



An
Bord
Pleanála

Inspector's Report ABP-319388-24

Development

Refurbishment and change of use of Hebron House (a protected structure) as hotel reception and ancillary rooms and extension to Hebron House for hotel, with associated site development works. A Natura Impact Statement accompanies this application.

Location

Hebron Road/N10, Blanchfieldsland, Kilkenny, Co. Kilkenny

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

2360131

Applicant

Salway Limited

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellants

John and Mary Gless.

Carina Curry

Observers

None.

Date of Site Inspection

11th October 2024.

Inspector

Peter Nelson

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	11
3.4. Third Party Observations	12
4.0 Planning History	13
5.0 Policy Context	15
5.1. Development Plan	15
5.2. Natural Heritage Designations	18
5.3. EIA Screening	18
6.0 The Appeal	20
6.1. Grounds of Appeal	20
6.2. Applicant Response	21
6.3. Planning Authority Response	23
6.4. Observations	23
7.0 Assessment	23
8.0 Appropriate Assessment	31
9.0 Recommendation	32
10.0 Reasons and Considerations	32
11.0 Conditions	33
Appendix 1 – EIA Pre-Screening	
EIA Screening Determination	

Appendix 2 – Appropriate Assessment Screening
Appropriate Assessment

1.0 Site Location and Description

- 1.1. The site is in the townland of Blanchfieldsland, to the east of Kilkenny City. The site is a corner site with the Kilkenny Ring Road (N10) to the west and the Kilkenny Link Road (N10) which connects to the M9 Motorway to the north. Access to the landholding is from a four-arm roundabout at the northern corner of the site.
- 1.2. The appeal site has a stated floor area of 7.30 hectares. The site is part of a larger landholding with a stated area of 16.429 hectares, owned by the applicant. This land is to the east and south of the application site. Most of the landholding is currently in agricultural use and is generally even.
- 1.3. The appeal site contains Hebron House, its outbuildings, remains of a walled garden and landscaped setting. Hebron House is a protected structure (Ref: B39) and is included in the National Inventory of Architectural Heritage (NIAH) where it is described as a detached five-bay two-storey over part raised basement farmhouse with dormer attic, extant 1773, on a rectangular plan. The dwelling is disused and in a very poor state of repair. The NIAH considers the building to be a farmhouse representing an integral component of the domestic built heritage of the outskirts of Kilkenny with gently rolling grounds and a stream-like tributary of the River Nore.
- 1.4. The site includes the Pococke River which flows in a north-south direction to the west of Hebron House. The river is a tributary of the River Nore, and a section of the site is included in the River Barrow and River Nore Special Area of Conservation. Part of the site is within an identified flood risk zone.
- 1.5. There is an existing trackway through the site to Hebron House and westward to the Kilkenny Ring Road. There are mature trees on the site and along the Pococke River. The trees and hedgerows have been identified on the Strategic Infrastructure Survey for Kilkenny City.
- 1.6. The site is visible from the surrounding roads and from the surrounding landscape to the south and east. A TII Maintenance Depot is located directly to the south of the site. The dwelling of one of the appellants is located to the north and on the other side of the of the Kilkenny Link Road. To the west of the site and on the other side of Kilkenny Ring Road is the Hebron Industrial Estate.

2.0 Proposed Development

- 2.1. The proposed development will comprise of a hotel, leisure centre and conference centre incorporating the refurbishment and change of use of Hebron House. Hebron House will be used as the hotel reception with meeting rooms. The proposed development will include a landscaped hotel parkland and an access road off the N10. The proposed hotel extension of Hebron House will provide a new two and three-storey hotel structure with 136 no. bedrooms, reception area, restaurant, bars, kitchen, staff room, toilets, service areas, meeting rooms and conference centre, fitness suite, plant rooms and storage rooms.
- 2.2. Within the grounds of the hotel, it is proposed to redevelop and landscape the existing walled garden and develop a landscape parkland along the Pococke River, including footpaths and cycle paths and a hotel car and bus park.
- 2.3. A new access road is proposed from the N10 roundabout into Blanchfieldslane which will provide access to the proposed hotel complex and future developments on the adjoining Business Park zoned lands which are in the same landholding and outlined in blue on the submitted site plan.
- 2.4. Other works will include the demolition of the existing outbuildings and sheds and the carrying out of all associated site development works, including a foul sewer pump station, storm drainage and attenuation, water services, ESB substation and lighting.
- 2.5. A Natura Impact Statement was included with the planning application.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 23rd May 2023 Kilkenny County Council requested the applicant to submit 27 no. points of Further Information relating to the following:
 - A Traffic Impact Assessment to address the traffic generation for the overall business park and hotel.
 - A DMURS Quality Audit for the proposed development.
 - A detailed parking assessment.

- Junction Sightlines, vehicle auto-track movements, cycle track, pedestrian/cyclist access across the N10 Ring Road, landowners' consent for works to be carried out and bicycle parking for the proposed development.
- Upgrade of the N10 Roundabout on the N10 Link Road.
- Pavement structure and drainage for the access road.
- Size of the watermain for the future development.
- Public lighting.
- Surface water run-off and reduction of the discharge to the Pockocke River.
- Site layout drawing showing the proposed layout of entire wastewater infrastructure, maintenance proposal for the swimming pool and leisure centre, confirmation of feasibility from Uisce Eireann for the proposed development, revised proposals to connect to the 6" main and separate drawings.
- Noise assessment of the proposed development and of the N10 on the proposed development.
- Resource Management Plan.
- Construction and Environmental Management Plan including a Traffic Management Plan.
- An asbestos survey for the buildings to be demolished.
- A light pollution survey.
- Clarification of the locations of the proposed retaining wall or any alterations to ground levels.
- An Archaeological Impact Assessment.
- , An Architectural Heritage Impact Assessment.
- Revised NIS to include the lighting proposals.
- Requirements of the National Parks and Wildlife Services.
- Revised drawings, submission of artist's renderings.

- Requirements from Inland Fisheries Ireland.
- Submission of a Tree Constraints Plan, Arboricultural Impact Assessment Protection Plan and Arboricultural Method Statement.

3.1.2. On the 8th January 2024 the Kilkenny County Council required the applicant to publish and erect public notices of the submission of Significant Further Information.

3.1.3. On the 29th February 2024, Kilkenny County Council granted permission for the proposed development subject to 25 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the first planner's report signed the 23rd May 2023 can be summarised as follows:

- The Environment Section require further information in relation to surface water, wastewater, noise, dust, waste, asbestos and lighting.
- The submitted Flood Risk Assessment recommends that landscaping does not involve ground infilling or level raising including paths.
- The Roads Section consider that the development may be premature in the absence of an overall strategy and masterplan for the business park zoned lands. In the event of further information, the Roads Section have a number of items to be addressed.
- Notes that a tree condition survey and report has been submitted and it is proposed to remove 26 of the 37 trees surveyed on site.
- Full extent and type of the boundary treatments should be shown on a revised site layout plan.
- Notes the report from the National Monuments Section
- Notes the Conservations Officers report which requires further information.
- Notes the report from the National Parks and Wildlife Service

- The Ecological Report and NIS are required to be revised to assess the potential impacts from the proposed lighting of the pedestrian/cycling link along the north of the site.
- Notes the report of the Parks Section.
- Notes the submission from Inland Fisheries Ireland.
- After a preliminary examination it is concluded that an EIAR is not required.
- The results of stated surveys are required to assess the potential impact of the of the proposed development on Natura 2000 sites.
- Notes that letters of consent have been submitted to from the landowners that have agreed a contract for the applicant to purchase the lands.
- Recommends that the applicant submits 27no. points of Further Information.

The main points of the second planner's report signed the 28th February 2024 can be summarised as follows:

- Notes the response from the Roads Section on the Further Information submitted which finds the development acceptable subject to conditions.
- Notes that the watermain design was revised in consultation with Uisce Eireann and that a letter confirming the feasibility of the proposed water main network to service the entire landholding was received.
- Notes that a Preliminary Stage Mobility Management Plan was submitted.
- Notes the submission of an updated site public lighting design and layout.
- Notes the proposed a reduction of over 50% in the greenfield runoff rated for the proposed site.
- Notes the letter from Uisce Eireann confirming the feasibility of the proposed foul and foul and watermains.
- Notes the submitted noise impact assessment report and states that the planning authority considers that any undue noise impact can be further conditioned.
- Notes the submission of a Resource Waste Management Plan.

- Notes the submission of a Construction and Environmental Management Plan including a Construction Traffic Management Plan and an Operational Waste Management Plan which will be conditioned to be revised and maintained.
- Notes that the Asbestos Survey submitted states that no asbestos containing material was found.
- Notes the revised design of the proposed development to reduce the size of the lower ground floor leisure centre and the ground floor conference hall/function room which will reduce the building footprint so that the proposed retaining wall is outside the flood risk area.
- Notes the submission of an Archaeological Impact Assessment.
- Note the Conservation Officer's comments that the car parking can be screened with appropriate landscaping.
- Notes that no lighting is now proposed to the pedestrian routes through the parklands areas of the Pococke River.
- Notes proposals showing compliance with the National Parks and Wildlife requirements.
- Notes the corrected and revised drawings and the submission of artist's renderings.
- Note the Method Statement detailing the proposed riparian works and river crossings and the Method Statement detailing the proposed Horizontal Directional Drilling of the Pococke River.
- Notes the submitted tree survey with the indicated root protection areas.
- Notes that the NIS has been updated and surveys have now been included and considered that subject to the mitigation measures proposed that there will be no significant impact on the River Nore/River Barrow Natura 2000 sites.
- Concludes that the proposed development can be undertaken in accordance with the principles of proper planning and the environment and without impacting the amenity of the neighbouring areas and recommended permission be granted.

