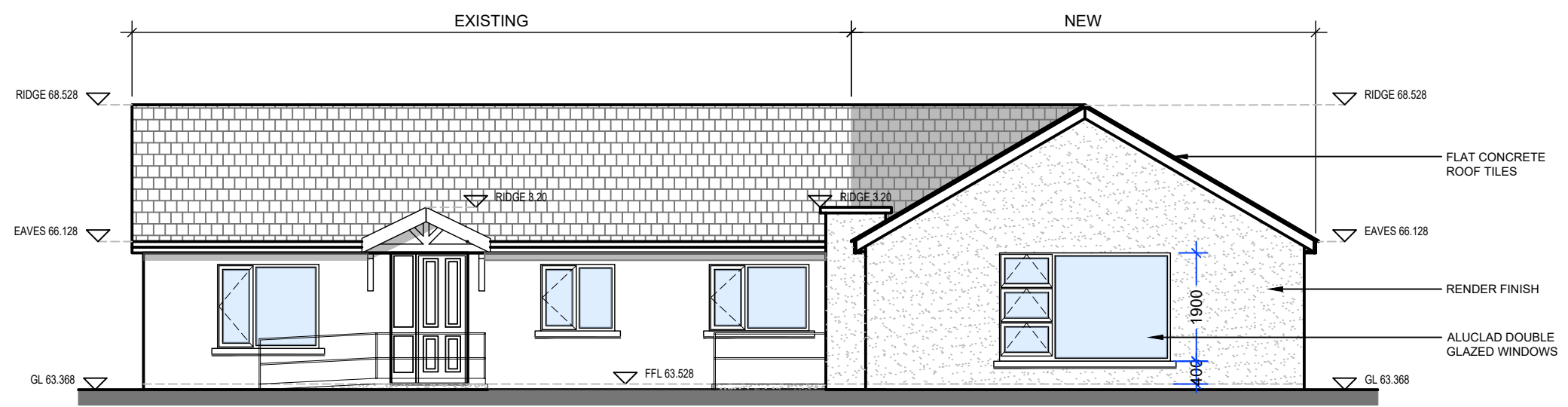




SECTION A-A
SCALE 1/100



SECTION B-B
SCALE 1/100



SOUTH ELEVATION
SCALE 1/100

NOTES

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LEGEND

- EXISTING WALLS
- DEMOLISH
- NEW WALLS

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PLANNING TENDER CONSTRUCTION

PROJECT: PROPOSED EXTENSION TO GROUP HOME AT SCART DUNBELL, Co. KILKENNY

DRAWING: PROPOSED SECTIONS A-A/B-B PROPOSED SOUTH ELEVATION

DRAWN BY: CN

CHECKED BY: RV

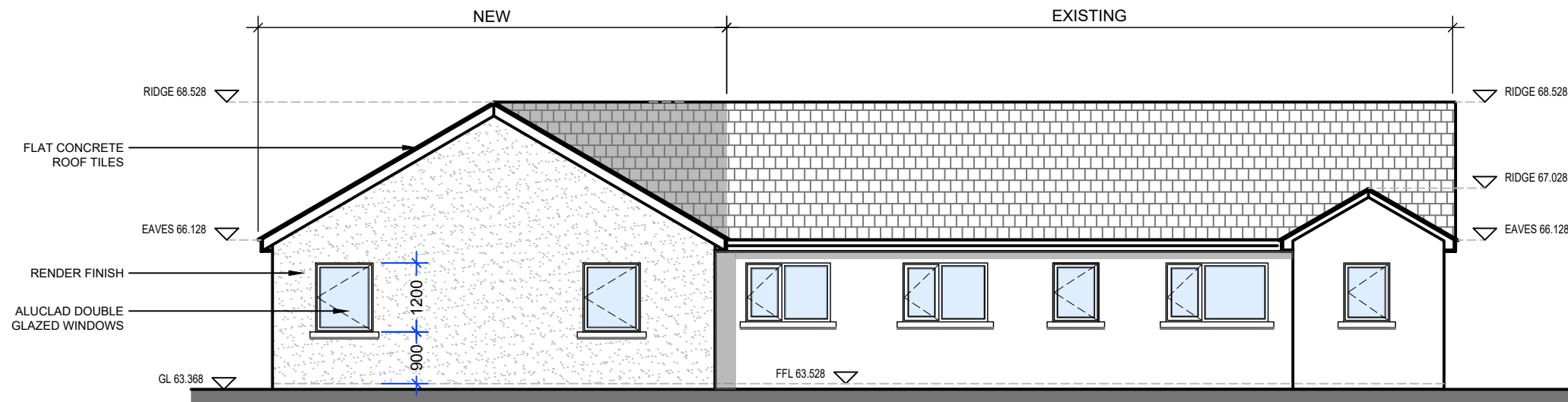
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DATE: JANUARY 2024

