



An
Bord
Pleanála

Inspector's Report

ABP-319894-24

Development

PROTECTED STRUCTURE:

Extension to post primary school, demolition of study hall, new access roads, relocation of existing grotto on site, reopening of pedestrian access path from Kilkenny Road and all site and ancillary related works. The works are within the curtilage of protected structures: Saint Mary's Convent, Scoil Mhuire National School (old) and Saint Mary's Chapel. A Natura Impact Statement will be submitted with the planning application.

Location

Coláiste Abhainn Rí Post Primary School and Saint Mary's Convent of Mercy, Kilkenny Road, Lower Bridge Street/Flaggy Lane, Callan, Co. Kilkenny.

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

2360414

Applicant(s)

Coláiste Abhainn Rí Board of Management

Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Flaggy Lane Residents
Observer(s)	None
Date of Site Inspection	16 th of January 2025
Inspector	Angela Brereton

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

Appendix B – Appropriate Assessment Screening and Stage II NIS

1.0 Site Location and Description

- 1.1. The site is located to the north of Callan town centre, accessed via the N76 and Upper Haggards Green (R695) to the north of the site. The school site is located within the boundary of the Old Convent campus. It is within the existing schools complex of Coláiste Abhainn Rí School and St. Mary's Convent. Access is currently from the Kilkenny Road (R692) with a one-way system through the site and exit to Lower Bridge Street.
- 1.2. Buildings on site date from the 18th century to recent times. The site is within the curtilage of three protected structures, located in the northern part of the school campus. These include the distinctive buildings of Saint Mary's Convent and Chapel. Both buildings are sited on the brow of the hill and Scoil Mhuire National School, which is in use and adjoins the main school buildings. There is a green landscaped area to the front of the convent and chapel buildings, which adds to the setting. The school site is surrounded by a high concrete block wall. The site is sloping steeply from its highest to the north to its lowest point at Lower Bridge Street.
- 1.3. For the most part the proposed development (as shown within the redline boundaries) concerns the southern part of the site (0.64ha - which forms part of the overall site area for the schools complex of 1.29ha), where an existing school building is to be demolished and the proposed new school extension is to be constructed, along with new access route via an existing entrance gate from Flaggy Lane. The reopening of the pedestrian access is to the northeast of the site to the Kilkenny Road and further pedestrian crossings are also proposed.
- 1.4. The existing school 'study' building to be demolished to make way for the proposed new 'school extension' building to the south of the site. This single storey building is not of architectural merit. The proposed location is not proximate to the protected structures and is adjacent to the more recent school buildings on the site. A stone grotto to the east of this school building is to be relocated. I noted another grotto to the north of (outside) the site to the west of the junction of the R692 and the R695. This appears to be outside of the application site.
- 1.5. This is a tight site, and on the day of the site visit, I noted a considerable amount of parking on site, including some within the basketball pitch to the north of the site. There is little roadside parking available in the vicinity. There is another school on

the opposite side of the R692 'Bunscoil McAuley Rice', which has its own parking area.

- 1.6. There is an existing (currently not connected to the internal access route) gated vehicular entrance in the south-western corner of the site onto Flaggy Lane. This is where it is proposed to provide the new access to the site, with exit via a one-way system left from the existing gated entrance to the R692 Kilkenny Road. The plans also show a raised pedestrian crossing to the southeast of the entrance. This access is, to serve the proposed new school extension. A further pedestrian crossing is proposed to the north of the site on the R695 to the west of the roundabout with the intersection with the R692. There is a school bus bay on the opposite side of the R695 proximate to this location.
- 1.7. There are bungalows opposite facing the school/convent site on Flaggy Lane, and these have separate vehicular accesses further to the north on the Lane, which now provides a one-way system northwards with access to the R695. This is a narrow laneway that serves a few residential properties and has been recently upgraded and footpaths provided. There is a high boundary wall facing these houses.

2.0 Proposed Development

- 2.1. The proposed development at Coláiste Abhainn Rí School and St. Mary's Convent, Kilkenny Road/Lower Bridge Street/Flaggy Lane, Callan, Co. Kilkenny as described on the public notices includes the following:
 - Extension to existing Coláiste Abhainn Rí post primary school, Callan, Co. Kilkenny, of generally 2 storeys in height, including Specialist Educational Needs Unit, 6 no. classrooms, specialist teaching rooms, support spaces;
 - single storey link to existing school building, total building extension area 2175 m², external play and yard spaces;
 - new school access road from southwest corner of site off Flaggy Lane and separate independent access road to St. Mary's Convent off Flaggy Lane;
 - relocation of existing grotto on site; reopening of pedestrian access path from Kilkenny Road;

- demolition of existing single storey study hall and all related site and ancillary related works on a site area of 0.64 hectares.
- 2.2. The works are within the curtilage of protected structures, St. Mary's Convent, Scoil Mhuire National School (old) and St Mary's Chapel, RPS ref. no.s C751, C750 & C749.
- 2.3. Documents submitted with this application include:
- A Natura Impact Statement accompanies this application - Envirico Ltd.
 - Planning Report – WA Wejchert Architects – Sept 2023
 - Architectural Heritage Impact Assessment – dhbarchitects
 - Archaeological Desktop Assessment – Shanarc archaeology
 - Traffic & Transport Assessment – O'Connor Sutton Cronin (OCSC) – Consulting Engineers
 - Engineering Services Report - ditto
 - Outline Construction Management Plan – ditto
 - Outline Resources & Waste Management Plan - ditto
 - 2hp – Hayes Higgins Partnership – Chartered Engineers – Project Managers
 - Tree Survey & Planning Report - Independent Tree Survey Ltd
 - Letter from The Sisters of Mercy, Southern Province CLG who provide that they are the legal owners of the land the subject of this planning application and consent to the making of this application.
 - Letter from The Educena Foundation who provide that they are part owners of the site and give their consent for the making of this application.

The Planning Report

- 2.4. This provides further details and rationale including relative to the proposed project brief where the aim is to provide additional educational and support spaces at the new Coláiste Abhainn Rí, Callan, Co. Kilkenny following an amalgamation of the existing St. Brigid's College Girls Post Primary School on the site with Coláiste

Éamann Rís Boys Post Primary School to accommodate additional school accommodation consisting of:

- 6 no. standard 30 pupil Classrooms
- 1 no. Graphics Room
- 1 no. Engineering Room (to be located at ground floor level with access to external area)
- 1 no. Construction Studies Room (to be located at ground floor level with access to external area)
- 1 no. Technologies Preparation Room (adjacent to construction studies with access to external area)
- 2 no. Technologies Project stores (adjacent to construction studies)
- 1 no. Science Laboratory
- 1 no. Preparation Room (adjacent to Science Laboratory)
- 1 no. Standard Office
- 1 no. SET (Special Education Teaching) Room
- Toilets for students and staff including a Universal Access Toilet
- Lockers spaces
- Electrical and Data communication Centre Rooms
- A 2 classroom base SEN unit with standard suite of rooms and external play areas

2.5. The brief identifies the current enrolment of 502 no. pupils for St. Brigid's College Girls Post Primary School and Coláiste Éamann Rís Boys Post Primary School and that the new accommodation is to cater for an additional student population of 282 no. pupils.

2.6. The brief includes a requirement that the new school accommodation will facilitate an enclosed link to the existing building to ensure the full integration of the new accommodation with the existing school.

3.0 Planning Authority Decision

3.1. Decision

Kilkenny County Council granted permission for the proposed development on the 5th of May 2024. This was subject to 18no. conditions, which include in summary regard to the plans submitted and at further information stage, development contributions, waste management plan, roads and infrastructure, archaeology, landscaping and boundary treatment, surface water drainage, compliance with best practice construction methods, regard to demolition and construction phases, pollution control measures (light, noise), investigation and monitoring measures.

Conditions include:

No:7 (a) – (e) refer in summary to roads related issues. This includes the inclusion of a pedestrian crossing on the R695 to the north of the school site, compliance with Road Safety Audits, detailed design of internal roads layout, pedestrian crossing and signage, solid double lines to be provided along Flaggy Lane, preparation of a Traffic Management Plan for construction works as part of the CMP.

Condition no.11. *The best practice construction methods and control measures as set out in the Natura Impact Statement, EIA Screening Report and Outline CEMP submitted with planning application documentation shall be adhered to in full and shall form part of the contract documentation associated with the construction of the project.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the proposed development, to planning history and policy, to the details and referral reports submitted and to the submissions made. Their Assessment included the following:

- They had regard to the infrastructural reports submitted and noted the issues raised relevant to the need for further information.

- They noted the details in the Traffic and Transport Report submitted as part of the application including regard to access and permeability issues and to the need for F.I to be submitted.
- Regard was had to the visual impact of the proposed new school extension building.
- Also, to Architectural Heritage, including relative to the impact on the Protected Structures on site and to the Archaeological Assessment made.
- They noted that the applicant has submitted a Natura Impact Statement and carried out a Stage 2 AA, which includes mitigation measures as part of this application.
- They concluded that an EIAR is not required.

Further Information request

The Council's F.I request in summary included the following:

- That an asbestos survey and method statement be carried out of existing buildings for identification, removal and disposal of same to an authorised facility. All works to be carried out in accordance with current standards.
- To carry out further investigation of the existing storm and sewer networks and to identify mis-connection on the stormwater network. To submit an updated site layout plan with any proposal for the remediation of any mis-connections.
- A Risk Assessment and associated ground investigation to be carried out in accordance with the 'EPA CoP, Environmental Risk Assessment for Unregulated Waste Disposal Sites, 2009'.
- To address Road Design concerns. This includes the submission of an alternative layout for the pedestrian crossing at the junction of Flaggy Lane and Westcourt Demesne.
- To submit a detailed layout for the proposed pedestrian crossing located to the north of the site on the R695.
- To submit an alternative layout for the exit arrangement from the school site.

- To submit details regarding a swept path analysis for Flaggy Lane using surveyed newly constructed kerb lines.
- To clarify student numbers currently attending the St. Bridget's site, and the Colaíste Eamonn Ris Site. Also, the maximum number of students the amalgamated school site can cater for.
- To submit a revised Traffic and Transport Assessment to reflect the maximum number of students and staff to be catered for and to advise on any residual use of the site.
- To submit details as requested by the National Monuments Service, including relative to further Archaeological Impact Assessment, testing and monitoring.
- Details to be submitted to address the Conservation Officer's concerns, in particular relative to views to the site from Callan ACA.
- To amend the CEMP including regard to landscaping and tree planting.
- Details of bicycle parking provision for the proposed development to be in line with Kilkenny DP standards.
- To address, the potential impacts on the River Barrow and River Nore SAC and to submit a revised NIS. This to include regard to mitigation measures.
- To submit a revised Construction and Environmental Management Plan. All mitigation measures in the NIS, including drawings/site layouts to be included within a revised CEMP.

Further Information response

WEJCHERT Architects have submitted a response on behalf of the applicants relative to the items raised in the Council's F.I request and these include modifications and revisions to the submitted plans and particulars. In summary these include the following:

- An Asbestos Survey Report was prepared in respect of the single storey building to be demolished. This identified the existing roof slates as asbestos containing material. All asbestos to be removed in accordance with the relevant standards.