3.2.2. Other Technical Reports

- Environment

Report dated the 22nd May 2023 recommends the applicant submit Further Information.

- Roads Department

Report dated 22nd May 2023 recommends the applicant submit Further Information.

Report dated 2nd February 2024 recommends the attachment of conditions.

- Conservation Officer

Report dated 5th May 2023 recommends the applicant submit Further Information.

Report dated 19th February 2024 recommends the attachment of conditions.

- Parks Department

Report dated the 22nd May 2023 recommends the applicant submit Further Information.

- Chief Fire Officer:

Report dated the 17th April 2023 states the development will require the benefit of a Fire Safety Certificate before works commence.

- Water Services Section

Report recommends the attachment of conditions.

3.2.3. Conditions

The planning authority attached 25 no. conditions to the grant of permission.

Conditions of note include:

Condition No.22 related to a potential increased length stacking lane along the spine road on the approach to the roundabout to increase capacity for traffic intending to access the M9 Motorway. This design review is to be carried out at detailed design

stage and agreed with Kilkenny County Council prior to the commencement of development.

Condition No.23 requires the applicant to submit and agreed with the Council and in consultation with TII, the detailed design and layout of the proposed amendments to the N10 Ring Road junctions to cater for the proposed development, the overall business park, and the proposed spine road.

Condition 24 requires the agreement of a repair methodology and specification for the 3-span masonry arch bridge, and the garden wall.

If the Board is minded to grant permission, I recommend that these conditions be attached with No. 22 and No. 23 combined.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage:

National Monuments Section

Report dated the 3rd May 2023 recommend that the applicant submit further information relating to Archaeology and recommend conditions in relation to Nature Conservation.

National Parks and Wildlife Service

Report dated the 15th February 2024 recommended conditions be attached to a grant of permission.

Inland Fisheries Ireland

Report dated the 21st February 2024 includes measures to be undertaken during construction.

Uisce Eireann.

Report dated 22nd May 2023 recommended conditions be attached to a grant of permission.

An Taisce

Report dated the 3rd May 2023 raises concerns regarding the amount of parking in front of the proposed hotel. Also states that there is a need to connect pedestrian and cycle links across the ring road to the city centre.

3.4. Third Party Observations

3.4.1. Five third party submission were received. The main points raised can be summarised as follows:

- Potential for loud noise from hotel events, including traffic up to 2am.
- Recommendation that the developer upgrades a third party's home to reduce noise impact.
- Impact from construction noise.
- The surface at the entrance to the link road to be even and level to allow for farm machinery.
- Access to farmlands would be maintained during construction.
- The proposed development would be a positive and welcome addition to the area.
- Would like to have seen the proposed foul sewer layout included as part of the applicant's submission.
- Requests an Environmental Impact Assessment (EIA) screening determination and an Appropriate Assessment screening determination for the development.
- Kilkenny County Council should make a declaration under Section 57 of the Planning and Development Act 2000 about the structure and its curtilage prior to the application.
- An Ecological Impact Statement should be undertaken.
- The mitigation measures contained in the NIS cannot be accurate as a survey has not been undertaken.
- Pearl Mussels have been identified in the River Pococke which is an important Salmonid River

- Application should not be approved until such time as the water quality in the River Pocke is restored to good ecological status and that the conservation of the species be factored into the planning process.

3.4.2. One submission was received after the submission of Further Information. The points raised can be summarised as follows:

- Concerns relating to potential impact of loud noise from the hotel late at night on local residents.
- Concerns relating to the noise impact from construction.
- Lack of detail relating to noise management and the use of the outdoor terraces.
- Necessity for noise sound proofing works to a local dwelling.

4.0 Planning History

ABP. Ref: 313063: Demand Confirmed on the 29th August 2023 on appeal against demand for payment of vacant site levy.

P.A. Ref: 11/409

Outline permission refused on the 3rd October 2011 for the construction of new Motorway Services Site comprising of (1) New Access Road from existing roundabout (2) New service station and forecourt, convenience store with off-licence, deli with sit down cafe ,office and toilets (295 sq. m. approx.), car wash and truck fuelling facility & (3) New drive-thru restaurant and associated store office and toilets (345 sq. m. approx.).

Permission was refused for the following reasons:

1. *Part of the subject site is located within the River Nore candidate Special Area of Conservation (cSAC site code 2162; Natura Site) and consequently in accordance with the European Union (Natural Habitats) Regulations 1997 and the EU Habitats Directive (92/43/EEC) an Appropriate Assessment is required for the proposed development. In the absence of an Appropriate*

Assessment or Natura Impact Statement, a grant of permission for the proposed development would be premature which would be contrary to the proper planning and sustainable development of the area.

2. *By virtue of the location of the proposed development proximate to the roundabout on the N10 Motorway Link, and to the proposed layout and design of the internal access road, it is considered that the proposed development as a stand alone development at this location would adversely affect the optimum road infrastructure for the future development of the business park zoned lands at this location. A grant of permission would be premature pending the determination of a road layout for the area which would be contrary to the proper planning and sustainable development of the area.*
3. *Having regard to the proximity of the proposed development to Hebron House, a Protected Structure, it is considered that in the absence of an Architectural Heritage Impact Assessment, a grant of permission is premature.*

P.A. Ref: 10/533

Permission was refused on the 1st November 2010 for the extension of duration of planning permission P.A. Ref: P.04/1953, for the following reason:

'The subject site on which planning permission P.04/1953 was granted is located within the River Barrow and River Nore candidate Special Area of Conservation (cSAC Code 002162) and Natura 2000 European Site. It has been a legal requirement in Ireland to carry out an Appropriate Assessment of any project which affects a candidate SAC/Natura 2000 site since the European Union (Natural Habitats) Regulations were made in 1997, on foot of the EU Habitats Directive (92/43/EEC). An Appropriate Assessment was not carried out before planning permission P.04/1953 was granted. Therefore, the requirement of Section 28(1)(a)(ii) of the Planning and Development (Amendment) Act 2010, in particular subsection (IV), has not been satisfied and in this regard the Planning Authority is

precluded from extending the duration of permission in accordance with the provisions of the Planning and Development Acts 2000-2010.'

P.A. Ref: P.04/1953

Permission was granted on the 18th October 2005 for a new development at Hebron House (which is listed as a protected structure in Kilkenny County Council Development Plan - ref: C475), consisting of: (a) Restoration and refurbishment of Hebron House for Hotel use also involving the demolition of existing sheds and derelict out-buildings. Restoration of existing walled garden. Relocation of existing entrance gates and piers. (b) New Hotel with 208 bedrooms and 10 no. suites in 4 storey block, Bar, Dining Room, Reception, Administration, Kitchen, staff and store rooms, (c) New Conference Centre, Exhibition Room, 8 No. Meeting Rooms, Gallery, Bar and Toilets, (d) New Leisure Centre, Swimming Pool and Gym, (e) New Entrance from Hebron Road, (f) New estate road, internal road and footpaths, (g) New ESB Sub-station and sewerage pumping station, (h) Associated site development works, landscaping and car-parking. This permission was subjected to 26 no. conditions. This permission has expired.

5.0 Policy Context

5.1. Development Plan

The Kilkenny City and County Development Plan 2021-2027 is the operational plan for the area.

This plan came into effect on the 15th October 2021.

Zoning

Two zonings designations relate to the site.

The area to the west that includes the Pocke River is Zoned for **Amenity/Green Links/Biodiversity Conservation/Open Space Recreation**.

The objective of this zoning is *‘To allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space.’*

Permitted uses on this zoning are: *Open space, sports clubs, recreational buildings, stands, pavilions, agricultural uses, halting site, and public service installations.*

The rest of the site is zoned for **Business Park**.

The objective of this zoning is *‘To provide for commercial activity including industry, information technology-related industrial and office development and ancillary services and retail warehousing.’*

Permitted uses are: *Car park, park and ride facility, childcare facility, community facility, enterprise centre, funeral home, light industry, medical and related consultants, office based industry, science and technology based industry, car showrooms, local convenience shop of not more than 100m2 (gross), automated teller machines, restaurant, conference facilities, public service installations, hotel, warehousing, including retail warehousing’*

Development Plan Objectives Volume 1

- 5C** To continue to develop sustainable high quality tourism, leisure and complementary activities for the City & County with the key stakeholders enhancing the position of Kilkenny as a Hero site within Ireland’s Ancient East branding.

5.3. Tourism, Creative Industries and Services

The Council will continue the development of major flagship tourism projects within the county to enhance the tourism product and will develop Kilkenny City and County as a leading tourism destination through continued sustainable expansion of the tourism sector, with a focus on creating high-quality visitor services and the continued development and enhancement of visitor attractions and activities, capitalising on our natural and cultural heritage assets, whilst safeguarding these resources for future generations.

9.3 Built Heritage

The Council will encourage the sensitive redevelopment and / or return to suitable use, of derelict, vacant or redundant buildings, in appropriate locations in order to

provide for visitor accommodation and tourism development, while having regard to ecological constraints and architectural heritage requirements.