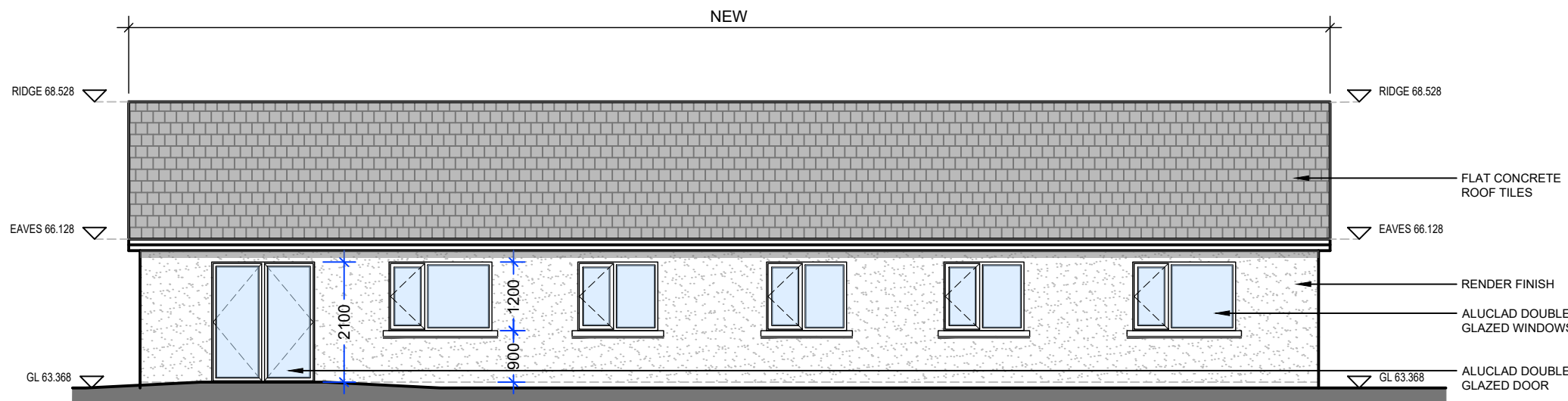
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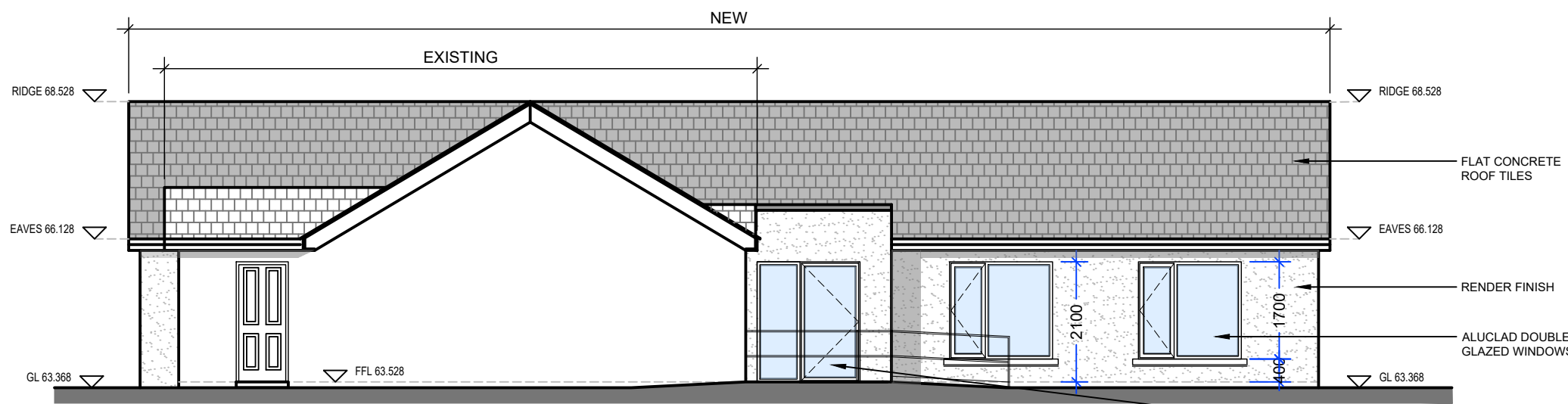
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NORTH ELEVATION
SCALE 1/100