- A response concerning infrastructural issues and drainage, noting that the proposed works will see a diversion of existing sewers and ensure that all services are appropriately connected to the correct public network as indicated.
- The applicant submits that there is no foul sewer discharging into a surface water sewer, there are no associated potential impacts on the River Barrow and River Nore SAC to be addressed, and a revised Natura Impact Statement is not required.
- An updated Outline Construction Management Plan (CMP) has been submitted with the response taking into consideration the conclusions and recommendations of the Waste Soil Classification Report and Generic Quantitative Risk Assessment.
- In response to Road Design - updated topographical survey data and revised drawings have been submitted relative to the proposed pedestrian crossing proximate to the junction of Flaggy Lane and Westcourt Demense, and also for the pedestrian crossing located to the north of the site on the R695.
- Reference is had to the letter from O'Connor Sutton Cronin Consulting Engineers (14th of March 2024) which provides a response to the infrastructural issues raised.
- Revised drawings have also been submitted to show a revised layout for the exit junction which has been amended.
- An updated topographical survey of the area has been completed which reflects the recent upgrade to Flaggy Lane. This includes amendments to the respective entrances.
- A revised swept path analysis has been carried out and the drawings updated.
- The applicant has submitted an updated Traffic & Transport Assessment which provides further clarity on the requested details, including relative to total pupil numbers.

- The applicant provides details and has advised that there is no current proposed use for the Coláiste Éamonn Ris building once the proposed extension to Coláiste Abhainn Rí is completed.
- They provide details relative to Archaeology and refer to the Archaeological Geophysical Report Survey Report of February 2024.
- Revised details and drawings have been submitted relative to Architectural Heritage and amendments to facilitate the enhancement of the proposed school building noting its prominence as a book end to the Callan ACA. Regard is also had to a conservation opinion prepared by a Grade 1 Conservation Architect. A Visual Impact Assessment has been submitted.
- An updated CEMP and an Arborists Tree Planting Plan and Specification by Irish Tree Surveys, including a Tree Survey and Planning Report has been submitted.
- Details are submitted regarding cycle parking and modal split.

Clarification of Further Information

In view of the Environmental Sections' report and identification of elevated levels of hydrocarbons which shows the potential for hazardous waste, the Council requested that a C.F.I be requested. This includes details regarding the following:

- The applicant is requested to provide clarification by carrying out a risk assessment on the body waste on site including the creation of a conceptual site model, and having regard to disposal including of hazardous waste, to comply with current standards.
- To prepare a detailed Resource Waste Management Plan for the Construction phase of the proposed development.

Clarification of Further Information response

- The applicant has submitted that the risk assessment (RA) and conceptual site model (CSM) of the waste body is included in Section 3 of the OCSC Waste Soil Classification and GQRA report (March 2024) and details are given of this.

- They provide details relative to dealing with hazardous waste and contamination. Stating that all assessment and works to be carried out will be in accordance with the 'EPA Code of Practice, Environmental Risk Assessment for Unregulated Waste Disposal Sites, 2009'.
- They submit that their response is reflected in the latest version of the GQRA and Outline Resource & Waste Management Plan. That it is intended that this Outline Plan will be updated to a Construction Stage Resource & Waste Management Plan that will be submitted to the Council. They consider that this can be subject to condition.

Planner's response to the C.F.I

- They have regard to the referral response from the Environment Section who recommend permission subject to conditions. They note that as regards waste management on site and the carrying of further assessments it will be required to verify the extent of waste bodies on site and that these will be dealt with in accordance with the provisions of waste legislation separate to the permission. The Planning Authority recommended that permission be granted subject to conditions.

3.3. Other Technical Reports

Road Design

Their concerns included the following:

- They requested an alternative layout design, for the proposed pedestrian crossing at the junction of Flaggy Lane and Westcourt Demense
- To submit a detailed layout for the proposed pedestrian crossing located to the north of the site on the R695.
- To submit an alternative layout for the exit arrangement from the school site, to provide for a left only arrangement.
- To confirm a swept path analysis for various vehicle types at the Flaggy Lane access.
- To verify student numbers for the school site.

- To revise the Traffic and Transport Assessment Report to reflect the maximum number of staff and students the development will cater for.
- To advise on any potential residual use of the Coláiste Eamonn Ris site. Noting that any such use should be reflected in the TTA.

In response to the F.I submission they do not object to the application and make a number of recommendations including relative to the pedestrian crossings, Stage 1/2 and 3 Road Safety Audits to be provided, regard to swept path analysis, the provision of double solid yellow lines along Flagggy Lane and the preparation of a Traffic Management Plan as part of the outline Construction Management Plan. All works to the public road to be subject to a road opening license.

Environment Section

They requested F.I including, relative to the removal of asbestos from the existing building to be demolished, further investigation of the existing storm and sewer networks and any mis-connections therein, regard to Construction and Demolition Waste and a detailed Risk Assessment having regard to the proposed development.

In response to the F.I and C.F.I submissions they do not object to the proposal and recommend conditions relative to Waste Management, Potable Water and Wastewater, Storm Water, Noise, Air Quality & Odour Emissions, Light Pollution and Further Monitoring.

Conservation Section

They have regard to the locational context relative to the Protected Structures and to protection of the historic vista from Callan ACA to the south of the site. To the importance of the vista from Lower Bridge Street to PDS, and, maintaining the historical visual linkage (that are currently still present). Noting that it had been envisaged that there would be some revision of the school design to accommodate some of this visual linkage, yet this has not been the case. They recommended that further information be sought to allow the applicant to address same.

Fire Officer

They note that the development will require the benefit of a Fire Safety Certificate before works commence on site.

3.4. Prescribed Bodies

Department of Housing, Local Government and Heritage

Their Submission from the Development Applications Unit is summarised as follows:

Archaeology

- They note the proposed development is within the zone of notification for the National Monument for Callan historic town – (Ref. 1930-2014: KK026-010 refers). Given the location of the development, it is possible that previously unknown archaeological may be located on the site.
- They do not object to the relocation of the grotto (1958) on site.

They requested that F.I be sought to include the following:

- The Department recommends that an Archaeological Impact Assessment (including Archaeological Geophysical Survey and Architectural Test Excavation) be carried out. They make a number of recommendations regarding testing and monitoring etc.
- They note that where archaeological material is shown to be present, further mitigation measures will be required.

They had regard to the 'Geophysical Report Coláiste Abhainn Rí' submitted as part of the F.I which notes that because of modern activity that the site has low archaeological potential. They recommend that Archaeological Monitoring, should be required as a condition of planning. That a report containing the results of this monitoring should be submitted to the National Monuments Service of their Department and the Planning Authority upon completion of the monitoring works. They recommend conditions.

Nature Conservation

- They advise that all mitigation measures recommended in the NIS be incorporated as planning conditions as part of planning permission.

Inland Fisheries Ireland

They provide details of the catchment and note that while the Ecological Status is good there is a lot of pressure in the area from urban wastewater and diffuse urban

run-off. They make a number of recommendations regarding the need to ensure sufficient capacity in the waste water treatment plant and the incorporation of SuDS principles. Also relative to surface water run-off including during the operational phase being directed through a hydrocarbon and silt interceptor. That only clean uncontaminated water shall be allowed to discharge from the site to surface/ground waters or to storm water networks. They recommend conditions.

Úisce Eireann

They recommended that the applicant enter into a Connection Agreement(s) with them to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. They also refer to a Confirmation of Feasibility from Úisce Eireann prior to any works commencing.

3.5. Third Party Observations

The Residents of Flaggy Lane have made a submission objecting strongly to the proposed new entrances to the school and convent from Flaggy Lane and as to the impact on the lane and their properties. As they are the subsequent Third Party Appellants, their concerns are considered further in the context of their Third Party Appeal and in the Planning Assessment below.

4.0 Planning History

The Planner's Report includes reference to the following planning history relevant to the site:

13/ 578 – Permission granted for alterations and extension to existing secondary school including: demolition of existing general purpose hall and construction of three storey extension with classrooms, service rooms, access stairs and lift; Demolition of two storey block including three class rooms, corridors, stairs and service rooms to allow for construction of general purpose area; Upgrading of Scoil Mhuire National school (old) to include classroom and administration fit out; Construction of new single storey school entrance lobby and external canopy; rearrangement of car parking, fencing, footpaths, paving, landscaping; erection of

temporary single storey demountable class rooms in existing ball court area and their removal on completion of works; and all ancillary related works.

10/568 - Permission granted for works to a Protected Building (ref. C750) within the school grounds at the above. Work will include the removal of internal timbers, internal partitions and screens, the roof structure and roof finish (all on health and safety grounds) and all prior to a further planning application for the proposed complete refurbishment of the same building within the school grounds at Kilkenny Road, Callan.

08/1005 – Permission granted for pre-fabricated class rooms and toilets

03/1486 – Permission granted for the development of a lift shaft, a two storey two classroom extension, with cloakroom and staff area, provision of new exit doors and alterations to provide internal and external ramps to enable access for disabled with all associated site works

01/771 - Permission granted to demolish existing prefabricated recreation room and dormitory and to erect new recreation room.

Nearby sites in Callan area (referenced in NIS)

19/674 – Permissions granted for a two-storey school extension to Bunscoil McAuley Rice, Kilkenny Road, Callan

This school is located on the opposite side of the Kilkenny Road to the subject site.

20/189 – Permission granted for the construction of 41 no. dwellings and all ancillary works and services to connect to existing residential development in Friary Walk.

21/143 – Permission granted for development to consist of extension and all ancillary works and services at the existing Aldi discount store.

20/899 – Permission granted for a 20kV grid connection from the consented Ballytobin Solar Farm to the existing 38kV ESB substation south of Callan, Co. Kilkenny. The grid connection is 3.5km long. This application was accompanied by an NIS.

5.0 Policy Context

5.1. Relevant Government Policy/Guidelines

This includes the following:

- National Planning Framework – Project Ireland 2040
- Southern Region Spatial and Economic Strategy (RSES)
- Climate Action Plan 2024
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Design Manual for Urban Roads and Streets, (2019)
- Traffic and Transport Assessment Guidelines (2014)
- Development Management, Guidelines for Planning Authorities (2007)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).
- Development Management Guidelines for Planning Authorities (2007).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage, Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.2. Kilkenny City and County Development Plan 2021-2027

Volume 1 County

Core Strategy -Chapter 4

Section 4.3 and Table 4.3 – Settlement Hierarchy. Callan is included as a Town>1,500 in population.

Section describes Callan as a District Town.

The Sustainable Place Framework in the RSES applies to towns and villages with a population over 1,500 people, which provide housing, employment and service functions, ranging from commuter towns to more remote towns.

Local Area Plans for the District Towns of Callan, Castlecomer and Thomastown were reviewed and adopted by the Council between 2017 and 2019.

This also refers to review of LAPs including for Callan: to ensure consistency with the Core Strategy and policy promoting regeneration, sequential development and compact growth and will identify regeneration, brownfield and opportunity sites that will contribute to compact growth.

The Council will ensure that the District Towns will in so far as practical be self-sufficient incorporating employment activities, sufficient retail services and social and community facilities.

Housing and Community – Chapter 6

Section 6.12 notes that Community Facilities (including schools) are essential to the well-being and functioning of populated areas. This supports, being accessible to all sectors of the community and to facilitate multi-use functions through their design and layout.