It is Council policy to ensure the protection of architectural heritage by including all structures considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in the Record of Protected Structures.

10.2.6.1 Flood Management

It is Council policy to adopt a comprehensive risk-based planning approach to flood management to prevent or minimise future flood risk. In accordance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities, the avoidance of development in areas where flood risk has been identified shall be the primary response. The Council will ensure that new developments do not reduce the effectiveness or integrity of any existing or new flood defence infrastructure, and will facilitate the provision of new, or the reinforcement of existing, flood defences and protection measures where necessary.

Development Plan Objectives Volume 2

- C3G** To ensure that an adequate quantity and range of land is available for enterprise development and that the appropriate infrastructure is provided.
- C5S** To develop a link road from the roundabout at Blanchfieldslands on the N10/motorway access roundabout to the old Dublin Road (R712) in conjunction with TII.
- C5R** To develop and agree an appropriately planned policy response to access the N10 roundabout at Blanchfieldslands near Hebron House in Kilkenny City.
- R9** To progress the planning and development of a route connection from the Hebron Business Park to the N10 and the R712 via R8 and to reserve this route free from development.
- R10** To provide a second entrance to the Hebron Business Park from the Hebron Road.

5.2. Natural Heritage Designations

A section of the site adjacent to the Pococke River is within the River Barrow and River Nore Special Area of Conservation. (Site Code 002162)

The River Nore Special Protection Area (Site Code 004233) is a direct distance of 1km and a fluvial distance of 1.9km from the site.

5.3. EIA Screening

5.3.1. Pre-Screening for Environmental Impact Assessment

Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations), and section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), identify classes of development with specified thresholds for which EIA is required.

I identify the following classes of development in the 2001 Regulations as being of relevance to the proposal:

Class 10(b) relates to infrastructure projects that involve:

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

Class 12(c) Hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.

The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or 12 (c) of the 2001 Regulations.

As such, the criteria in Schedule 7 of the 2001 Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA. The criteria include the characteristics of the project, the location of the site, and any other factors leading to an environmental impact.

5.3.2. Screening Determination for Environmental Impact Assessment

The applicant has submitted an Environmental Impact Assessment screening report (EIASR) with the application addressing issues included for in Schedule 7A of the 2001 Regulations.

Based on the criteria in Schedule 7 of the 2001 Regulations, I have carried out an EIA screening determination of the project (included in Appendix 1 of this report). I have had regard to the information provided in the applicant's EIASR and other related assessments and reports included in the case file. I concur with the nature and scale of the impacts identified by the applicant and note the range of mitigation measures proposed. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment.

I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

This conclusion is based on regard being had to:

1. The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(iv) and Class 12(c) of the Planning and Development Regulations 2001, as amended.
2. The location of the site on lands zoned lands, the criteria set out in Schedule 7, in particular the nature and scale of the proposed hotel development, in an area served by public infrastructure the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone.
3. the results of other relevant assessments of the effects on the environment submitted by the applicant the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

6.0 The Appeal

6.1. Grounds of Appeal

Two appeals have been received.

6.1.1. The main points of the appeal from John and Mary Gleeson can be summarised as follows:

- The lack of acknowledgement and resolution of previously submitted concerns contained in observations on the planning file.
- Concerns relating to adverse effect on their health, well-being, and quality of life.
- Anticipated noise pollution resulting from events such as weddings and entertainment activities, particularly late into the night.
- Concern over noise impact from outdoor terraced areas.
- Concerns relating to the management of traffic and parking in the vicinity of their premises.
- It is imperative that the Environmental Protection Agency (EPA) Noise Legislation and Guidelines are adhered to prevent undue noise impact on residents.

6.1.2. The main points of the appeal from Carina Curry can be summarised as follows:

- The development could be a positive addition to the area however there is no indication of what the surrounding lands are to be used for.
- Without this information development on the surrounding lands could be detrimental to the preservation of the Pococke River and the Special Area of Conservation.
- This information is critical to determine the future noise levels in the vicinity of the overall development.
- The potential for significantly increased sounds levels that will emanate from the hotel, particularly at nighttime.

6.2. Applicant Response

The main points of the applicant's response dated the 15th April 2024 can be summarised as follows:

Response to John and Mary Gleeson's Grounds of Appeal

- The appellants' home is located c.260m to the northeast of the proposed hotel on the opposite site of the N10.
- Their house is buffered from traffic by a raised roadside embankment, trees, and hedge rows.
- Their house gable faces the proposed hotel and has no windows.
- Their objection on file recommended that the developer carry out sound insulation works to their dwelling.
- Requests the Board to use Section 138(1) of the Act to dismiss the appeal as the appellants are not entitled to appeal for the purposes of securing payment of money, gifts consideration or other inducement. That would appear to what the appellants are seeking.
- Condition No.6 restricts noise levels during construction and during the operation of the hotel.
- The noise impact assessment has predicated noise levels at the appellants home of 19dB (A) from the building and plant and a maximum of 31db(A) from wedding events. These are below the permissible nighttime noise limits.
- A noise buffer to the appellants' property was constructed at the time of the development of the N10 link road to the N9 as a mitigation to protect the appellant's property from traffic noise.
- The Environmental Protection Act 1992 (Section 107) empowers the Environment Section of Kilkenny County Council to serve notice on the operator of any premises to prevent or limit noise.
- Any individual can also make a complaint under the Act to the District Court, therefore there are ample safeguards in place.
- The application was accompanied by a series of traffic studies and a Road Safety Audit which were considered acceptable to the Roads Designing Section of the Council.

- The appellants' home is accessed off the L2627 to the north of the N10. The proposed development will have no impact on their property.

Response to Carina Curry's Grounds of Appeal.

- The appellant lives in New Ross County Wexford and has not explained her interest in the development.
- The sole issue of her original submission on the application related to a foul sewer layout. This was included in the further information submission.
- Her appeal observations relate to the lack of indication of what the lands surrounding the applicant site will be used for and the potential impact on the river and SAC.
- These issues were not raised in the appellant's original submission.
- Requests the Board to use Section 138(1) of the Act to dismiss the appeal on the basis that it is vexatious, frivolous, and/or without substance and/or foundation.
- The applicant has no immediate plans for other developments in the vicinity, although the proposed plans include the road infrastructure to open up the development potential of zoned neighbourhood lands that is not in the applicant's ownership.

Other Observations.

- It is considered that the planning authority's assessment of the planning application was thorough and well informed by referral response and feedback from statutory bodies.
- The need for an EIA was correctly screened out and the Appropriate Assessment concluded that subject to mitigation measures the development would not have adverse impacts on any European Habitat site.
- As the protected structure has been left to deteriorate over the years the proposed development will guarantee its future and retention as part of the city's heritage.

6.3. Planning Authority Response

The main points of the planning authority's response to the appeal, dated the 22nd April, 2024 can be summarised as follows:

- A detailed noise impact assessment was submitted for assessment in response to a further information request.
- The measured noise level at the nearest noise sensitive proposed was in the range of 44-46 Laq₉₀ .
- The operational phase of the development has been conditioned to limit noise at the nearest sensitive location to that at the midpoint of the measured range.
- The application is on a suitable zoned land and previously a similar development was granted permission.
- The issues raised by the objectors have been dealt with.

6.4. Observations

- None

7.0 Assessment

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

- Validity of the Appeals
- Zoning and Planning Policy
- Residential Amenity - Noise
- Biodiversity: Impacts on the Pococke River and the SAC
- Biodiversity: Bats

7.2. Validity of the Appeals

- 7.2.1. The applicant's appeal response contends that John and Mary Glesson are appeal for the purposes of securing payment of money, gifts, considerations or other inducements as they are seeking a range of home improvements works that are unrelated to the proposed development. The applicant therefore requests the Board to use its powers under Section 138(1) of the Planning and Development Act to dismiss the entire appeal.
- 7.2.2. The John and Mary Glesson concerns relating to the proposed development relate to anticipated noise pollution resulting from the events such as weddings and entertainment activities particularly into the night. I consider that the issue of noise from the proposed development is a valid planning concern. The issues of a reduction in residential amenity due to noise from the proposed development is dealt with below.
- 7.2.3. I acknowledge that reference is made in the appeal to the specific recommendations in the appellant's submission including the installation of soundproofing measures such as triple glazing, solid doors and insulation, to reduce the impact of noise pollution on their property. In their submission the appellant's state that they *'believe that the developer have a duty of care to mitigate any potential negative impacts that this development may have on our health and wellbeing.'* I also consider the request for the works to their house is a result of the perceived impact of the proposed development on their residential amenity. I therefore do not consider that the appeal from John and Mary Glesson is for the purposes of securing payment of money, gifts, considerations or other inducements.
- 7.2.4. The applicant also requests that the Board consider using its power Under Section 138(1) of the act to dismiss the appeal from Carina Curry on the basis that it is vexatious, frivolous, and/or without substance and/or foundation. The grounds of appeal relate to the lack of information indicating the use of the lands surrounding the proposed hotel and future noise levels. The appellant considers the *'absence of such context and information for such a large site could well end up being detrimental to the future welfare and preservation of the Pococke River and the Special Area of Conservation within the confines of this site.'* While I recognise that Carina Curry did not raise these issues in her submission on the planning application, I consider that this is a valid planning issue and will be dealt with below.