EAST ELEVATION
SCALE 1/100



WEST ELEVATION
SCALE 1/100

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LEGEND

- EXISTING WALLS
- DEMOLISH
- NEW WALLS

N

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Web: www.kilkennycoco.ie

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PROJECT: PROPOSED EXTENSION TO GROUP HOME AT SCART DUNBELL, Co. KILKENNY

DRAWING: PROPOSED ELEVATIONS NORTH/EAST/WEST

DRAWN BY: CN

CHECKED BY: RV

SCALE: 1:100/A3

DATE: JANUARY 2024

FILE No.: HS 197

DRAWING No.: P-202

ALL ORDINANCE SURVEY DATA BASED ON ORDINANCE SURVEY OF IRELAND MAP LICENCE NUMBER 2013/27/CCH/KILKENNY



Appendix B

1. Pre-planning Report
2. Appropriate Assessment (AA) Screening

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



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

Planning Ref: Section 179A Housing Development

Subject: Housing Section – Dwelling Extension/Community Home, Scart, Dunbell, Co. Kilkenny

Site Location

The site is located in rural townland of Scart, Dunbell, Co. Kilkenny. A vacant bungalow exists on site. Access to the site is from established domestic entrance along a local public road. The Waterford to Dublin Railway line is located opposite the site to the south with Regional road R712 to the north.

Legislation

The provisions of the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended apply.

Planning and Development Act 2000, as amended, Part XI Section 179A 'Local Authority own housing development' states as follows:

179A. (1) This section applies to housing development—

(a) that is carried out by, on behalf of, or jointly or in partnership with, a local authority pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity,

(b) that does not materially contravene the development plan or local area plan for the area,

(c) that is in accordance with the strategy included in the development plan for the area in accordance with section 94(1),

(d) that is not subject to a requirement, in accordance with the Environmental Impact Assessment Directive, for an assessment with regard to its effects on the environment,

(e) that is not subject to a requirement, in accordance with the Habitats Directive, for an appropriate assessment,

(f) that is on land—

(i) that is owned by a local authority or a State Authority,

(ii) that is zoned for residential use, and

(iii) that has access, or can be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development, and

(g) that is commenced on or before 31 December 2024.

(2) Prior to the commencement of development to which this section applies, the chief executive of the local authority shall inform the members of the local authority in relation to the development and shall provide documents, particulars or plans relevant to the development to the members.

Having regard to the documentation submitted from the Housing Capital Section in support of the proposed development, I consider that the requirements of Section 179 A. (1) (a) – (g) will be satisfied in respect of the proposed development and site residential community use.

Landowner

The Local Authority is the stated landowner.

Impact on Natura 2000 site (SAC or SPA):

A Screening exercise was completed, which showed that no significant environmental impact is anticipated having regard to the development proposed and significant distance of the subject site from any Natura 2000 site. It is therefore concluded that an Natura Impact Statement is not required as per the Appropriate Assessment Screening Report carried out with this report.

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.

Referrals (by proposing section)

- Environment – No report received to date
- Area Engineer – No report received to date

Description of Proposed development

The proposed development is Single storey extension to the existing vacant dwelling on the site to provide a 4 bedroom plus carer community home and all associated site works at Scart Dunbell, Co. Kilkenny.

Heritage

Protected Structure – N/A

Architectural Conservation Area – N/A

Recorded Monuments – N/A

Zone of Archaeological Potential – N/A

Services

Water – public water mains

Waste water – connection to upgraded waste water treatment system

Surface water – soakpit

Access

Existing domestic entrance along a local county road.