Section 6.13 – Education & Childcare. Section 6.13.2 to Primary and Post Primary Education. *Decisions on the future requirements for educational facilities are primarily a matter for the Educational Authorities. However, the 'Provision of Schools and the Planning System, A Code of Practice for Planning Authorities' outlines that the planning system plays a critical role in anticipating future development and co-ordinating the provision of the essential supporting infrastructure such as transport, water services, schools, amenity and community facilities.*

The Council will continue to liaise with the Department of Education and Skills, and all providers of education, to assist in the development of adequate education centres.

The Council will support the intensification of development and/or uses on existing school sites while maintaining sufficient space for required minimum standards of play and recreational facilities.

Objective 6M: To identify and facilitate the provision of suitable sites for new educational facilities as the need arises throughout the City and County.

Section 6.13.2.1 supports the Dual Use of School Buildings and notes that they can contribute to meeting the needs of the wider community. *Where new schools or community facilities are proposed, opportunities will be sought to ensure that they are designed in such a way as to facilitate multi-use of the buildings.*

Heritage, Culture and the Arts – Chapter 9

Section 9.2 refers to Natural Heritage and Biodiversity

Section 9.2.1.1 to European Sites (Natura 2000). Figures 9.1 refers to Natural Heritage and Table 9.1 provides a list of SACs and SPAs.

As set out in Chapter 1, the Council will ensure that an Appropriate Assessment, in accordance with Articles 6(3) and Article 6(4) is carried out in respect of any plan or project not directly connected with or necessary to the management of the site, but likely to have a significant effect on a Natura 2000 site(s), either individually or in combination with other plans or projects, in view of the site's conservation objectives.

Section 9.3 refers to Built Heritage. This includes archaeological (Section 9.3.1) and architectural heritage (Section 9.3.2).

Objectives 9C, 9D and 9E refer to the protection of archaeology and Recorded Monuments.

Section 9.3.2.1 refers to the Record of Protected Structures listed in Appendix 1 of the written statement. Section 9.3.2.2 – National Inventory of Architectural Heritage.

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.

Development Management Requirements for both Archaeology and Architectural Heritage are included.

Section 9.3.3 – Architectural Conservation Areas. Reference is had to the adherence to the ‘Architectural Heritage Protection Guidelines’. Section 9.3.3.1 notes that there are 13 ACA’s located within County Kilkenny (excluding Kilkenny City) (Table 9.2 refers). This includes: *The ACAs for Callan, Castlecomer, Graiguenamanagh and Thomastown are set out in the Local Area Plans for those towns.*

Appendix 1 of the Kilkenny CDP provides the Appendices.

Appendix I – Record of Protected Structures – County Only.

The following are on the site:

- St. Mary’s Convent (123140420)
- St. Mary’s Chapel (12314043)
- St. Mary’s School (aka St. Brigid’s College - 12314046)

Infrastructure & Environment – Chapter 10

Section 10.1 refers to Water Services. Objective 10A seeks: *To facilitate Irish Water and to assist, subject to service level agreements, with the provision of water and wastewater infrastructure provision in accordance with the water services strategic plan, made in accordance with the Water Services Act 2007.*

Section 10.1.4 to Water Supply and Treatment.

The Council will work with Irish Water to protect existing water and wastewater infrastructure in the City and County and facilitate the development of new infrastructure aligned with the Core strategies. Where public watermains are available or likely to be available and have sufficient capacity, the Council will require that new development proposals connect into the existing public water mains.

Section 10.1.6 refers to Waste water networks and treatment.

Kilkenny County Council will require that development in all main settlements connect to public waste water treatment facilities, subject to sufficient capacity being available which does not interfere with the Council’s ability to meet the requirements of the Water Framework Directive and the Habitats Directive.

Section 10.1.8 to Water Quality and to the Water Framework Directive. Objective 10B refers.

Section 10.2.6 refers to Flood risk and flood protection and management. Reference is had to the Planning System and Flood Risk Management – Guidelines and the Strategic Flood Risk Assessment accompanying this Plan.

Section 10.2.7 to Surface Water Drainage and to the use of SUDs. Section 10.2.8 to Development Management Requirements.

Section 10.2.9 to Waste Management Requirements.

Movement and Mobility – Chapter 12

Section 12.2 refer to Significant Policy Documents and Guidance.

The National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Southern Region will impact on transport in the way they promote Compact Growth and Sustainable Mobility as National Strategic Outcomes. The transition to more sustainable modes of travel (walking, cycling, public transport) is promoted, particularly within smaller towns and villages and rural areas. The implementation of planning and transportation strategies for urban areas, with a major focus on improving walking and cycling routes is a requirement of the NPF and RSES. This to be achieved through the preparation of local transport plans.

The Climate Action Plan identifies how Ireland will achieve its 2030 targets for reduction in carbon emissions and a pathway towards achieving net zero emissions by 2050. A priority of the Action Plan is tackling emissions from the Transport sector, which accounted for almost 20% of Ireland's greenhouse gases in 2017.

The Design Manual for Urban Roads and Streets (DMURS), updated in 2019, promotes a holistic approach to the design of roads and streets within urban areas (with a speed limit of 60km/h or less), focused on balancing the needs of all users.

Objectives 12A – 12D relate. Development Management Requirements are stated.

Section 12.4 provides Modal share targets for County Kilkenny. Table 12.1 provides the targets. Modal Share Objectives 12E – 12G relate.

Section 12.5 seeks to promote walking and cycling and refers to compact growth.

Section 12.5.1 provides the Cycling Objectives. Table 12.2 provides Bicycle parking requirements.

Section 12.5.2 refers to the Development Management Requirement for Workplace Travel Plans.

Section 12.7 refer to Public Transport and 12.7.1 to bus-based public transport.

Section 12.14 to spaces (20%) for charging of Electric Vehicles.

Development Management Requirements – Chapter 13

Section 13.22.1 refers to Access and Sight lines.

5.3. Callan Local Area Plan

Strategic Context

Section 1.4 includes that SLR Consulting Ireland (SLR) was commissioned by Kilkenny County Council to prepare an Appropriate Assessment (AA) screening report, and subsequently a Natura Impact Report (NIR), for Callan Local Area Plan (LAP).

The key features of interest, habitats and species, of the River Barrow and River Nore SAC and River Nore SPA considered likely to be affected by Callan LAP 2019 – 2025 are set out in Natura Impact Report. The objectives of Callan LAP 2019 – 2025 include development or activities in close proximity to the King's River.

Details are given of the Conservation Objectives for features of interest.

It is considered that if the proposed zoning adhered to in - combination with the proper implementation of the proposed mitigation measures; Callan Local Area Plan 2019 -2025 is not likely to result in adverse effects on the integrity of either the River Barrow and River Nore SAC nor the River Nore SPA.

Callan in Context

This includes regard to locational context and to planning policy.

Vision and Strategic Objectives

Section 3.1 provides Key issues for the Callan LAP 2019-2025.

Core Strategy and Zoning

Section 4 notes that the Core Strategy for the Callan LAP: *To provide for the proportionate growth of Callan by maintaining its 2.5% of the County's population*

allocation to 2026 in accordance with the National Planning Framework and the County Development Plan Settlement Strategy.

This document has regard to the Kilkenny CDP 2014-2020, which has now been superseded by the Kilkenny City and County Development Plan 2021-2027.

It is noted that the settlement hierarchy sets out that Callan is a District Town.

Land use zoning

Section 4.3 and Appendix 1 refers to the Zoning Objectives. The site is zoned in the Callan Local Area Plan for Community Facilities with the objective: *To allow for local civic, community, educational and religious facilities and associated ancillary amenity facilities, open spaces/recreational areas to serve the immediate surroundings and hinterland.*

The land to the west on the opposite side of Flaggy Lane is zoned 'Existing Residential'.

The site is located within the zone of archaeological potential associated with a number of Recorded Monuments.

There is an objective (4) shown on the Kilkenny Road (R692) at the access to the school to provide for a Road Safety Audit. There is also an objective to provide for Pedestrian- Cycling improvements on this and the Lower Bridge Street frontage.

Housing and Community Facilities

Section 6.1 notes that Community facilities accommodate a wide range of services including schools.

The town is served by a number of primary schools of which some are outside the town. Schools serving the town are Bunscoil McAuley Rice, Ballytobin Primary School and Kilkenny Steiner School as well as two secondary schools; St Bridget's College and Edmund Rice College, located in the north part of town. Further key services provided include health centre/ GP/ dental facilities, and childcare facilities.

Section 6.1.1 refers to School Facilities. Table 7 outlines capacity of primary school facilities within Callan. Table 8 outlines secondary school capacity. This includes Coláiste Eamonn Ris.

Regard is had to the location of new facilities and to: *the need to maximise opportunities to walk or cycle to school, and to also ensure that post-primary schools (which may serve a larger catchment) are within walking distance of available public transport;*

Cultural, Built and Natural Heritage

Section 7.1.1 had regard to Architectural Heritage - Record of Protected Structures.

Section 7.1.3 refers to Callan Architectural Conservation Area (ACA) and also includes A Statement of Character. Section 7.1.4 provides the Built Heritage Development - Objectives and Section 7.1.5 the Development Management Objectives. Figure 4 shows the boundaries of Callan ACA. Note the application site is outside and to the north of this.

Appendix 2: Architectural Heritage. This includes on the RPS the aforementioned: St. Mary's Convent of Mercy, the Chapel and the National School proximate to the subject site.

Section 7.1.6 refers to Archaeological Heritage. Callan is a former medieval walled town and in accordance with the National Policy on Walled Towns, these walls are deemed to be a National Monument.

As shown on Fig. 5 the site is within the Zone of Archaeological Potential for Callan Town.

Section 7.2 refers to Natural Heritage & Biodiversity.

This includes: *There are a number of significant natural features in Callan, such as the King's River, the Abbey Meadow and Motte Field which unite to give the town a unique environmental character which also supporting biodiversity and natural heritage in the town.*

Section 7.2.1 has regard to The River and River Nore SAC and SPA. Fig. 6 shows The King's River – Part of the River Barrow & River Nore SAC. Section 7.2.2 includes Objectives NHB1 – NHB6.

Infrastructure and Environment

Section 9.1 refers to Water Services. That as noted in Table 12, the existing waste water treatment plant in Callan has a capacity of 4000 (P.E) and that there is

headroom available (2019), noting that the majority of properties within the town area connected. That the network is a combined system with mixed storm and foul water. Infrastructure Development Objectives IN1-IN3 are of note.

IN3 - : *It is an objective of Kilkenny County Council to align future development with capacity at the Callan Waste Water Treatment Plant to ensure that any improvements are sufficient to meet standards required to avoid significant adverse effects on the River Nore and River Barrow SAC.*

Appendix 3 provides Irish Water Objectives for Development.

Section 9.2 refers to Flooding. A Strategic Flood Risk Assessment was carried out in accordance with, 'The Planning System and Flood Risk Management' (2009).

Objectives FDM1 – FDM5 refer.

Section 9.4 refers to Transport and Movement.

Reference is had to 'Smarter Travel – A Sustainable Transport Future (2009)' and to the need to improve accessibility to transport.

Transport Objectives TDSO1 – TDSO10 relate.

These include regard to road improvement connections, pedestrian crossings, TTAs and RSAs.

Implementation

Section 10.2 refers to Development Management includes objectives:

DMO1: It is an objective of Kilkenny County Council to implement land use zoning objectives for the plan area as set out in Appendix 1.

Section 10.3 refers to Master planning Approach and Section 10.4 to Urban Design Principles. As shown on the Land Use Zoning Map the site is not part of a Masterplan Area. Callan Motte Fields Amenity lies on the opposite side of the road to the southwest of the site.