- 7.2.5. I consider that the applicant has supplied inadequate evidence to prove that the two appeals are vexatious, frivolous, and/or without substance and/or foundation or are for the purposes of securing payment of money, gifts, considerations, or other inducements. I consider that the issues raised in the appeals are valid planning concerns and therefore I recommend that the Board does not use its absolute discretion to dismiss the appeals.

7.3. Zoning and Planning Policy

- 7.3.1. There are two zonings on the site, Business Park and Amenity / Green links/Biodiversity conservation/ Open Space/Recreation.
- 7.3.2. The objective of the Amenity / Green links/Biodiversity conservation/ Open Space/Recreation Zoning is 'to allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space'. No buildings or parking are proposed on this zoning. It is proposed to develop a landscaped parkland along the Pococke river, including footpaths and cycleways for this area. I note that this area is to be open to the public.
- 7.3.3. In the Business Park zoning Hotel use is a permitted use. I consider that the use of Hebron House and these lands in this location for hotel is an acceptable use of this land.
- 7.3.4. Section 9.3 : Built Heritage of the Kilkenny City and County Development Plan Volume 1 states that the Council will encourage the sensitive redevelopment and / or return to suitable use, of derelict, vacant or redundant buildings, in appropriate locations in order to provide for visitor accommodation and tourism development, while having regard to ecological constraints and architectural heritage requirements.
- 7.3.5. Hebron House a protected structure, is in a poor condition and has been vacant since 1998. It is proposed to retain the main house and extended the building to create 136 no. bedrooms, with conference and leisure facilities. While I note that the outbuildings are to be demolished, it is proposed to reinstate and conserve the walled garden.

- 7.3.6. I note that after the submission of further information, the local authority's conservation officer in their report dated 5th May 2023 had no objection to the proposed development.
- 7.3.7. I consider that the proposed hotel development is an acceptable use of the protected structure as it will ensure its preservation and continued use of Hebron House.

7.4. Residential Amenity – Noise

- 7.4.1. As stated above the appeal from John and Mary Gleeson raises concerns relating to the impact of noise on their residential amenity, especially noise emanating from the outdoor spaces. They consider it imperative that the Environmental Protection Agency (EPA) Noise Legislation and Guidelines are adhered to and that robust measures are put in place to mitigate the adverse impacts of noise pollution on neighbouring residences.
- 7.4.2. The appeal from Carina Curry considers that the local authority did not fully address the issue of significant increased sound levels that will emanate from the hotel, particularly at night.
- 7.4.3. Carina Curry has concerns that the potential development of adjoining lands has not been taken into account when dealing with the noise impact on the area. While the proposed application includes for a road to access the adjoining lands this application is for the development of a hotel. The adjoining lands are zoned for Business Park use and proposed road infrastructure will open up the development potential of the zoned neighbourhood lands. Any development of these lands will be subject of future planning applications. Any cumulative impacts with the proposed hotel development will be assessed at that stage.
- 7.4.4. After a request from the Kilkenny County Council the applicant submitted a Noise Impact Assessment. Two separate environmental noise monitoring surveys were conducted in order to quantify the ambient external noise environment in the vicinity of the nearest noise sensitive receptors and to quantify the ambient external noise environment in the vicinity of the proposed development in order to assess the inward noise impact of the N10 national road system and other sources on the proposed development itself. For the outward noise impact assessment two

measurement location were selected one of which was John and Mary Gleeson's dwelling which is approximately 250m from the proposed hotel building. The N10 Kilkenny Link Road is between the proposed hotel and the appellant's dwelling. There also appears to be a natural sound bund and tree planting between the N10 and the appellants' land that was constructed in conjunction with the N10.

- 7.4.5. For the inward noise impact survey, the levels measured during the morning and evening rush hour periods were averaged together to determine a 'worse case' average for daytime and level measured during the early night time period were used to do the same for the night. The average inward daytime noise levels were 54 dB $L_{Aeq, 16hr}$ and average night-time noise levels was 46 dB $L_{Aeq, 16hr}$.
- 7.4.6. The Outward Noise Impact Survey noted that daytime noise levels on the site were in the range of 59 to 60dB L_{Aeq} and of the order of 50dB L_{A90} . The daytime noise levels were in the range of 49 to 52dB L_{Aeq} and of the order of 44 to 46dB L_{A90} .
- 7.4.7. The Noise Impact Assessment considered four principal sources that were identified as being associated with the proposed development. There are: Building Service Plant, Wedding Receptions, Car Parking and Additional Vehicular Traffic on Public Roads.
- 7.4.8. The total level of combined noise emission from the proposed development noise sources was determined by summing together all their individual contributions. The total levels of each noise source were summarised and totalled as shown in the table below.

Noise levels	Noise Level Emissions (dB L_{Aeq})			
	Dwelling to the Northeast (Appellants' Dwelling)	Millennium Dwellings	Commercial /Retail Building to East)	Motorway Maintenance Depot)
Building Services Plant	19	15	20	24
Wedding Reception (Live Band)	31	27	32	36

Car Parking on Site	22	20	23	27
Additional Vehicular Traffic	Negligible			
Cumulative Noise Level	32	28	33	37

- 7.4.9. The Noise Impact Assessment Report compared the cumulative noise level with the established project noise emission criteria. The noise emission criteria at residential dwellings contained in BS 8233 (2014): *Guidance on Sound Insulation and Noise Reduction for Buildings* has been used.

The table below shows the results.

Location	Predicated Noise Level Range	Noise Emission Criteria	Compliant
Dwelling to the Northeast (Appellants' Dwelling)	32 dB LAeq	50 dB LAeq / 45 dB LAeq	Yes
Millennium Court Dwellings	28 dB LAeq		Yes
Commercial/Retail Building to East	33 dB LAeq	60 dB LAeq	Yes
Motorway Maintenance Depot	37 dB LAeq		Yes

- 7.4.10. The report also states that predicted noise levels for the surveyed residential dwellings including the appellants' dwelling of 28 -32 dB LAeq, 16hr is below the measured ambient noise level range.

- 7.4.11. In addition to this the report recommends two mitigation measures to limit the noise impact on the surrounding residential properties. These mitigation measures are as follows:

- All building services plant shall be selected to have a maximum cumulative sound pressure level of 65 dB L_{Aeq} at a distance of 1m from any of the proposed development building facades.
- Adopt a management policy to ensure that all external doors are closed during live band or DJ performances.

7.4.12. I am satisfied that the Noise Impact Assessment Report was prepared in line with current practice and provides adequate assessment of the noise impact on the surrounding properties from the proposed hotel development. Taken into account the findings of the Noise Impact Assessment Report and the proposed mitigation measures I consider that the proposed noise levels will not be seriously injurious to the residential properties in the area including the property of John and Mary Gleeson.

7.4.13. If the Board is minded to grant permission, I recommend that condition be attached regulating the noise level from the proposed development.

7.5. Biodiversity: Impacts on the Pockocke River and the SAC

7.5.1. The appeal from Carina Curry states that the applicant has not submitted any indication of what the lands are surrounding the proposed hotel will be used for and in the absence of such context the development of such a large site could end up being detrimental to the future welfare and preservation of the Pockocke River and the Special Area of Conservation (SAC). As stated above any development outside the appeal site would be subject to future planning applications.

7.5.2. The impact of the proposed development on the River Barrow and River Nore SAC has been subject to an Appropriate Assessment in Section 8 of this report.

7.5.3. A Construction Environmental Management Plan Preliminary Ecological Appraisal, Ecology Survey Report, Site Specific Flood Risk Assessment, Method Statement for Riparian Works and River Crossings, and Method Statement for Horizontal Directional Drilling below the River Pockocke. The application also includes a report which demonstrates how the proposed development at Hebron House aligns with the (2020) guidance provided by the Inland Fisheries Ireland for the planning for watercourses in the urban environment. The Method Statement for Riparian Works

and River Crossings and Method Statement for Horizontal Directional Drilling below the River Pococke provide a series of mitigation measure to minimise interference and disturbance to the River Pococke.

- 7.5.4. I consider that that, subject to carrying out the mitigation measures proposed in the above documents and in the NIS that the proposed development will not have a significant negative impact on the Pococke River or would not adversely affect the integrity of River Barrow and River Nore SAC.

7.6. Biodiversity: Bats – New Issue

- 7.6.1. The bat survey contained with the Ecology Survey Report (Ecofact, 2023) submitted as Further Information confirmed the presence of roosting bats in Hebron House. The impact to bats and proposed mitigation measures have been dealt with in the CEMP. The location of roost within the building is not known however Ecofact concluded that the roosts are only utilised by non-breeding bats. It was also noted that the outbuildings provide suitable roosting habitat, but stated no bats were roosting at the time of the survey.
- 7.6.2. The CEMP recognises that the building cannot be ruled out for hibernation roosts. The proposed development includes the demolition of the outbuilding and the refurbishment of Hebron House. It is proposed to identify the precise location of the roots prior to the commencement of works. The CEMP recommends further emergence surveys for both the main house and outbuildings which may be supplemented by infrared cameras.
- 7.6.3. The CEMP recommend that before the commencement of refurbishment or demolition, alternative roosting habitat in the form of bat boxes should be installed. Any works to roosts are to be subject to the granting of a licence form the National Parks and Wildlife Service (NPWS). The type of bat boxes provided will be appropriate to the species.
- 7.6.4. The Ecology Survey noted the presence of roosting bats in mature trees on the site. It is proposed that all mature tress proposed for felling will be subject to a Potential Roost Feature Survey in advance of site works. If bat roosts are confirmed a derogation licence would be required. If not, the CEMP recommends that in order to

offset the loss of potential roosting habitats, bat roosting boxes will be fixed to existing trees that are proposed for retention under the supervision of a suitably experienced bat ecologist.