Assessment

The dwelling extension fits in with the character and form of the existing house and the design of the proposed development is acceptable. The development will not have a significant impact upon the extent of private open space on the site, has sufficient space for 9 additional car parking spaces and

would not seriously injure the amenities of the area or of property in the vicinity. An existing and proposed site layout plan of proposed development is enclosed below.



Having regard to location of The Waterford to Dublin Railway line located in close proximity to the south it is recommended that Iarnrod Eireann be consulted in relation to proposed development and also that the HSE Health Service Executive be consulted as appropriate due to the nature of the development community use.

On site sewage treatment system:

Site Characterisation Form:-

Percolation results – surface 31.89 pass and subsurface 33.78 pass

No water or bedrock recorded in the trial hole

Local Aquifer – Low Vulnerability

Groundwater protection response: R1

An upgraded tertiary waste water treatments system to comply with EPA 2021 Code of Practice requirements is proposed to cater for additional PE loading. The site suitability assessment was carried out by an approved site assessor.

S.179A Recommendation:

The Planning Authority has no objection and is in support of proposed development which is in accordance with proper planning and sustainable development, housing strategy of the plan and

does not contravene any objectives of the Kilkenny City and County Development Plan 2021-2027.
.The following should be addressed by the Housing Section at detailed design / construction stage:

Surface Water

All surface water from roofs, driveway & paved areas shall be collected and appropriately discharged in such a manner that it does not discharge onto the public road or interfere with adjacent properties

Access/Sightlines

Comply with any requirements issued from Area Engineer

Waste Water Treatment System

The Kilkenny Environmental Officer should report on proposed development. The upgraded on-site wastewater treatment system proposed shall be constructed in accordance with the recommendations in the Environmental Protection Agency’s Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (EPA, 2021). The complete on-site wastewater treatment system shall be installed and maintained in accordance with the manufacturer’s instructions and shall be designed to cater for relevant PE associated with the community home. The design location should be shown on final site layout plan with public notice description amended to include for waste water treatment system upgrade.



R. O’Shea, Executive Planner
12/04/2024

N. Louw, Senior Executive Planner

AA: Screening Form

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

| | |
|--|--|
| (a) Part VIII / S179A Development | Community Home |
| (b) Brief description of the project or plan: | Single storey extension to the existing vacant dwelling on the site to provide a 4 bedroom plus carer community home and all associated site works at Scart Dunbell, Co. Kilkenny. |
| (c) Brief description of site characteristics: | Site is located remote from existing Natura 2000 sites with no pathway between the proposed site and any Natura 2000 sites. |
| (d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW | n/a |
| (e) Response to consultation: | 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 ¹ | Distance from proposed development ² (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 |
| | | | | |
| | | | | |

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

² 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.

| | <i>Using the Source – Pathway- Receptor model, please consider the following</i> | Y/N |
|-----------|--|-----|
| 1 | ONE- OFF HOUSE /SMALL EXTENSION/ ALTERATION TO EXISTING BUILDING | |
| 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>If the answer to the above question is: - no, then no appropriate assessment required - yes, then an appropriate assessment is required</p> | N |

| | <i>Using the Source – Pathway- Receptor model, please consider the following</i> | Y/N |
|-----------|---|------------|
| | - not sure, then an appropriate assessment is required in accordance with the precautionary principle | |
| 2 | DEVELOPMENTS OTHER THAN THOSE DESCRIBED IN 1 ABOVE | |
| 2a | <p>Impacts On Freshwater Habitats <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>Sites to consider: Lower River Suir, River Barrow, River Nore. (these sites also include many tributaries – check on NPWS website)</p> <p>Habitats to consider: 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>Species to consider: River Lamprey, Brook Lamprey, Freshwater Pearls Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, Vertigo Moulinsiana,</p> | N |
| 2b | <p>Impacts On Wetland Habitats <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>Sites to consider: Hugginstown Fen, Galmoy Fen, The Loughans, Flood Plain wetlands</p> <p>Habitats to consider: Bogs, Alkaline Fens (Hugginstown and Galmoy), Turloughs (The Loughans), wet grassland and Marsh (river floodplains)</p> | N |
| 2c | <p>Impacts on Intertidal and Marine Habitats <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>Sites to consider: Lower River Suir</p> <p>Habitats to consider: <i>Atlantic Salt meadows, Mudflats, sandflats, saltmarsh, estuary</i></p> <p>Species to consider: Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter.</p> | N |
| 2d | <p>Impacts On Woodlands And Grasslands <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>Sites to consider: Spa hill and Clomantagh Hill, Cullahil Mountain, River Barrow, River Nore, Lower River Suir</p> <p>Habitats to consider: <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>Species to consider: Greenwinged, Frog and Bee Orchids (Cullahill and Clomantagh Hill), Nettle Leaved Bellflower and Autumn Crocus</p> | N |
| 2e | <p>Impacts On Birds <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>Sites to consider: <i>River Nore</i></p> <p>Species to consider: River Nore: 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.