5.4. Natural Heritage Designations

The River Barrow and River Nore SAC is c. 46.5m to the south west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been submitted by the Residents of Flaggy Lane, Callan, Co Kilkenny. This is summarised under the following headings:

Access

They wish to appeal the proposed new school access road from the southwest corner of the site off Flaggy Lane and separate independent access road to St. Mary's Convent off Flaggy Lane. They believe that there are perfectly adequate existing entrances for the purposes presently enjoyed by the property and their secondary schools. Their appeal is based on the following grounds:

Proposed Access issues

- The existing main entrances to residential Convent and Secondary School are adequate with safe views for traffic in either direction. These are:
 - 1) End of Bridge Street Callan and
 - 2) opposite the Primary School on the Kilkenny Road.
- They are concerned about the proposed new separate main entrance for the Convent to use from Flaggy Lane due to restricted sight lines, due to high concrete boundary walls. They note pedestrians and vehicles egressing from Convent property and increased traffic on Flaggy Lane caused by the revised one-way system, speed of traffic and narrowing of lane.
- The proposed new vehicular entrance onto Flaggy Lane is unnecessary. They consider that it is possible to design the internal roadway to accommodate all the needs of the convent and school without opening a new vehicular entrance.
- They are concerned about opening a new entrance onto a narrow laneway where residential amenities and safe access and egress will be directly impacted on not being in the interests of proper planning and sustainable development.

- Flaggy Lane was upgraded in 2023 under the Kilkenny CC Regeneration Scheme with EU Funding and now has wider footpaths for the safer use of pedestrian and cyclists. This has resulted in the narrowing of the lane and the width of the road has been narrowed and is now 3m.
- The additional entrances to the Convent and School properties could have a detrimental impact on the health and safety of children playing on the lane.
- They note concerns about loss of privacy, traffic congestion and deviant behaviour and no-one to police the one-way system on the lane.
- They are concerned the proposal will result in congestion for services using the lane and additional parking on Flaggy Lane, particularly at school drop off/collection times.
- The entire area of St. Brigid's College and the Convent has ample access and egress to cater for their needs without having to intentionally create a 'rat run' through a 3m wide Flaggy Lane.
- They ask that a new internal roads layout be looked into, to include set down/drop off area. As the Convent owns the land, they could request access and egress from either Haggard's Green or Kilkenny Road, which would be much safer.

Traffic and Transport Assessment

- They refer to Part 3 'Study Methodology' of the TTA and note that the survey was completed prior to the change in direction of the traffic along Flaggy Lane, which has resulted in a very evident increase in traffic coming from the Bridge Street direction and up Flaggy Lane.
- They disagree with the Assessment on page 17 of the Report – Access Strategy. They consider that the change in the traffic pattern has a significant negative impact on the local traffic.
- Concern that the Report anticipates between 2020 – 2040 an increase in Light Vehicles to 14.51% and Heavy Vehicles to 40.46% on Flaggy Lane.

Impact on Privacy

- Flaggy Lane is a quiet residential environment for its residents already partly disrupted by increased users caused by a new one-way system and resulting traffic at increased speed. The proposed development will greatly affect their privacy and the peaceful enjoyment of their properties.
- They submit that the school expansion could be placed on what was the Boys Coláiste Eammon Ris on the Kilkenny Road, which has ample space, ample exit/entrances, ample road width to cater for the increase in traffic and no disruption to residents.
- They are requesting frosted glass in the windows that are overlooking the properties on Flaggy Lane as a condition of building the proposed 2 storey building. That this be accompanied by planting tall trees to avoid the properties of Flaggy Lane being overlooked.
- If the Board decides to grant permission they request a condition be included, that a 12ft high wall and gateways, be erected to the front boundaries of the properties affected to ensure that these properties are not overlooked and that privacy is maintained.

6.2. Applicant Response

WEJCHERT Architects, have submitted a First Party response on behalf of the applicants, Coláiste Abhainn Rí Board of Management. They provide a general overview of the proposed development and their response is summarised under the headings below:

General Response

- They provide details of the proposed development which is essentially to provide additional school accommodation and facilities, complete with revised access arrangements and associated ancillary works.
- They note the need to integrate the proposed additional school accommodation with the existing school building into a coherent unified facility. Noting that the Special Educational Needs (SEN) facility needs to be linked and integrated with the main school building.

- The proposed development is co-ordinated and integrated with the recently completed Part 8 improvement works by the Council as part of Bridge Street and Flaggy Lane Active Travel Scheme Callan.
- The proposed development has been submitted in close consultation with the planning authority.
- The residents of Flaggy Lane have been consulted prior to submitting the application.
- Preparation of the scheme has been informed with reference to the physical and planning context of the site having regard to planning and development requirements of the area and the provisions of the Kilkenny CDP.
- They refer to the extensive drawings and reports submitted as part of the planning application which detail the nature, scope, scale and suitability of the proposed development.

They provide a response to each of the points raised in the Appeal submission, which are summarised below:

Roads related issues

Items 1,2,3,4, 5,6,7,8 raised in the Appeal:

- Their response refers to the enclosed O'Connor Sutton Cronin Consulting Engineers letter of the 5th of July 2024 and accompanying response.

Overlooking

- They provide that given the significant separation distance between the windows of the proposed school extension to the existing houses along Flaggy Lane, they submit that there is no undue overlooking or loss of privacy to these existing houses by the proposed development.

They have regard to the planning context for separation distances in the Kilkenny City and County DP 2021-2027. Also, to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 – Small Towns and Villages and to the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024.

Boundary Wall

- They submit that due to separation distances, there is no undue overlooking or loss of privacy for the houses in Flaggy Lane from the proposed development. That the erection of 12ft high walls and gateways to the existing houses in Flaggy Lane is not warranted and could be visually oppressive along the Lane.

6.3. Planning Authority Response

The Council has responded that they have no further comments to make with respect to the appeal.

6.4. Observations

There are no Observations to the Grounds of Appeal.

7.0 Screening

7.1. Environmental Impact Assessment

- 7.1.1. Section 172 of the Planning and Development Act 2000 (as amended) requires environmental impact assessment of classes of development set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended) where the development would equal or exceed the stated threshold or is sub-threshold but is likely to have a significant effect on the environment.
- 7.1.2. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 7.1.3. Regard is had to Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) which provides that mandatory EIA is required to include for the following types of development. Class 10 *Infrastructure Projects*

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

Class 13 Changes, extensions, development and testing

(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

(c) Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.

Class 14. Works of Demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

Class 15: Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

Sub-threshold development

- 7.1.4. Having regard to Class 10(b)(iv) the proposed development in summary is for the construction of an extension to a school of 2175sq.m and all ancillary works (including access) and connection to existing services on a site of 0.64ha. Therefore, the development falls well below the threshold for urban development of 10ha. The site is not in an area where the predominant land-use is retail or commercial, so the 2ha threshold is not applicable.

7.1.5. I have given consideration to the requirement for sub-threshold EIA. The site is located within an existing school campus and is within the town boundaries of Callan, Co. Kilkenny and the site is zoned 'Community Facilities', (The Land Use Zoning Map in the Callan Local Area Plan 2019 - 2025, relates). The proposed development which includes the demolition of an existing school building and the construction of a new school extension and connection to existing services, will not, as provided in the documentation submitted have an adverse impact in environmental terms on surrounding land uses. There are protected structures within the curtilage of the site, and as provided in the documentation submitted the proposed development will not impact adversely on architectural and cultural heritage. In addition, that the proposed development subject to the best practice mitigation measures would not give rise to waste, pollution or nuisances. That it would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Kilkenny County Council, upon which its effects would be marginal.

7.1.6. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within an urban area and on lands that are serviced,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The Appropriate Assessment Screening and Natura Impact Assessment carried out.
- The character and pattern of development in the vicinity,
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

- 7.1.7. Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Appendix 2 – Form 2 (EIA Preliminary Examination) attached to this Report. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.2. Appropriate Assessment

- 7.2.1. Consideration of the Likely Significant Effects on a European Site Article 6(3) of the Habitats Directive. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB are considered fully in this section. The areas addressed in this section are as follows:

- The Natura Impact Statement
- Screening for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site.
- The Natura Impact Statement and Supplemental Information

- 7.2.2. The application is accompanied by an AA Screening report and an NIS which describes the proposed development, the project area and the surrounding area. An Outline Construction Management Plan is also a key document in terms of the implementation of mitigation measures.

- 7.2.3. The Appropriate Assessment document has been prepared by Envirico Ltd. Environmental Consultants and informed by desk study including reference material from the NPWS website and data base and by field surveys.

- 7.2.4. A description of the Project is given in Section 4.2 of the NIS. Figure 4 shows the 'Proposed site plan for the new school extension on existing campus'. Figure 2 shows the proposed development in relation to Natura 2000 sites within 15km, of the site at Callan, Co. Kilkenny. Figure12 shows the study site location in the context of

the more proximate Natura Sites. The closest (46.5m to the south) being the River Barrow & River Nore SAC. The other Natura sites referred to i.e the Lower River Suir SAC and the River Nore SPA, are screened out due to lack of hydrological connection and distance.

- 7.2.5. It is provided that the proposed development is unlikely to have a significant effect due to distance and lack of connectivity through a hydrological connection to other Natura 2000 sites. That the close proximity of the River Barrow and River Nore SAC to the development site, renders it vulnerable to adverse effects caused by the proposed works. Table 5 of the NIS refers to potential for likely significant effects from sediment and pollution and spread of invasive species.
- 7.2.6. Environmental inputs associated with the proposed development will include surface-water run-off, waste-water and other wastes; however, these inputs will be controlled/managed. In this respect regard is had to the mitigation measures specified in Section 8 of the Outline Construction Management Plan and Section 7.2 of the NIS. Also, to the documentation submitted relative to waste management.
- 7.2.7. The NIS together with supplemental information concludes that, following an examination, analysis and evaluation of the relevant information, including the nature of the predicted effects from the proposed development, and mitigation measures to avoid such effects, that the proposed development will not adversely affect the integrity of any European site, either alone or in combination with other plans and projects.

Adequacy of information submitted by the applicant

- 7.2.8. Having reviewed the NIS and supplemental information that accompanies the application including at further information and clarification of further information stages and the details submitted in response to the third party appeal, I am satisfied that there is adequate information to undertake Screening and Appropriate Assessment of the proposed development on lands to facilitate a new extension to the existing school campus at Coláiste Abhainn Rí, Flaggy Lane, Callan, within the administrative area of Kilkenny County Council. I am satisfied that all possible European Sites that could in anyway be affected have been considered by the applicant.

- 7.2.9. I am satisfied that all ecological survey work and reporting has been undertaken and prepared by competent experts in line with best practice and scientific methods. Information on the competencies and professional memberships of the Ecological team are provided in the NIS. I am also satisfied that all potential impact mechanisms have been considered and appropriately assessed within the NIS document. I would refer to Appendix B where I carry out screening for Appropriate Assessment and subsequently a Stage 2 Appropriate Assessment.