- 7.6.5. As the location of roosts within the building is not known I consider that the recommendation for further surveys before the application for derogation licence to be appropriate. I also consider that the mitigation measures proposed will reduce the impact on bats in the area. If the Board is minded to grant permission, I recommend that a condition be attached requiring the mitigation measures contained in the Construction Environment Management Plan to be carried out.

8.0 Appropriate Assessment

Appropriate Assessment Screening

- 8.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information
- 8.2. I conclude that the proposed development is likely to have a significant effect on the Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachium* vegetation, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, Desmoulin's whorl snail, Freshwater Pearl Mussel, Nore Pearl Mussel, White-clawed Crayfish, Sea Lamprey, Brook Lamprey, River Lamprey, Salmon, and Otter of the River Barrow and River Nore SAC and Kingfisher of the River Nore SPA 'alone' in respect of effects associated with Surface Water Contamination, Habitat Loss (Sedimentation & Bankside Earthworks) and Spread of Invasive Species.
- 8.3. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

Appropriate Assessment

- 8.4. In carrying out an Appropriate Assessment (Stage 2) of the project, I have assessed the implications of the project on the River Barrow and River Nore SAC and River Nore SPA in view of the sites' conservation objectives. I have had regard to the applicant's Natura Impact Statement and all other relevant documentation and

submissions on the case file. I consider that the information include in the case file is adequate to allow the carrying out of an Appropriate Assessment.

- 8.5. Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of River Barrow and River Nore SAC and River Nore SPA in view of the sites' conservation objectives and qualifying interests.
- 8.6. This conclusion is based on:
- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of River Barrow and River Nore SAC and the River Nore SPA.
 - An assessment of in-combination effects with other plans and projects including historical and current plans and projects.
 - No reasonable scientific doubt as to the absence of adverse effects on the integrity of River Barrow and River Nore SAC and the River Nore SPA.

9.0 Recommendation

Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the Business Park and Amenity/Green Links/Biodiversity Conservation/Open Space Recreation zoning objective for the area and to the policies and objectives of the Kilkenny City and County Development Plan 2021-2027 , it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or residential amenity of property in the vicinity, would not be seriously harmful to the architectural character of Hebron House, a protected structure and would not give rise to any significant impacts on the natural heritage of the area or affect the

integrity of any European Site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 11th day of December 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

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

Reason: In the interest of the visual amenity of the area and to protect the setting of Hebron House.

4. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB L_{Afmax}, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest dwelling.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
- (b) All windows and roof lights shall be double-glazed and tightly fitting.
- (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for

service connections to the public water supply and/or wastewater collection network.

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

7. The mitigation measures relating to bats proposed in the Construction Environmental Management Plan (CEMP) shall be implemented in full.

Reason: To reduce or compensate for potential impact of development on the protected species.

8. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit an updated Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of residential amenities, public health and safety.

9. Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All

records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

10. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. [specify, as appropriate, following consultation with the Local Authority Archaeologist or the National Monument Service (NMS)]. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation].
The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest

11. A full architectural and photographic survey of all the outbuildings or elements of buildings proposed for demolition shall be carried out, and drawings and photographs indicating details of these buildings, to a scale acceptable to the planning authority, shall be submitted to the planning authority prior to the commencement of development. Two copies of this record shall be submitted to the planning authority prior to the commencement of development.

Reason: In order to facilitate the preservation by record and/or recording of the architectural heritage of the site.

12. A repair methodology and specification for the 3-span stone bridge, and the wall garden shall be submitted to the planning authority for the walled garden shall be submitted to the Planning Authority for written agreement prior to the commencement of the works.

Reason: In the interest of the protection of the architectural heritage of the site

13. The landscaping scheme shown on drawing number 7793/PHL/GA/ZZ/DR/L/1000/3, as submitted to the planning authority on the 11th day of December 2023 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of

similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

14. (a) The applicant shall submit and agree the detailed design and layout of the proposed amendments to the N10 Ring Road junction to cater for the proposed development, the overall business park and the proposed spine road, with Kilkenny Council in consultation with TII, prior to commencement of development works. The design shall be carried out in accordance with the requirements of the TII Design Manual for Roads and Bridges (DMRB) and the Design Manual for Urban Roads and Street (DMURS) and shall be subject to a Road Safety Audit. The length of two lane stacking at the roundabout exit shall facilitate the movement of traffic and to minimise potential queuing on the spine road. The design shall also consider the impact on the existing safety barriers kerb-lines, splitter islands, signage, drainage, services and boundary treatment. The design shall also take into consideration the layout and position of the two existing agricultural entrances on the access road in close proximity to the roundabout.

(b) The applicant shall submit and agree the detailed design, extent, cross section and layout of the spine road with Kilkenny Council, prior to commencement of development works. The design shall be carried out in accordance with the requirements of the TII Design Manual for Roads and Bridges (DMRB), the National Cycle Manual and the Design Manual for Urban Roads and Street (DMURS) and shall be subject to a Road Safety Audit. The vertical profile of the road shall be redesigned to provide adequate longitudinal drainage profiles (Ref Issue 3.17 of DMURS Audit). Appropriate pedestrian and cycling crossing points shall be identified and detailed for agreement.

(c) The applicant shall submit and agree the detailed design of the proposed 4.0m wide shared cycle-track with the Kilkenny Municipal District Office and the Active Travel Office of Kilkenny County Council. Details of the interface

with the N10 Ring at the Hebron Road Roundabout and across the existing Pococke bridge structure shall also be agreed. The cycle track shall also have an adjacent segregated pedestrian facility provided.

(d)The applicant shall incorporate the recommendations of the submitted DMURS Quality Audit into the detailed design of the proposed development.

(e)The applicant shall carry out a Stage 3 Road Safety Audit of the development and spine road on completion of the works and to carry out the agreed recommendations of the Audit, which shall be funded by the developer.

Reason: In the interest of traffic safety and orderly development

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Peter Nelson
Senior Planning Inspector

27th January 2025

Appendix 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319388-24		
Proposed Development Summary	Refurbishment and change of use of Hebron House to hotel and the extension to accommodate 136 no. bedrooms, leisure centre, conference rooms, car parking and landscaping works.		
Development Address	Hebron House, Hebron Road/N10, Blanchfield, Kilkenny.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, (10)(b)(iv) Urban development outside a business district or other part of a built-up area. Part 2, (12), (c) Hotel complexes outside built-up areas	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	(10)(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Part 2, (12), (c) Hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	X	Screening Determination required

Inspector: _____ Date: _____

EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	319388	
Development Summary	Refurbishment and change of use of Hebron House to hotel and the extension to accommodate 136 no. bedrooms, leisure centre, conference rooms, car parking and landscaping works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	Preliminary examination only
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	NIS submitted
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Other Assessments include: • Preliminary Ecological Report • Site Specific Flood Report • Sub Soil Hydrological Report • Architectural Heritage Impact Assessment • Method Statement for Riparian Works and River Crossings • Construction Environmental Management Plan • Noise Impact Assessment • Archaeological Impact Assessment • Transportation Assessment Report • Asbestos Survey Report

		SEA was undertaken by the planning authority in respect of the Kilkenny City and County Development Plan 2021-2027.	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The project comprises of a hotel development on lands zoned for business park use. The proposed development will alter the rural character of the immediate area. Given the location of the site on the edge of the urban area and its location between two major link roads the extent will be localized and not significant.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	The project will cause physical changes to the site during the site development works. The project includes the demolition of out buildings associated with the protected structure. An Architectural Heritage Impact Assessment has been submitted with the application.	No

		There will be changes to the topography of the site to facilitate the proposed development and proposed parking. These changes are considered to be localized and assessed as part of the appeal. Construction works are required to take place in and under the Pococke River. These works will not result in the significant physical changes in the river.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP. Similarly, waste arising from the demolition and construction phase will be managed through the implementation of a RWMP (required by condition). There is no significant use of natural resources anticipated. The operational phase of the project will not use significant amounts of non-renewal resources or resources in short supply. The project connects to the public water and wastewater services systems which have sufficient capacity to cater for demands arising from the project.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	Construction phase activities would require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances would be	No

		typical of construction sites. Noise and dust emissions during the construction phase are likely. These works would be managed through implementation of the CEMP (with mitigation measures as proposed and/ or with additional measures required by condition). Operational phase of the project does not involve the use, storage, or production of any harmful substance. Conventional waste produced from hotel and leisure use will be managed through the implementation of the OWMP. Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of human health or the environment.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	Conventional waste will be produced from construction activity and will be managed through the implementation of the CEMP and a RWMP, as outlined above. Operational phase of the project (i.e., the use of the hotel for guests, events, and leisure) will not produce or release any pollutant or hazardous material.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	The project involves notable grounds works due to the site's topography with excavation and reprofiling to facilitate buildings, roads/ paths, open spaces, and site services. Standard construction methods, materials and equipment are to be used, and the process would be managed through the	

		implementation of the CEMP (with mitigation measures as proposed and/ or with additional measures required by condition), and a RWMP. I direct the Board to the response to Q; 2.1 below in respect of protected water bodies/ ecological designations, the River Barrow and River Nore SAC and River Nore SPA. I direct the Board to the response to Q: 2.5 below in respect of water resources including surface waters, groundwaters, and flood risk. Accordingly, as risks of contamination to ground or water bodies are mitigated and managed, I do not consider this aspect of the project likely to result in a significant effect on the environment.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	A Noise Impact Assessment was submitted with the application. Noise and vibration impacts during the site development works are likely. These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the CEMP (with mitigation measures as proposed and/ or with additional measures required by condition). The significance of these impacts is limited by the presence of the N10 which bounds the site to the north and west of the site.	