| | | |
|-----------|---|---|
| | Using the Source – Pathway- Receptor model, please consider the following- notwithstanding distance any direct link needs consideration | |
| 1. | Impacts on designated freshwater habitats (rivers, lakes streams and lagoons). <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 | N |
| 1.2 | Abstraction from surfacewater or groundwater within 1km of SAC/SPA. | N |
| 1.3 | Removal of topsoil within 100 m of watercourses with potential for surface water runoff. | N |
| 1.4 | Infilling or raising of ground levels within 100m of watercourses with potential for surface water runoff. | N |
| 1.5 | Construction of drainage ditches within 1km of SAC/SPA. | N |
| 1.6 | Construction within a floodplain or within an area liable to flood. | N |
| 1.7 | Crossing or culverting of rivers or streams within 1km of SAC/SPA. | N |
| 1.8 | Storage of chemicals hydrocarbons or organic wastes within 100 m of a watercourse. | N |
| 1.9 | Development of a large scale which involves the production of an EIS. | N |
| 1.10 | Development of quarries, particularly where abstraction is below water table. Provision of process water silt management systems | N |
| 1.11 | Development of windfarms within 1km of an SAC or with the risk of runoff to an SAC/SPA, particularly during construction. | N |
| 1.12 | Development of pumped hydro electric stations. | N |
| 2 | Impacts on designated wetland habitats (bog, heath, marsh, fen). <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. | N |
| 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) | N |
| 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. | N |
| 3 | Impacts on designated intertidal and marine habitats (mudflats, sandflats, estuaries, reefs and sea cliffs). <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 | N |
| 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. | N |
| 3.3 | Dredging within 5km of a Natura 2000 site whose qualifying features include intertidal or marine habitats. | N |
| 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. | N |
| 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. | N |

| | | |
|----------|---|---|
| 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. | N |
| 4 | Impacts on other designated woodlands and grasslands (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. | N |
| 4.2 | Development within 200m of Natura 2000 site with woodland or grassland habitats. | N |
| 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. | N |
| 5 | Impacts on birds in SPAs <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. | N |
| 5.3 | All construction works within 100m of SPA (River Nore), including the development of cycle ways or walking routes | N |
| 5.4 | Infilling of coastal habitats within 500m of intertidal SPA. | N |
| 5.5 | Works within 1km of coastal SPA which will result in discharges to rivers or streams that are directly connected to designated sites. | N |
| | | |

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. | N |
| Atlantic Salmon | River Barrow River Nore Lower River Suir | Activities that interfere with water quality, levels or the river bed; | N |
| River Lamprey | River Barrow River Nore Lower River Suir | Activities that interfere with water quality, levels or the river bed; | N |

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

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

(b) Describe any likely changes to the European site:

| | |
|---|------------------|
| <p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site | None anticipated |
|---|------------------|

| | |
|---|--|
| (c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? | |
| No | |

| Step 4: Habitats Directive Screening Conclusion Statement | | |
|---|-----------------------------|---|
| Conclusion: Appropriate Assessment Stage 2 not required | | |
| | Tick as Appropriate: | Recommendation: |
| (i) It is clear that there is no likelihood of significant effects on a European site. | √ | The proposal can be screened out: Appropriate assessment not required. |
| (ii) It is uncertain 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) Significant effects are likely. | <input type="checkbox"/> | <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission |
| Signature and Date of Recommending Officer:  | 12/04/2024 | |

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:

Single storey extension to the existing dwelling on the site to provide a 4-bedroom plus carer community dwelling and all associated site works including wastewater treatment upgrade at Scart, Dunbell, 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.

21st June 2024