8.0 Assessment

8.1. Introduction and Context

- 8.1.1. I have read through the documentation on file, including the further information response and clarification of further information submitted and the submissions made. I have had regard to the relevant provisions of the Kilkenny City and County Development Plan 2021-2027 and the Callan Local Area Plan 2019 -2025. Noting the locational context of the proposed development is within an established school complex. Also, to planning history and policy and have carried out a site inspection.
- 8.1.2. I consider that the main issues are those raised in the grounds of appeal. Overall, I am satisfied that no other substantive issues arise. The proposed educational development within the grounds of the existing school site on appropriately zoned lands for 'Community Facilities' is acceptable in principle, with regard to national and local planning policy on compact urban development. It is noted that the appellant does not object in principle to the proposed educational development in this location. I note that there are no additional Observations from third parties made to this appeal. I also note the First Party response to the grounds of appeal and that the Board has accepted this as a valid appeal.
- 8.1.3. The planning authority during their assessment of the application requested further information and clarification of further information and additional/revised documents and plans have been submitted. Regard has been had to the documentation submitted including the Planning Report which provides a description and rationale for the proposed development, the Architectural Heritage Impact Assessment which includes reference to the Protected Structures and the works within the curtilage of

the site, and the Visual Impact Study on the Callan ACA to the south of the site. Also, to the Engineering and Infrastructural Reports including regard to services and the Environmental Reports submitted. Noting that the issues concerning the potential for waste on site will be dealt with in accordance with the provisions of waste legislation under separate remit.

- 8.1.4. The planning authority have stated satisfaction regarding the proposed demolition of the existing school building and the design and layout of the proposed extension, vehicular access and internal roads layout, servicing for the development, waste management and regard has been had to ecology and archaeology. They are satisfied with the revisions made to the proposed development and recommended that permission be granted subject to conditions. They have no further comments to make relative to the grounds of appeal.
- 8.1.5. It is submitted in the First Party response to the appeal that the proposed development is essentially providing additional school accommodation on site in line with a Department of Education Brief to provide additional educational facilities to cater for the recently formed school, amalgamated from two local schools, complete with revised site access arrangement and associated ancillary works. There is no objection to the principle of these works. Having regard to the above, and the established nature of the school site, I would therefore consider that this assessment should be limited to the matters raised in the grounds of appeal and should not be considered de novo by the Board.
- 8.1.6. The relevant issues are as raised by the Third Party Appellants – the Residents of Flaggy Lane, have regard to the proposed access/exit route and in particular the location of the accesses on Flaggy Lane and their concerns relative to traffic and congestion. Also relevant to the impact on residential amenity and the privacy of their properties. Regard is had to the issues raised and to the Traffic and Transport Assessments submitted and to the comments of the Council's Road Design Section, the First Party response and to compliance with the relevant standards. These issues are discussed further in the context of this Assessment below.
- 8.1.7. In addition, it is of note that the site is proximate to the River Barrow and River Nore SAC (to the south of the site) and regard is had to the Natura Impact Statement submitted. Regard is had to the issues raised in this Assessment below.

8.2. Access and Traffic

- 8.2.1. As shown on the plans and as seen on the day of the site visit, the existing entrance to the site is via the Kilkenny Road (R692) to the east. There is a traffic light controlled pedestrian crossing to the south of this access. As noted, there is currently a one-way route from the Kilkenny Road, internally through the site. Exit from the school is via the access from Lower Bridge Street. There is a pedestrian crossing proximate to this exit. Internally the route to the exit is steeply sloping downwards through the site and is adjacent to a stone grotto, to be relocated.
- 8.2.2. The Planning Report submitted with the application notes that the local Callan Mobility Management Plan has recently implemented the reversal of the direction of traffic on Flaggy Lane to the west of the site. OCSC consulting engineers have developed a proposal to provide a new road access to the site, as detailed in their Traffic and Transport Assessment report and engineering drawings submitted with this planning application. In summary, the proposed development is to include a new school access road from the southwest corner of the site from the base of Flaggy Lane, and a separate independent access road to St. Mary's Convent.
- 8.2.3. As shown on the Site Layout Plan the proposed location of the new school extension accommodation is to the south of the site to be linked to the existing school building. This is to be facilitated by a proposed revised site access and entrance to the school from the southwest corner of the site and reversal of the one-way vehicular flow of the internal access road within the site. It is provided that this is to integrate with the local authority Callan Mobility Management Plan and new local road access scheme which includes the reversal of flow along Flaggy Lane to the west of the site.
- 8.2.4. Section 10 of the Planning Report provides that the proposed access, roads, traffic and carparking have been developed by OCSC Consulting Engineers in consultation and agreement with the Council's Road Engineers. Reference is had to the Traffic & Transport Assessment Reports submitted with the planning application. They submit that as set out in these Reports, the proposed development and road accesses will not have any adverse impact on the local road network, surrounding junctions or existing road users or local residents. The Third Party Appeal from the Residents of Flaggy Lane disputes this and their concerns regarding the impact on traffic congestion and their residential amenity have been noted in their appeal submission.

In particular, having regard to the impact of the two separate accesses proposed to serve the school and convent from Flaggy Lane.

8.3. Consideration of Access and Traffic Implications

- 8.3.1. It is of note that two separate Traffic & Transport Assessments have been submitted, one with the application is dated 12th of September 2023 and that revised in response to the Council's further information request is dated 14th of March 2024. An overview of the site and the proposal is provided. Section 2 provides Background Traffic Volumes based on junction surveys conducted at several locations in the study area (Figure 3 refers).
- 8.3.2. Details are given in Section 3 of the Study Methodology, scenarios and traffic counts. They provide a base year of 2022, a year of opening of 2025 and a design year of 2040. It was then noted that the current traffic pattern of the local network will be reassigned due to the introduction of a change in traffic flow direction on Flaggy Lane under Kilkenny County Council Part 8 planning. That while this change has already been implemented, it was not present at the time of the junction surveys.
- 8.3.3. This is of concern to the Third Party Residents of Flaggy Lane, who noted that the survey was completed prior to the change in direction of traffic on Flaggy Lane, which they provide has resulted in a very evident increase in traffic coming from the Bridge Street direction and up Flaggy Lane. They are concerned that Section 3 of the TTA includes a Table which provides that growth rates for the year 2022-2040 are to increase by 14.5% for light vehicles and 40.46% for heavy vehicles, also having regard to the Access Strategy (p.17). The TTA provides that the reassigned traffic will dissipate considerably and will have a negligible impact on the operation of the wider network. Also of note, that the accesses to the houses, along the one-way system on the lane are to the north of the proposed entrance to the school site at the junction of Flaggy Lane with Lower Bridge Street and Westcourt Demense.
- 8.3.4. Section 4 of the TTA provides details of the Receiving Environment, noting that the existing primary artery through the study area are Kilkenny Road, Flaggy Lane and Lower Bridge Street. As proposed the access to the development lands is to be via Flaggy Lane. The Third Party consider that the main entrances to the residential convent and secondary school from: 1) the end of Bridge Street, Callan and 2)

opposite the primary school on the Kilkenny Road are adequate to serve the proposed development. They note the one-way system at the time of the surveys operated in the opposite direction to the subsequent revisions (now in place) revised under the Kilkenny County Council Part 8 scheme (Figure 4 refers).

- 8.3.5. Section 9.4 of the Callan LAP 2019-2025 has regard to Transport and Movement including note of the proximity of the town to the N76. This includes: *Frequent local trips which may include school traffic results in continued congestion around Bridge Street. The narrow layout means that this congestion adversely affects the commercial viability of properties along the street as well as presenting a pedestrian safety risk.*
- 8.3.6. Having regard to the plans submitted including the Visual Impact Study Images – Revision A, showing the additional school accommodation, it is of note that the proposed new school extension will include linkage to the existing school buildings, which will result in the existing exit route to Lower Bridge Street, not being available to facilitate vehicular traffic. In addition, that as part of the proposed development, the grotto in this location is to be relocated, to facilitate the proposed new school extension building and changes to the access route.
- 8.3.7. Section 5 of the TTA refers to the Characteristics of the Development and provides an overview of the site. Figure 9 refers showing the existing access, one-way system, parking areas and car and bus set down areas. This includes the existing access from the Kilkenny Road (R962) and exit to Lower Bridge Street. Details are given of the proposed access strategy. This provides that the need to include a connection between the new and existing buildings means that the existing exit could not be retained for traffic purposes. It is noted that the available space within the site prevents the provision of a two-way internal road which necessitated the adjustment to the proposed one-way circulatory system. That due to the planned flow of Flaggy Lane, the more southern location of the new school building removes the need for vehicles to travel the full length of the road. Noting that this then ensures that trips are not present on the majority of Flaggy Lane, which is a minor road.
- 8.3.8. Regard is had to Trip Generation and Redistribution. The TTA provides that the new school which involves relocating existing facilities will not generate any additional traffic. That the impact on the local road network will involve the current trips to/from

the school being redistributed to account for the proposed new location. That this limits the potential impact on residents. That, furthermore, the proposed reorientation of the existing entrance on Kilkenny Road to an exit only junction will benefit the public road as it will shift the school trips entering the facility from the major road, to the minor road, reducing the overall impact on the local road network.

- 8.3.9. The OCSC response to the Council's F.I request includes reference to revised drawings to show an arrangement which would facilitate for a left out only direction onto the Kilkenny Road. The revised plans submitted include an updated topographical survey of the area which has been completed to reflect the recent upgrade to Flaggy Lane. It is also noted that a Swept Path Analysis has been carried out. In addition, a revised layout of the exit junction which they provide has been amended as requested.
- 8.3.10. Section 8 of the TTA has regard to Potential Impact of Development Operation given the base year of 2022, the opening year of 2025 and the design year of 2040. This includes regard to Junction Capacities (Appendix B refers). It is noted that the figures show that the increase in traffic as a result of the change in flow direction and relocation of the current Coláiste Abhainn Rí school is over 10% at the existing Junctions 1 and 3 within the study area, and that some of the existing junctions will experience a decrease in traffic. This is due to trips being redistributed from the development's current location to the new location.
- 8.3.11. The biggest impact of the development would be on Flaggy Lane, however, they provide that the resultant values are extremely low with more than sufficient capacity available, even in the 2040 design year. They deemed it unnecessary to conduct a detailed analysis of these impacts on the junction capacity as they are deemed positive. It is proposed to operate the access junction into the development as a priority-controlled junction with a one-way system on Flaggy Lane (Main Access - Junction 6). The TTA provides that the results show that the junction operates well within normal capacity limits with extremely low DOS values and queue lengths on all arms during both peak hours.
- 8.3.12. Section 9 of the TTA provides Summary and Conclusions. They note that their results show the proposed access junction layout including the provision of the access from Flaggy Lane will provide more than adequate capacity to cater for the

relocated school trips without having a negative impact on the wider road network or local road users. That the junction of Flaggy Lane with Westcourt Demesne has been shown to operate with a high amount of reserve capacity available, even during the 2040 Design Year. That the layout of the junction with the one-way nature of Flaggy Lane will lead to a very low level of conflict, which means that road users will not be adversely affected by any additional trips along Flaggy Lane. That overall the traffic analysis has shown that the relocation of the school access to that proposed will not have any adverse impact on the local road network, surrounding junctions or existing road users. There are a number of Appendices included with the TTA which include traffic flow diagrams, junction analysis and details of survey results.