		Predicted noise levels for weddings Receptions at the nearest residential dwellings are predicted to be in the range of 25 to 31dB LAeq which is lower than both the daytime criterion of 50dB LAeq and nighttime criterion of 45dB LAeq as well as below the ambient noise levels in the vicinity of each of these receptors during both the daytime and nighttime periods. The predicted noise level at the nearest commercial / retail buildings are predicted to be in the range of 30 to 36dB LAeq which is also well below the 60dB LAeq criterion. No mitigation measures are proposed in respect of wedding receptions except to ensure that all reception area external doors are closed during live band or DJ performances. The predicted noise levels for the proposed car parking at the nearest residential dwellings are predicted to be in the range of 20 to 22dB LAeq which is lower than both the daytime criterion of 50dB LAeq and night time criterion of 45dB LAeq as well as below the ambient noise levels in the vicinity of each of these receptors during both the daytime and night time periods. The predicted noise level at the nearest commercial / retail buildings are predicted to be in the range of 23 to 27dB LAeq which is also well below the 60dB LAeq criterion. No mitigation measures are proposed in respect of car parking noise emissions.	
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		The potential noise levels have been raised as grounds of appeal. Effects due to noise are not considered to be significant and are assessed in Section 7 of my report. The effects from the external lighting of the of the proposed hotel and car parking area during the operation phase is reduced by the presence of the N10 which bounds the site to the north and west of the site and therefore not considered significant.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	The potential for water contamination, noise and dust emissions during the construction phase is likely. These works would be managed through implementation of the CEMP (with mitigation measures as proposed and/ or with additional measures required by condition). Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures. Operational phase of the project would not likely cause risks to human health through water contamination or air pollution due to the nature (hotel, leisure, parking) and design (SuDS features) of the scheme, connection to public water services systems, and scale of residential use/ activities arising. Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.	

1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents given nature of the project.	
1.10 Will the project affect the social environment (population, employment)	Yes	The land as existing is being used for grazing of horses. The operational phase of the proposed development will provide employment opportunities for local people and benefit the local economy through increased availability for tourism. Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area.	No
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	Yes	The site is part of a larger landbank of land zoned for 'Business Park'. The proposed development includes the development of an access road to serve part of these lands. The development of these zoned lands would be subject to future applications, public consultation, and assessment. I direct the Board to the response to Q: 3.1 below in respect of considerations of cumulative effects of the project. I do not consider that cumulative significant effects on the area could be reasonably anticipated.	
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: • European site (SAC/ SPA/ pSAC/ pSPA) • NHA/ pNHA	Yes	Part of the site is located in the River Barrow and River Nore SAC (002162) The site is River Nore SPA (004233) is a direct distance of 1km and a fluvial distance of 1.9km from the site.	No

• Designated Nature Reserve • Designated refuge for flora or fauna • Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan		Concerns have been expressed in the grounds of appeal that the proposed development would be detrimental to the preservation of the Pockocke River and the Special Area of Conservation. Whilst it has been concluded that there is potential for significant effects on European Sites, having regard to the characteristics of the proposed development, its location and the types and characteristics of potential impacts, there is no potential for significant effects on other environmental parameters. Impacts on European sites can be addressed under Appropriate Assessment which I have assessed in Section 8 of my report.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	An Ecological Survey Report was submitted with the application. The proposed development has the potential to lead to direct impacts on flora and fauna present at the site. Potential impacts relate to disturbance, habitat loss and fragmentation, water quality issues and biosecurity. The proposed works could potentially result in disturbance to resident bird species. During the operation phase the operational phase the increase in human activity could result in disturbance impacts to birds in the area.	No

		There is potential for some disturbance to wildlife, especially bat species who are roosting at the proposed development site. A derogation license is required for any disturbance to any bat roost. Any disturbance to wildlife during the construction phase is likely to be localized and be managed through implementation of the CEMP (with mitigation measures as proposed and/ or with additional measures required by condition). Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of flora and fauna.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	Hebron House is a protected structure. An Architectural Heritage and Impact Assessment Statement is included with the application. The repair and refurbishment of Hebron House and the walled garden is an opportunity for a significant conservation gain. 'Preservation by record' is proposed for the outbuildings to be removed. The gates listed in the National Inventory of Architecture Heritage are no longer in situ. The impact on the protected structure and its landscape are considered to be localized and will not have a significant effect on the environment.	

		An Archaeological Impact Assessment (AIA) is included with the application. There are no recorded archaeological sites or monuments within the site. There are five recorded sites within 600m of the site. The AIA recommends any groundworks be subject to licensed archaeological monitoring. I consider the effects will be localized and not significant.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no such resources on or close to the site.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	While the works will include the horizontal directional drilling under the Pococke River and in-stream works and alterations to the footbridge the river course, a series of mitigation measure have been proposed in the Method Statement for Riparian Works and River Crossing. A Site-Specific Flood Risk Assessment has been undertaken for the development and submitted as part of the planning application. The development as proposed is not expected to result in significant effects to the existing hydrological the area or increase pluvial flood risk elsewhere.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No

2.7 Are there any key transport routes(e.g., National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Yes	The site is bounded by the N10 Kilkenny Ring Road to the west and the N10 Kilkenny Link Road which connects to the M9. The application includes a Transportation Assessment Report. It concludes that the road network and the proposed access junction can accommodated the traffic associated with the development. Any environmental effects associated with congestion would not be significant.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are no sensitive community facilities, such as hospitals or schools, in proximity to the site and/ or that could be significantly affected by the project. There is a private dwelling approximately 200m from the development. Site development works will be implemented in accordance with the CEMP which includes mitigation measures to protect the amenity of adjacent properties and residents. Any effects to the residents would be localised and therefore not significant.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?		Existing and/ or approved planning consents in the vicinity of the site and the wider area of Kilkenny City have been noted in the application documentation and associated assessment, e.g., in respect of AA.	No

		No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects with the project. No cumulative significant effects on the area are reasonably anticipated.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	Give the location and scale of the development it considered that the project will not lead to any transboundary effects.	No
3.3 Are there any other relevant considerations?	No	There are no other relevant considerations	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	NO	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
<i>EG - EIAR <u>not</u> Required</i>			
Having regard to: -			
- the criteria set out in Schedule 7, in particular - the nature and scale of the proposed hotel development, in an area served by public infrastructure - the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone - the results of other relevant assessments of the effects on the environment submitted by the applicant - the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.			
The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.			

Inspector _____
Approved (DP/ADP) _____

Date _____
Date _____

Appendix 2

Appropriate Assessment Screening

Screening for Appropriate Assessment Screening Determination

Description of the project

I have considered the Hebron House Hotel Development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

Subject Site

The subject site is located in the townland of Blanchfieldsland on the eastern outskirts of Kilkenny City. The Pococke River flows from a north-south direction through the site. Part of the site is included in the River Barrow and River Nore SAC (002162) and the River Nore SPA (004233) is 1km from the site. The Thomastown Quarry SAC (002252) is located 14.5 km to the southeast of the site.

Project

The proposed development comprises of the refurbishment and change of use of Hebron House to a hotel and an extension containing 136 bedrooms, a reception area, a restaurant, bars, a kitchen, meeting rooms, conference centre, swimming pool and leisure centre. Outdoor infrastructure will include a new car and bus park, works to an existing walled garden, a foul sewer pumping station, storm drainage and attenuation, water services, an ESB substation, footpaths, cycleways and landscaped parklands along the Pococke River and a new access road from the adjacent N10 Dublin Road.

Observations/Submissions

An observation was received from the Development Application Unit of the Department of Housing, Local Government and Heritage. The submission recommended that any tree or vegetation removal works be carried outside of the bird nesting season, the retention of native hedgerows on site, that any supplementary planting should consist of native hedging species and that the landscaping plan should adhere to the principles outlined in the All-Ireland Pollinator Plan.

The planning authority undertook an appropriate assessment of the project. The applicant's NIS was relied upon, and the conclusion was concurred with.

Potential impact mechanisms from the project

Site Survey

A number of site surveys were carried out by the applicant.

Habitats: Site Survey March 2023

The habitats observed within the site boundary included the following (code in parentheses as per Fossitt (2000)):

- Buildings and Artificial Surfaces (BL3);
- Scattered trees and Parkland (WD5);
- Horticultural land (BC2);
- Hedgerows (WL1);
- Treelines (WL2);
- Eroding/Upland Rivers (FW1);
- Scrub (WS1); and
- Stone Walls and Other Stonework (BL1).

None of the above-listed habitats correspond with any habitats listed under Annex I of the Habitats Directive and are not examples of qualifying habitats protected by River Barrow and River Nore SAC.