- 8.3.13. I also note the O'Connor, Sutton, Cronin response to the appeal which provides further details relative to the proposed new entrance at the base of Flaggy Lane, which they provide was specifically proposed to avoid additional traffic movements along the majority of Flaggy Lane and limit same by taking traffic into the site at the bottom of the lane, so that the school traffic will not travel up Flaggy Lane. They also note that the exit at the end of Bridge Street will no longer be feasible for vehicular traffic due to the configuration of the proposed school extension. They provide that it is unlikely that the change in traffic patterns will have any significant negative impacts on the local road network.

Sisters of Mercy Convent Access

- 8.3.14. The Planning Report submitted notes that as part of the land transfer of convent lands to facilitate the building of the new school extension, a secondary independent entrance is included to serve St. Marys Convent further up Flaggy Lane. They note that the visual impact of this entrance includes a short length of opening up of the existing boundary wall onto Flaggy lane with a new simple gate and railings, wall, pillars and perimeter hedging behind.
- 8.3.15. It is submitted that this new entrance will improve accessibility to residents of the Convent, while catering to a negligible amount of traffic. Section 9 of the TTA notes that the additional proposed left-in/left-out-only access for the Sisters of Mercy Convent will improve accessibility to residents of the Convent while catering to a negligible amount of traffic. It should be noted that this access is intended to only be used by the Convent. Also, that the proposed secondary independent to serve St.

Mary's Convent will involve a change in a section of the existing driveway across the lawn in front of St. Mary's Convent P.S. A gate and fence is to be installed on the internal road to separate these elements within the site.

- 8.3.16. The OCSC response to the ground of appeal noted that the convent and the school are separate independent legal entities which means that school traffic is restricted to its respective portion of the site. In addition, that the land acquisition has been facilitated by the convent to facilitate the proposed layout and that there is no potential for additional lands to be transferred to allow for any further road space to serve the school. That it is anticipated that the usage of this second entrance from Flaggy Lane will be low.
- 8.3.17. On site, I noted that there is not currently a separate access to the Convent building. It is accessed via the internal one-way access route that serves the school, through the site. This building currently appears to be little used or unoccupied. The plans show that the proposed access and driveway are through the landscaped green area in front of the Convent and Chapel buildings which are Protected Structures. I note the Residents of Flaggy Lane concerns about traffic and congestion including the need for a second entrance. I would query that the need for a second access from the narrow Flaggy Lane has been justified. It would appear, that the proposed school entrance and internal one-way road layout from Flaggy Lane to the school complex could also serve the convent. This is currently the case albeit the one-way system is reversed. If the Board decides to permit, I would recommend, that it be conditioned that this proposed separate independent access to the convent be omitted.

Potential Impact of Development Construction

- 8.3.18. Section 7 of the TTA provides that relative to the operational stage, the construction period will be temporary in nature. Details are given of construction traffic, including hours of operation. Onsite parking is to be provided for use by critical staff only with the remainder of the staff encouraged to travel via public transport options serving the locality. That excavation and materials delivery vehicles travelling to and from the site will be spread across the course of the working day meaning the number of HGVs travelling during peak hours will be relatively low. Overall, it is expected that the level of traffic generated by the construction works will be out of peak traffic hours and therefore have a negligible impact on the surrounding road network.

8.3.19. Regard is also had to the Outline Construction Management Plan submitted. Section 4 refers to Construction Access and Routing. This includes that the site will be accessed via a dedicated entrance on Flaggy Lane, with construction vehicles travelling through the site and exiting via the existing access to the south of the site for the majority of the project. Construction traffic is to be routed via the L5044 to the north of the site, and Kilkenny Road to the east, as shown in the figure 3 of the OCMP. Providing that the one-way flow planned for the construction traffic will ensure a minimal impact on the road network and local road users.

Conclusion

8.3.20. Having regard to the implications of the proposed development, I would consider that the revisions made in the F.I submitted to the access from Flaggy Lane, the exit to the Kilkenny Road and the internal one-way access route and proposed pedestrian crossings outside the site are generally acceptable. However, I would not consider that the need for the second entrance from the narrow Flaggy Lane to serve the Convent has been justified and if the Board decides to permit would recommend that this be omitted.

8.3.21. A detailed Construction and Environment Management Plan to include traffic management and construction traffic mitigation measures is to be provided and if the Board decides to permit this should be conditioned.

8.4. Parking, Public Transport, Cycle and Pedestrian Facilities

Parking

8.4.1. Section 6 of the TTA provides the Parking Strategy and regard is had to the Site Layout Plan and the drawings submitted. It is submitted that the proposed car parking strategy at the site has been developed taking into consideration a variety of factors to ensure the appropriate number of spaces are provided which is in line with current sustainable travel and development objectives. This includes new carparking set down spaces adjacent to the Special Educational Needs Unit. The existing parking is shown on Figure 11 and the proposed parking and drop off overview is shown on Figure 12.

8.4.2. Regard is had to the Parking Standards of the Kilkenny City and County Development Plan Volume 1, 2021-2027. The maximum standard applicable to this

development type is 1 car parking space per classroom plus 4 additional spaces. It is noted that the proposed development will provide a total of 6no. standard classrooms and other ancillary facilities. The TTA provides that a total of 10no. additional car parking spaces are required. It is proposed to provide 6no. additional car parking spaces which is below the maximum allowance for the proposed building. This will result in a total of c.44no. spaces, including the existing spaces shown on the site, noting that the additional spaces will only facilitate the additional staff and students to be relocated from the existing school site. Details are given of set-down areas available on the northern and eastern side of the site along the L5044 and Kilkenny Road. They provide that additional set down areas are also proposed within the school site itself, to prevent any overspill of waiting vehicles onto the road network.

- 8.4.3. I note the concerns of the Residents of Flaggy Lane regarding parking and congestion. On my site visit, I noted that there is a considerable amount of parking onsite, including within the basketball pitch located adjacent to the proposed pedestrian walkway in the northeastern part of the site. I would consider it important that the proposed development not lead to further congestion on the site that would impact on school facilities or on the general area, including adjacent to the proposed Flaggy Lane entrance or the Kilkenny Road exit. I note that condition 7 of the planning authority permission concerns roads related issues and 7(d) the provision of double yellow lines on Flaggy Lane. If the Board decides to permit, I would recommend the inclusion of such a condition.

Mobility Alternatives – Modal Shift

- 8.4.4. As noted in the Policy Section above, Section 12.2 of the Kilkenny CCDP 2021-2027 refers to Significant Documents and Guidance which support and seek to promote the more sustainable modes of travel (walking, cycling and public transport). This includes regard to integration of land use planning and transport and compact urban development and permeability. Section 12.5.2 of the said Plan includes: *To require Workplace Travel Plans for proposed trip intensive developments in existing and established trip intensive locations where onsite parking cannot be provided on site in accordance with Table 12.3.* For schools this equates to 1 car space per every classroom plus 4 additional spaces. Reference is had to the requirement for a Mobility Management Plan.

- 8.4.5. Section 4 of the TTA notes that there are several alternative transport facilities in the region of the development. The closest railway station is Kilkenny City, located approx.20km northeast of the site. Therefore, public transport is by bus and note is had on the drawings submitted of bus bays and set down areas in the vicinity of the school complex.
- 8.4.6. The schools complex in this urban area is located within a short walking distance of a large number of residential areas within the town of Callan. Note is had to existing pedestrian access and proximate pedestrian crossings to the school site. Noting that potential future infrastructure works in Callan will include the improvement of pedestrian and cycling facilities adjacent to the proposed development site as part of the Callan LAP 2019 (Figure 7 refers). That there are plans to provide additional pedestrian and cycling facilities on Bridge Street to form part of a future pedestrian cycle network in the local area. Objective TSDO3 of the LAP seeks to: *Improve Pedestrian crossing facilities on the N76 at the R695 and L1020 junctions in consultation with the TII.*
- 8.4.7. The description of development includes the reopening of a pedestrian access path from the Kilkenny Road (R692). An existing access gate to the northwest corner of the site off this road is to be opened as a new pedestrian access for students and other users of the school. The revised Site and Road Layout Plans show that revisions have been made to the proposed pedestrian crossings to the northeast and to the southwest of the site as requested by the Road's Design Section.
- 8.4.8. Figure 9 of the TTA shows the existing car and bus set down areas. It is noted that buses and off site drops offs are concentrated to the North of the site so the proposed access route will allow ease of access and permeability into the school site. As shown, there are set down bays provided on both Kilkenny Road to the east and the Local Road (L5044) to the north which facilitates both cars and buses.
- 8.4.9. In response to the Council's F.I request, the revised TTA submitted on the 14th of March includes details of proposed bicycle parking provision. Table 12.2 of Vol. 1 of the KCCDP 2021-2027 provides Bicycle parking requirements. The OCSC F.I response to item 8 of the F.I request notes that the existing cycle provision at the comprises 29 spaces, which is considerably below the standards. They submit that there is minimal demand for cycle parking provision on site and provide a discussion

of reasons for this. These include distance from the school, traffic safety and challenging local road and traffic management infrastructure which is considered unsafe for younger cyclists. Reference is had to Figure 16 which shows Cycle Infrastructure Recommendations in the Callan Mobility Study 2021-2026. Section 6 of the revised TTA identifies locations within the school site, where cycle parking provision could be improved.

Conclusion

- 8.4.10. I note Section 12.5.2 of Volume 1 the Kilkenny CCDP 2021-2017 refers to the need for Workplace Travel Plans (also known as Mobility Management Plans) including for places of education, and mobility needs of their users and work towards reduced car dependency. If the Board decides to permit, I would recommend, that further regard be had to modal split and that the inclusion of a Mobility Management Plan be subject to condition.

8.5. Impact on Residential Amenity of Flaggy Lane

- 8.5.1. The Third Party are concerned that the proposal taking into account the new one-way system already implemented and the potential for traffic congestion, particularly at school drop off and collection times, will impact adversely on the privacy and residential amenity of local residents in Flaggy Lane. Noting that Flaggy Lane is a narrow residential Lane (3m in width) serving 5 residential properties. That the proposed new entrance for the convent is opposite bungalow 2 and 3, along with the opening of the existing 'green gates' for the main school access being nearly opposite bungalow 1. They submit that the chaos and loss of privacy from the traffic using the new entrance, glare of lights etc. will result in an adverse impact for these properties and their right to use their existing accesses safely this has not been taken into account.
- 8.5.2. They submit that the school expansion could have been placed on what was the Boys Coláiste Eamonn Ris site, on the Kilkenny Road, which they provide has ample space, exit/entrances and road system to cater for the increase in traffic and would not cause disruption to the residents of Flaggy Lane. I would note that the use of such an alternative site is not under consideration or within the remit of this current application.

- 8.5.3. As noted in the documentation submitted, the one-way system up Flaggy Lane will mean that school traffic will enter from the base and will not be travelling northwards, up the Lane, which will have less of an impact on local residents. It will go into the school site and exit onto the Kilkenny road, therefore this will lessen the impact of the proposed development on the one-way system in Flaggy Lane.

Overlooking

- 8.5.4. Should the Board decide to permit the Third Party are requesting that frosted glass be placed in the windows of the proposed two storey school building that are overlooking the properties in Flaggy Lane. Also, that a 12ft high wall and gateways be erected to the front of the boundaries of the properties affected to ensure that they are not overlooked and their privacy is maintained. They request that these items be conditioned.
- 8.5.5. Regard is had to the separation distance between the proposed school building and the residential properties in Flaggy Lane and noting the elevations (including the west elevation) and contiguous elevations submitted. Also, to the details submitted in the First Party response to the appeal (which includes diagrams showing the proposed school building on the opposite side of the road, is to be 40m and a minimum of 34m set back from the first house in Flaggy Lane). I would not consider that such measures would be necessary or in the interests of the visual or residential amenities of the area.

Conclusion

- 8.5.6. I note that the revised plans involve the removal of the block wall along the boundary with Lower Bridge Street and replacing it with a railing. That the objective is to open up the site and to improve the vista from Callan ACA. The boundary wall along the western boundary of the site for the most part is to remain. Visually the revised proposal will not adversely impact on the properties in Flaggy Lane, rather the vista to the new school will be opened up and be more visible from Lower Bridge Street. As shown on the plans it is not proposed to remove the existing concrete boundary wall along Flaggy Lane, except to facilitate, the proposed new entrances including to the convent building, which as noted above I recommend the latter not be included. In addition, if the Board decides to permit I recommend that conditions regarding boundary treatment and landscaping be included.

9.0 Recommendation

I recommend that permission be granted for the proposed development subject to the conditions below.

10.0 Reasons and Considerations

Having regard to the relevant provisions of the Kilkenny City and County Development Plan 2021-2027, and to those of the Callan Local Area Plan 2019-2025, the current established use of the site for educational purposes and the land use zoning for 'community facilities', the scale and nature of the proposed development to facilitate a school extension, it is considered that subject to the following conditions, the proposed development would not seriously injure the residential or visual amenities of the area would be acceptable in terms of traffic safety and public health. 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 15th of March 2024 and the 24th of March 2024, and by An Bord Pleanála on the 9th day of July 2024, 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), and the Outline Construction Management Plan dated the 14th of March 2024 shall be implemented in full or as may be required in order to comply

with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval required further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European sites and biodiversity and in the interest of public health.

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

Reason: In the interest of visual amenity.

4. Access from the public road, pedestrian crossings and internal road and vehicular circulation network serving the proposed development, including turning bays, car parking areas, footpaths and kerbs, signage and traffic calming measures, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of the Environment, Community and Local Government in March 2019, as amended. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

5. Prior to the commencement of development the following details shall be submitted and agreed in writing with the planning authority:
 - a) A Revised Site Layout Plan, showing the proposed separate independent access to the convent via Flaggy Lane omitted, and access and circulation via the school access and internal access route.
 - b) Details of all onsite carparking and electric vehicle charging infrastructure.
 - c) Details showing the location of covered cycle parking to be provided onsite.
 - d) Details of how access to the walkway from the public road will be managed.

e) Details showing double solid yellow lines on Flaggy Lane.

Reason: In the interests of pedestrian and traffic, cyclist and pedestrian safety and to protect residential amenity.

6. A Road Safety Audit (Stages 1, 2 and 3) shall be submitted to and agreed in writing with, the planning authority prior to the commencement and completion of development, in order to demonstrate that appropriate consideration has been given to all relevant aspects of the development in accordance with the Design Manual for Urban Roads and Streets (DMURS).

The measures recommended by the audit shall be undertaken, unless the planning authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report shall also be submitted.

Reason: In the interests of public safety and residential amenity.

7. Prior to the opening of the development the developer shall submit for written agreement with the planning authority an Operational Stage Mobility and Traffic Management Plan in accordance with the requirements of the planning authority. This shall provide incentives to encourage the use of public transport, cycling, walking and car-pooling. The Plan shall be implemented in accordance with this agreement and shall be updated annually, in agreement with the planning authority.

Reason: In the interests of traffic safety and to protect residential amenity.

8. Final details of all proposed site boundary treatments, including walls and fencing shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual and residential amenities.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of the amenity of the area.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

11. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection) to the public water supply and/or wastewater collection network.

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

12. Lighting shall be provided in the car park areas and along the circulatory route and pedestrian walkways through the site, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Such lighting shall be provided prior to the opening of the school and shall be designed to avoid light pollution on neighbouring properties and the riparian setting of the tributary of the Kings River to the south of the site.

No floodlighting shall be erected without prior planning permission for such structures.

Reason: In the interests of amenity and public safety.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

14. A management plan for the control of alien invasive species, including a monitoring programme, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and to prevent the spread of alien plant species.

15. The demolition and construction of the proposed development shall be managed in accordance with a Demolition and Construction and Environmental Management Plan, to include a Traffic Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) Provision of parking for existing properties at [specify locations] during the construction period;
 - (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - (m) Means to ensure that surface water run-off is controlled such that no silt

or other pollutants enter local surface water sewers or drains.

(n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

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

16. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for the school shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare 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) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

18. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

19. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

20. 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.

Angela Brereton
Planning Inspector

11th of February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319894-24		
Proposed Development Summary	Extension to post primary school, demolition of study hall, new access roads, relocation of existing grotto on site, reopening of pedestrian access path from Kilkenny Road and all site and ancillary related works. The works are within the curtilage of protected structures: Saint Mary's Convent, Scoil Mhuire National School (old) and Saint Mary's Chapel.		
Development Address	Coláiste Abhainn Rí Post Primary School and Saint Mary's Convent of Mercy, Kilkenny Road, Lower Bridge Street/Flaggy Lane, Callan, Co. 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 ✓	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
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	✓	Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) Class 10 <i>Infrastructure Projects</i> 10(b) (iv) <i>Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.</i>	Proceed to Q3.

		<i>Class 13 Changes, extensions, development and testing</i> <i>(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-</i> <i>(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and</i> <i>(ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.</i> <i>(c) Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.</i> <i>Class 14. Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</i> <i>Class 15: Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</i>	
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No	Tick or leave blank		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	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	✓	The proposed development does not meet or exceed any relevant thresholds.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Class 10(b)(iv) of the Planning and Development Regulations 2001 (as amended) – the site area (0.64 ha) for the proposed school extension (2175sq.m) and ancillary works falls below the threshold for urban development, and is not located within a business district. The proposed school extension falls below the threshold of Class 13 <i>Changes, extensions, development and testing</i> Having regard to Class 14 the proposed demolition works of the existing single storey study hall school building are not likely to have significant effects on the environment. Class 15 – the proposed development, which is sub-threshold is not likely to have a significant effect on the environment having regard to the criteria set out in Schedule 7.	Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319894-24
Proposed Development Summary Extension to post primary school, demolition of study hall, new access roads, relocation of existing grotto on site, reopening of pedestrian access path from Kilkenny Road and all site and ancillary related works. The works are within the curtilage of protected structures: Saint Mary's Convent, Scoil Mhuire National School (old) and Saint Mary's Chapel.	
Development Address Coláiste Abhainn Rí Post Primary School and Saint Mary's Convent of Mercy, Kilkenny Road, Lower Bridge Street/Flaggy Lane, Callan, Co. Kilkenny.	
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development in summary is for the demolition of an existing school building and the construction of an extension to a school of 2175sq.m and all ancillary works (including access) and connection to existing services on a site of 0.64ha. Therefore, having

	regard to Section 10(b)(iv) of the Planning and Development Regulations 2001 (as amended), the development falls well below the threshold for urban development of 10ha. The site is not in an area where the predominant land-use is retail or commercial, so the 2ha threshold is not applicable. The proposed development is to connect to public services. As per the documentation submitted, including an Engineering Services Report and the Outline Construction Management Plan, it will not result in significant emissions or pollutants. Note is also had of the measures recommended in the Asbestos Report submitted, having regard to the proposed demolition works for the existing school building. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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	Please refer to the Planning History Section of this Report. No significant cumulative considerations.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is within an established educational school complex and is within land zoned 'Community Facilities' in the Callan LAP 2019-2025. The site is within the curtilage of 3no. Protected Structures. An Architectural Heritage Impact Assessment and an Archaeological Desktop Study have been submitted, which have found that the proposed development will not have adverse impact on cultural heritage. Details submitted include regard to demolition and construction works. Also, to surface water drainage and the incorporation of SuDS. Reports submitted include an Engineering Services Report, an Outline Construction Management Report and an Outline Resource & Waste Management Plan. A Traffic and Transport Assessment has also been submitted.

	An NIS has been submitted and Stage II concludes that subject to mitigation measures the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on Natura 2000 site including the River Barrow and River Nore SAC. (Appendix B refers)
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location within an established school complex within the urban boundaries of Callan Local Area Plan, removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act. In section 7.1 of my Report, I have concluded that the need for environmental impact assessment can, be excluded at preliminary examination and a screening determination is not required. Section 7.2 refers to Appropriate Assessment and Appendix B of this Report refers to the Stage I Screening Report and the Stage II NIS submitted and concludes that with mitigation measures there will

		be no likely significant effects on the River Barrow and River Nore SAC.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	✓
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

12.0 APPENDIX B

12.1. Appropriate Assessment Screening

- 12.1.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site, in which case the development is 'screened in' for further detailed assessment- appropriate assessment (stage 2).
- 12.1.2. The screening assessment undertaken on behalf of the applicant concluded that the potential for significant effects could not be ruled out for one no. European Site within the intervening area in view of the conservation objectives of this site and thus Stage 2 was required.

Step 1: Description of the project

- 12.1.3. I have considered the proposal for additional school accommodation and ancillary works, including infrastructural and access works at Coláiste Abhainn Rí School and St Mary's Convent, Kilkenny Road/Lower Bridge Street/Flaggy Lane, Callan, Co. Kilkenny, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An AA Screening report has been prepared on behalf of the applicant and the objective information informs this screening determination.
- 12.1.4. The proposal is in summary for the provision of a two storey school extension (2175sq.m) within the existing educational complex. Following an amalgamation between St. Brigid's Girls Post Primary School with Coláiste Éamann Rís Boy's Post Primary School, a new two storey school extension is proposed to provide additional educational and support spaces at the new Coláiste Abhainn Rí, to accommodate increased number of pupils and a dedicated Specialist Educational Needs (SEN) unit. This school site is located within the boundary of the Old Convent campus. The school campus consists of a complex of buildings dating from the 18th century to recent times. Note is also had in the cultural heritage documents submitted relative to protected structures within the school complex site and to archaeology.
- 12.1.5. Surrounding land use is varied and comprises of built land to the west, south and east in the form of domestic dwellings, school and local businesses and to the north by improved agricultural grassland. The current site access is via the Kilkenny Road

with exit via Lower Bridge Street. Site boundaries are formed by built structure such as walls and natural structures such as ornamental/non- native shrubs and treelines.

12.1.6. The southern boundary of the site is on the opposite side of the road to the north of (c.46.5m) a tributary of the Kings River (c.215m to the south of the site) and forms part of the River Barrow and River Nore SAC 002162.

Step 2: Potential impact mechanisms from the project

12.1.7. Having regard to the location of the site relative to the nearest Natura 2000 sites there is no likelihood for direct impact in the form of:

- Habitat loss of deterioration
- Species disturbance or mortality

12.1.8. There is a possibility of indirect impacts in the form of the following:

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Ground water pollution/ alteration of flows- effects on groundwater dependent habitats.
- Human disturbance/ noise/ lighting - resulting in disturbance and displacement effects to QI species.