Habitats: Site Survey September 2023

Site survey noted the presence of Himalayan Balsam (*Impatiens glandulifera*) adjacent to the Pococke River. Himalayan balsam is designated as an invasive species as per S.I. 477/2011.

Birds: Site Survey 2023

Nesting and foraging habitat was noted throughout the site, in the form of hedgerows, treelines, derelict buildings and scattered mature trees. Two jackdaw pairs (*Corvus monedula*) were observed nesting in the eaves of the northern side of

Hebron House. Nesting behaviour was also noted for blackbird (*Turdus merula*), wood pigeon (*Columba palumbus*), wren (*Troglodytes troglodytes*), robin (*Erithacus rubecula*), blue tit (*Cyanistes caeruleus*) and great tit (*Parus major*). Buzzard (*Buteo buteo*) was observed flying above the site, while little egret (*Egretta garzetta*) and mallard (*Anas platyrhynchos*) were observed foraging in the Pococke River within the site boundary. Yellowhammer (*Emberiza citrinella*) was heard near the Pococke near the southern boundary.

None of the above species are listed in Annex I of the Birds Directive. Notably, Kingfisher was not observed, nor suitable nesting habitat identified.

Birds: Site Survey September 2023

Whilst Hebron House was identified as providing suitable roosting and nesting habitat for barn owl, no evidence was noted to indicate the presence of barn owl. Wren and swallow (*Hirundo rustica*) were noted nesting at the main house. Wrens are believed to be nesting around what was the main door and swallow were observed flying in and out of the basement area. Raven calls were heard from the larger trees. Linnets and Finches were observed feeding on the rape crop that currently occupies a large portion of the site. Yellowhammer was also recorded amongst the rape crop. Mature trees present on the site were assessed as being important nesting habitat for birds.

No evidence of the presence of Kingfishers was recorded, nor were any individuals observed during the survey. Furthermore, no habitat suitable for Kingfishers was found in or around Hebron House.

Mammals: Site Survey September 2023

No signs of otter activity were recorded at the site.

Aquatic: Site Survey March 2023

Portions of the Pococke River were deemed to be suitable for white-clawed crayfish, freshwater pearl mussel and otter. Similarly, if the habitat is suitable for freshwater

pearl mussel, it may also be suitable for Nore pearl mussel. All of the above species are listed under Annex II of the Habitats Directive and are qualifying species of River Barrow and River Nore SAC.

Aquatic: Site Survey September 2023

No white-clawed crayfish, freshwater pearl mussel or Nore pearl mussel were found in the Pococke River. The recorded assemblage of macroinvertebrates indicates that the ecological status of the river is currently 'Moderate' as per the EU Water Framework Directive classification system. The habitat in the river is described as sub-optimal for pearl mussel species, salmonids and white-clawed crayfish.

Nominal numbers of brook/river lamprey ammocoetes (juveniles) were observed incidentally during macroinvertebrate sampling, indicating their presence in the substrate of the Pococke River. Brook lamprey and river lamprey are visually indistinguishable as ammocoetes. Both species are listed under Annex II of the Habitats Directive and are qualifying species of River Barrow and River Nore SAC. The proposed project is not necessary for the management of any Natura 2000 site.

Foul water of the development will be directed to the mains sewer by way of a pumping station and a rising main, which it proposed to cross under the Pococke River and connect to the existing foul sewer. It is proposed to undertake the river crossing via a directional drill. Construction of a surface water outfall will include the excavation of a trench to the outfall point, drainage piping and a headwall. In-stream works may be required to construct the headwall.

Direct impacts include:

- Noise/Vibration emissions,
- Dust emissions,
- Surface Water contamination,
- Habitat loss, by virtue of:
- Sedimentation of the Pococke

- Earthworks within the SAC – particularly bankside works to facilitate the installation of a stormwater outfall,
- Spread of invasive flora.

Examples of Indirect impacts and effect mechanism

- Human disturbance/ noise/ lighting - resulting in disturbance and displacement effects to QI species.

European Sites at risk

River Barrow and River Nore SAC.

Part of the site which includes the Pococke River is in the River Barrow and River Nore Special Area of Conservation. Given the Pococke River flows through the application site and the direct hydrological pathway to the River Nore it is considered that the 'zone of influence' will extend beyond the site.

River Nore SPA

The qualifying interest for the River Nore SPA is the Kingfisher (*Alcedo atthis*). Given that the Pococke River is a tributary of the River Nore and the proximity of the site to the River Nore it is considered that the 'zone of influence' will extend to the River Nore.

Thomastown Quarry SAC

The applicant in their AA screening report considers the Thomastown Quarry SAC and its qualifying interest, Petrifying springs with tufa formation. As the SAC comes within 1km of the River Nore and is approximately 21km of the application site it is considered that SAC is outside the hydrological zone of interest and there the Thomastown Quarry SAC can be screened out at this stage.

Table 1 European Sites at risk from impacts of the proposed project			
Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Effect A Surface Water Contamination	Impact via direct hydrological pathway	River Barrow and River Nore SAC	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's whorl snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Margaritifera durrovensis (Nore Pearl Mussel) [1990] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106]
		River Nore SPA	Alcedo atthis (Kingfisher) [A229]
Effect B Habitat Loss (Sedimentation) (Bankside Earthworks)		River Barrow and River Nore SAC	Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Margaritifera durrovensis

			(Nore Pearl Mussel) [1990] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]
Effect C Spread of Invasive Species		River Barrow and River Nore SAC	Vertigo moulinsiana (Desmoulin's whorl snail) [1016]
Effect D Noise and Light Disturbance			

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Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?			
		Effect A	Effect B	Effect C	Effect D
River Barrow and River Nore SAC	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002162.pdf				
Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation [3260]	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation in the River Barrow and River Nore SAC	Y	N	N	N
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To restore the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) in the River Barrow and River Nore SAC	Y	N	N	N

Vertigo moulinsiana (Desmoulin's whorl snail) [1016]	To maintain the favourable conservation condition of Desmoulin's whorl snail in the River Barrow and River Nore SAC	Y	N	Y	N
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	The status of the freshwater pearl mussel (Margaritifera margaritifera) as a qualifying Annex II species for the River Barrow and River Nore SAC is currently under review.	Y	Y	N	N
Margaritifera durrovensis (Nore Pearl Mussel) [1990]	To restore the favourable conservation condition of the Nore freshwater pearl mussel in the River Barrow and River Nore SAC	Y	Y	N	N
Austropotamobius pallipes (White-clawed Crayfish) [1092]	To maintain the favourable conservation condition of White-clawed crayfish in the River Barrow and River Nore SAC	Y	Y	N	N
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea lamprey in the River Barrow and River Nore SAC	Y	Y	N	N
Lampetra planeri (Brook Lamprey) [1096]	To restore the favourable conservation condition of Brook lamprey in the River Barrow and River Nore SAC	Y	Y	N	N
Lampetra fluviatilis (River Lamprey) [1099]	To restore the favourable conservation condition of River lamprey in the River Barrow and River Nore SAC	Y	Y	N	N
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Salmon in the River Barrow and River Nore SAC	Y	Y	N	N
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition of Otter in the River Barrow and River Nore SAC	Y	N	N	N
River Nore SPA	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004233.pdf				
Alcedo atthis (Kingfisher) [A229]	To maintain the Favourable conservation condition of Kingfisher in River Nore SPA	Y	N	N	N

I conclude that the proposed development would have a likely significant effect 'alone' on Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation, Alluvial forests with Alnus glutinosa and Fraxinus excelsior, Desmoulin's whorl snail, Freshwater Pearl Mussel, Nore Pearl Mussel, White-clawed Crayfish, Sea Lamprey, Brook Lamprey, River Lamprey, Salmon, and Otter of the River Barrow and River Nore SAC and on Kingfisher of the River Nore SPA from effects associated with Surface Water Contamination, Habitat Loss (Sedimentation & Bankside Earthworks) and Spread of Invasive.

An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that the proposed development is likely to have a significant effect on the Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, Desmoulin's whorl snail, Freshwater Pearl Mussel, Nore Pearl Mussel, White-clawed Crayfish, Sea Lamprey, Brook Lamprey, River Lamprey, Salmon, and Otter of the River Barrow and River Nore SAC and Kingfisher of the River Nore SPA 'alone' in respect of effects associated with Surface Water Contamination, Habitat Loss (Sedimentation & Bankside Earthworks) and Spread of Invasive Species.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

Appropriate Assessment

1. The Natura Impact Statement (NIS)

The applicant included the 'Proposal for Construction – Hebron House Hotel: Natural Impact Statement, November 2023', which examines and assess potential adverse effects of the propped development on the following European Sites:

River Barrow and River Nore Special Area of Consideration (002162)

River Nore Special Area of Protection (004233).

A Further Information request from Kilkenny County Council required the applicant to update the NIS and to carry out all surveys as recommended in the Preliminary Ecological Report and to submit a revised and updated and Ecological Assessment Report and Natura Impact Statement which had regard to the additional ecological information. The applicant was also requested to revise the NIS to adequately the assess the impact of the proposed works within the SAC boundary and address the permanent loss of habitat within the SAC boundary, the impacts of tree feeling and potential impacts of the proposed landscaping.

The revised Appropriate Assessment and NIS include a Preliminary Ecological Appraisal, an Ecology Survey Report, and a Method Statement for Horizontal Directional Drilling below the Pococke River. Surveys carried out on the site by Ecofact Environmental Consultants include Stage 1 Freshwater Pearl Mussel survey, White-clawed crayfish survey, Otter survey, bat survey and nesting birds survey. I consider that the information provided in the NIS is adequate for the Appropriate Assessment.

The applicant's NIS was prepared in line with current practice and provides an assessment of the potential effects on the integrity of the River Barrow and River Nore Special Area of Consideration (002162) and the River Nore Special Area of Protection (004233) and assessment of the mitigation measures and a conclusion statement.

The applicants NIS concluded that that *‘considering the mitigation measures propose, and based in the best scientific knowledge available, it is concluded that there will be no significant adverse impact on the integrity of River Barrow and River Nore SAC, nor River Nore SPA, as a result of the proposed development.’*

2. Appropriate Assessment of implications of the proposed development

The following is a summary of the objective scientific assessment of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

I have had regard to the following when carrying out the Appropriate Assessment:

The following Guidance has been adhered to in my assessment:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service, Dublin
- EC (2021) Assessment of plans and projects significantly affecting Natura 2000 sites. Revised Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC 11.6.3.

3. European Sites

The following sites are subject to Appropriate Assessment:

- River Barrow and River Nore Special Area of Consideration (002162)
- River Nore Special Area of Protection (004233).

A description of the sites and their Conservation Interests, including relevant attributes and targets for these sites are set out in Table 3 of this report as part of my assessment.

4. Aspects of the proposed development

The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites include:

- Ingress of sediment from the site during construction into the Pococke River.
- Ingress of water-borne contaminants (e.g., petrochemicals from the site during construction into the Pococke River.
- Spread of invasive species (specifically Himalayan Balsam)
- Bankside works – specifically installation of a stormwater outfall, which as well as potentially leading to contamination or sedimentation of the watercourse, may also result in the direct injury or death of lamprey ammocoetes, which may inhabit the substrate in the section of the bank proposed for excavation.

5. Mitigation Measures

The description and consideration of the impacts of these works to Pococke River are the subject of the CEMP, Preliminary Ecological Appraisal, Ecology Survey Report, Site Specific Flood Risk Assessment, Method Statement for Riparian Works and River Crossings, and Method Statement for Horizontal Directional Drilling below the Pococke River. A range of mitigation measures are identified to protect the water quality of the stream, prevent pollution events, and mitigate against excessive siltation, primarily in the NIS and CEMP. A full list of mitigation measure relating to surface water contamination and sedimentation, spread of Himalayan Balsam and impacts to lamprey and salmon. due to the bankside excavations are proposed in the NIS.

Surface Water Contamination and Sedimentation

The proposed operational mitigation measures during construction to prevent the discharge of sediment or other contaminants to the open watercourse include the following:

- Avoidance of working during very wet conditions to minimise the occurrence of silt mobilisation.

- A sit fence shall be installed along the eastern bank of the Pococke River with a 10m offset from the riverbank in advance of the commencement of site works. During construction of the stormwater outfall, all practical measures shall be undertaken to minimise the risk of ingress of sediment or other contaminants into the watercourse. This is to be overseen by an appointed Environmental Officer.
- The directional drilling and installation of the foul rising main underneath the watercourse will be undertaken in accordance with the submitted method statement.
- During the felling of trees measures to be taken to minimise the risk of ingress of sediments/contaminates into the watercourse.
- When carrying out works to the bridges, measures to be undertaken to minimise the risk of ingress of sediment/contaminates into the watercourse include no in-stream works, elements for instillation on the bridge to be prepared away from the river and resurfacing to be carried out to avoid the ingress of any material to the river.
- Fuels, lubricants and hydraulic fluids for construction equipment as well as solvents and oils, to be carefully handled, properly secured and stored in a suitably-bunded area.
- Any spillage of fuels etc. to be immediately contained and any contaminated soil removed and dispatched to an authorised waste facility.
- Waste oils and hydraulic fluids to be collected in leak-proof containers and removed from site for disposal/recycling.
- Wash down water from exposed aggregate surfaces etc. to be trapped on site in a dedicated area to allow for sediment to settle out and reach neutral pH before clarified water is allowed to percolate into the ground.

Spread of Himalayan Balsam.

The proposed mitigation measure to prevent the spread of Himalayan Balsam include:

- Control measures shall aim to prevent flowering with close monitoring to ensure that regrowth does not occur due to viable seeds remaining in the soil.

- Plants to be cut, mown or trimmed back to ground level before flowering occurs. Regular mowing is enough to prevent sprouting and flowering formation.
- Pull of plants by hand to be carried out in later April or early May and after rotting in a pile, transported off site to an appropriate waste facility.
- Due to proximity of the River Pocke herbicides will not be used.
- Regular site and soil monitoring required to prevent regrowth.
- Biosecurity measures shall be implemented onsite during the construction phase to minimise the risk of transportation of Himalaya Balsam seeds.

Bankside Excavations – Impacts to Lamprey and Salmon.

- Mitigation measures relating to prevent significant effects on lamprey and salmon include:
- Bankside excavations times to avoid the lamprey spawning season,
- Electrofishing (with licence) undertaken to liberate brook/river lamprey ammocoetes from the sediment in affected area.
- Any lamprey ammocoetes captured will be transferred a short distance (2-3m) downstream and released.

6. In Combination Effects with other Plans or Projects or Activities.

Following a search of all permitted plans and projects in the immediate area and having regard to Section 5.5 *Consideration of Effects in Combination* of the NIS, I am satisfied that the interaction between the Proposed Project and any other plan or project is unlikely to give rise to significant effects on any Natura 2000 Site.

7. Integrity Test

Following the appropriate assessment and the consideration of the mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the River Barrow and River Nore SAC and the River Nore PA in view of the Conservation Objectives of these sites.

This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and particulars.

8. Appropriate Assessment Conclusion

The project has been considered in light of the assessment requirements of sections 177U and 177V of the Planning and Development Act 2000, as amended. On the basis of objective information, I have assessed the implications of the project on the in view of the sites' conservation objectives. I have had regard to the applicant's NIS and all other relevant documentation and submissions on the case file.

I consider that the information include in the case file is adequate to allow the carrying out of an Appropriate Assessment.

Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of River Barrow and River Nore SAC and the River Nore SPA in view of the sites' conservation objectives and qualifying interests.

This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of River Barrow and River Nore SAC and the River Nore SPA
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of River Barrow and River Nore SAC and the River Nore SPA.

Table 3 Appropriate Assessment Summary Matrix					
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?			
		Potential Adverse Effect	Mitigation Measure	In-Combination Effects	Can Adverse effects on integrity be excluded
River Barrow and River Nore SAC Key Issues that could give rise to adverse effects: Surface Water Contamination, Spread of Invasive Species, Habitat Loss	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002162.pdf				
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation in the River Barrow and River Nore SAC	Surface Water Contamination	See Section 5	None	Yes
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To restore the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) in the River Barrow and River Nore SAC	Surface Water Contamination	See Section 5	None	Yes
Vertigo moulinsiana (Desmoulin's whorl snail) [1016]	To maintain the favourable conservation condition of Desmoulin's whorl snail in the River Barrow and River Nore SAC	Surface Water Contamination. Spread of Invasive Species	See Section 5	None	Yes

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	The status of the freshwater pearl mussel (Margaritifera margaritifera) as a qualifying Annex II species for the River Barrow and River Nore SAC is currently under review.	Surface Water Contamination. Habitat Loss (Sedimentation) (Bankside Earthworks)	See Section 5	None	Yes
Margaritifera durrovensis (Nore Pearl Mussel) [1990]	To restore the favourable conservation condition of the Nore freshwater pearl mussel in the River Barrow and River Nore SAC	Surface Water Contamination. Habitat Loss (Sedimentation) (Bankside Earthworks)	See Section 5	None	Yes
Austropotamobius pallipes (White-clawed Crayfish) [1092]	To maintain the favourable conservation condition of White-clawed crayfish in the River Barrow and River Nore SAC	Surface Water Contamination. Habitat Loss (Sedimentation) (Bankside Earthworks)	See Section 5	None	Yes
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea lamprey in the River Barrow and River Nore SAC	Surface Water Contamination. Habitat Loss (Sedimentation) (Bankside Earthworks)	See Section 5	None	Yes
Lampetra planeri (Brook Lamprey) [1096]	To restore the favourable conservation condition of Brook lamprey in the River Barrow and River Nore SAC	Surface Water Contamination. Habitat Loss (Sedimentation) (Bankside Earthworks)	See Section 5	None	Yes
Lampetra fluviatilis (River Lamprey) [1099]	To restore the favourable conservation condition of River lamprey in the River Barrow and River Nore SAC	Surface Water Contamination. Habitat Loss (Sedimentation) (Bankside Earthworks)	See Section 5	None	Yes

Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Salmon in the River Barrow and River Nore SAC	Surface Water Contamination. Habitat Loss (Sedimentation) (Bankside Earthworks)	See Section 5	None	Yes
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition of Otter in the River Barrow and River Nore SAC	Surface Water Contamination	See Section 5	None	Yes
River Nore SPA Key Issue that could give rise to adverse effects: Surface Water Contamination.	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004233.pdf				
Alcedo atthis (Kingfisher) [A229]	To maintain the Favourable conservation condition of Kingfisher in River Nore SPA	Surface Water Contamination	See Section 5	None	Yes