European Sites

12.1.9. Section 3 and Table 1 of the Screening Report provides an Identification of Relevant European Sites (Natura 2000) within the zone of influence of the proposed development site. These are as follows:

- River Barrow and River Nore SAC IE0002162 (46.5m to the south west)
- Lower River Suir SAC IE002137 (10.8km from the site) and
- River Nore SPA IE004233 (1.8km from the site)

12.1.10. The applicant has applied the source-pathway-receptor model in determining possible impacts of the effects of the proposed development. Table 1 notes that only the River Barrow and River Nore SAC has potential for hydrological links to the site. The other two Natura 2000 sites are a distance from the subject site and have no

hydrological links and are therefore screened out. No other Natura 2000 sites are considered relevant here regarding likely significant effect due to a lack of hydrological link and given their locations distant from the site.

The Qualifying Interests and General Conservation Objectives of the River Barrow and River Nore SAC Designated Natura 2000 site are as shown on Table 1 below:

European Site (code) and distance from proposed development	List of Qualifying interest/Special Conservation Interest	General Conservation Objectives	Connections (source, pathway receptor)	Considered in further screening Y/N
River Barrow and River Nore SAC 002162 The SAC flows northwest to southeast within 46.5m south of the site.	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]	To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II species for which the SAC has been selected.	There is source – pathway – connectivity between the proposed development site and the River Barrow and River Nore SAC which in view proximity has the potential to be hydrologically connected via the Kings River (outside of the site) which is a	Yes

	Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Trichomanes speciosum (Killarney Fern) [1421] Margaritifera durrovensis (Nore Pearl Mussel) [1990]		tributary and a component of the SAC.	
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Assessment of likely Effects (Direct/Indirect)

River Barrow & River Nore SAC

- 12.1.11. Section 5 of the Screening Report notes that the close proximity of the River Barrow and River Nore SAC to the development site, renders it vulnerable to adverse effects caused by the proposed works. The assessment of LSE (Likely Significant Effects) upon the SAC are considered in Table 5. In Summary having regard to the Conservation Objectives and Qualifying Interests for the River Barrow and River Nore SAC these are replicated in Table 2 below.

Identification of Potential Effects and Potential Pathway	Potential for Likely Significant Effects (LSE)
Sediment and Pollution: Indirect impacts on Annex I habitats and Annex II species (e.g. reduction in surface water quality/ introduction of invasive spp.) Spread of invasive Species: Introduction of Invasive spp to the site from construction machinery to the adjoining site SAC boundary.	Sediment and Pollution: Site adjoins the SAC boundary separated by Flaggy Lane from Callan Motte. There is an access road (Westcourt Demense) between the southwestern boundary of the school site and residential dwellings. There is no hydrological links to the river, however an unforeseen event or poor management of surface water on site, there is potential for construction pollutants to enter the receiving environment. Spread of invasive Species: There is potential for likely significant effects upon this site due to the spread of invasive species as a result of the proposed development.

Assessment of Likely Significant Effects

- 12.1.12. Section 5.4 of the Screening Report notes that the potential exists, for adverse effects on the River Barrow and River Nore SAC (002162), which is within 46.5m to the proposed development site, with regard water quality impacts and direct or indirect impacts affecting Annex I habitats or Annex II aquatic species of the Habitat Directive, for which this site is designated.

In-combination Effects

- 12.1.13. Section 5.5 of the NIS notes that two types of in-combination effects should be considered. Intra project effects are the combined effects of different types of impact within the proposed projects, for example the combined effects of disturbance and changes to water quality. Noting that inter-project in-combination effects are considered to be those that may arise from the project in-combination with other plans and projects that are completed, as well as those proposed and consented but not yet built and operational. A search for relevant plans and projects within the ZOI was undertaken for assessment of in-combination impacts and they list the sources of these. They note that the majority of proposed and permitted developments within the surrounding area are small scale. They refer to four larger scale developments identified in the Callan area, which are referred to in the Planning History Section above. It is not considered that these permitted developments, which are not related to the subject site, would have an in-combination effect with the current proposal.

Conservation Objectives

- 12.1.14. Section 6 of the Screening Report notes that the overarching objective for the River Barrow and River Nore i.e: *To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.* Table 6 refers to the Conservation Status of the qualifying species.
- 12.1.15. Freshwater Annexed species conservation objectives are noted for the River Barrow and River Nore SAC include: *To restore the favourable condition of Lamprey spp, Atlantic Salmon, Twaité Shad in the SAC which is defined by the following list of attributes; distribution, population structure of juveniles, extent of spawning habitat, availability of juvenile habitat and targets; artificial barriers blocking migration, no decline in spawning habitat.*

To maintain the favourable conservation condition of White-clawed Crayfish, *which is defined by the following list of attributes; distribution, disease, water quality, and targets are no reduction in baseline population, water quality target is Q3-4, no reduction in habitat or quality.*

To maintain the favourable conservation condition of the Otter, *which is defined by the following list of attributes; Habitat, Couching sites and Holts, Fish Biomass and Barriers to connectivity, and targets are no significant decline or increase in barriers.*

To restore the favourable conservation of Freshwater Pearl Mussel, *which is defined by the following list of attributes; distribution, population size and structure, water quality, substratum, hydrological regime, host fish, fringe habitat and targets are species to be sufficiently abundant to maintain itself on a long-term basis, sufficient juvenile recruitment to allow the species to maintain itself on a long-term basis, sufficient habitat in favourable condition to allow the species to maintain itself on a long-term basis, water quality Q3-4, macrophyte target, condition river substratum, hydrological flow, host fish.*

12.1.16. Section 6.1 and Table 7 provides an *Appraisal for Potential Impacts on the River Barrow and River Nore SAC (002162)*. It is noted that Annex Habitats are not within the zone of influence due to great distances to the proposed site, so no impact is envisaged in their conservation objectives. NPWS Map 6 refers. *The proposed development is located outside the current known distribution and favourable reference range of these qualifying interests. The nearest examples of these qualifying interests are located at a considerable distance downstream of the proposed development (NPWS 2011).* However, it is of note that construction activities could pose a possible threat to water quality water dependent habitats.

12.1.17. The Table below provides that the qualifying interests (Annex II Species) that could be affected due to activities associated with the construction and operation of the proposed development are in summary as follows:

Code	Qualifying interest	Overall Status at National Level (Table 6)	General pressures
1355	Otter	Favourable	Watercourse pollution, particularly when resulting

			in fish kills, road kill. Barriers to connectivity.
1093	White Clawed crayfish	Bad	Poor prospects due to presence of crayfish plague.
1106	Atlantic Salmon	Inadequate	Freshwater and habitat quality an issue, artificial barriers to migration.
1099	River Lamprey	Unknown	Water pollution, artificial barriers to migration.
1096	Brook Lamprey	Favourable	Water pollution, artificial barriers to migration.
1095	Sea Lamprey	Bad	Water pollution, artificial barriers to migration.
1016	Desmoulin's Whorl Snail	Inadequate	None -Outside the zone of influence – On the River Nore
1990	Nore Pearl Mussel	No data	None – Outside the zone of influence - On the River Nore

Potential for Likely Significant Effects

12.1.18. Table 7 includes that the SAC supports aquatic Annex II species including Salmon, fresh water pearl mussel and white-clawed crayfish recorded d/s, twaite shad, otter and lamprey species, all of which are susceptible to elevated levels of suspended solids and other pollutants including oils and hydrocarbons (PCBs). Fine sediment can smother eggs/spawning gravels, choke fish and disrupt feeding behaviour. Otter have been recorded within 4km of the proposed development site. In the absence of mitigation, sediment run-off (from exposed earth in particular) or a pollution event from construction machinery (fuels/hydrocarbons/e tc.) during construction could

directly impact water quality for which Annex II species are dependent. Impacts to foraging otter as a result of the proposed works are not predicted to be significant given that the works will be undertaken in daylight hours, while otter forage at night. There was no evidence to suggest that otter are currently active within the vicinity of the proposed development site. Machinery and personnel entering the proposed works area carrying invasive spp. which could directly impact on Annex I habitats and Annex II species within the SAC.

- 12.1.19. Given the distance of the proposed development site to the Barrow River there are potential for Likely Significant Effects due to sediment loading or a pollution event on the following Annex II species during construction: - White-clawed Crayfish - Freshwater pearl mussel - Sea Lamprey - Brook Lamprey - River Lamprey - Twaite shad - Salmon - Otter (pollution only). Also, for Invasive species introduced to the site during construction. It is provided that no operational impacts are predicted from the proposed development.

Conclusion – Stage I AA

- 12.1.20. The details submitted with the AA Screening, have shown that having regard to the precautionary principle the impacts on the qualifying species of the River Barrow and River Nore SAC cannot be ruled out in the absence of mitigation measures during the construction phase of the proposed development.
- 12.1.21. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site No. 002162, in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a Stage II NIS is therefore required.

12.2. Stage 2 – Appropriate Assessment

- 12.2.1. Having reviewed the documents, submissions and consultations on file, I am satisfied that the information including that in the AA Screening and NIS submitted with the application, allows for a complete assessment of any adverse effects of the development, on the conservation objectives of this European site.

Relevant European sites

12.2.2. In the absence of mitigation or further detailed analysis, the potential for significant effects could not be excluded for:

- River Barrow and River Nore SAC (site code: 002162)

Appropriate Assessment of the implications of the proposed development

12.2.3. The following is a summary of the objective scientific assessment of the implications 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.

12.2.4. The NIS evaluates the potential for direct, indirect effects, alone or in combination with other plans and projects having taken into account the use of mitigation measures. A further review of the conservation objectives and features of interest is necessary to determine if significant effects are likely to impact the River Barrow and River Nore SAC.

Aspects of the proposed development

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

- Impacts to water quality through construction related pollution events and /or operational impacts.

12.2.6. A description of the Qualifying interests and Conservation Objectives of the aforementioned SACs is given in Table 1 in the Screening Assessment above. Section 6 (Table 7) of the NIS details of Elements of the Project that may Potentially Impact on Qualifying Interests of the Natura 2000 site. In summary these include regard to the following relative to the impacts on surface water drainage:

Indirect Habitat Loss or Deterioration: Surface Water Run-off

- Surface-Water Run-off Drainage: Construction Phase.
- Surface-Water Run-off Drainage: Operational Phase

Indirect Habitat Loss or Deterioration: Waste-Water/Foul Effluent

- Treated Sewage via Callan WWTP

Mitigation Measures

- 12.2.7. The Screening for AA identified that the potential impacts that could (without mitigation) cause a significant effect on the qualifying interests and conservation objectives of the River Barrow and River Nore SAC. These included in relation to potential construction/operational phase surface-water run-off drainage effects. Uncontrolled runoff could enter into the adjacent riparian and aquatic habitats adversely affecting the quality of these habitats and the aquatic species they support. The application of preventive measures during construction phase will ensure that impacts do not reach the River Barrow and River Nore SAC and that adverse effects on the relevant qualifying interests can be avoided. Noting that the operational phase to this project will be within the management of the school campus (maintenance and services) there are no operational impacts predicted to occur.
- 12.2.8. Mitigation Measures of Risks and Potential Impacts are detailed in Section 7 of the NIS. These would be employed to ensure that there would be no significant impacts to the qualifying listed habitats or species or conservation objectives of the River Barrow and River Nore SAC due to potential deterioration in water quality during construction works.

Pre-Construction Phase

- 12.2.9. Measures to include the following:
- A pre-construction walkover survey and ecological survey to be carried out prior to construction to identify any measures to be implemented.
 - No clearance of vegetation during the bird breeding season (1st of March to 31st of August), without prior consultation with an ecologist and the NPWS.
 - A detailed CEMP to define measures that meet the legislative requirements.

Construction Measures

- 12.2.10. These are detailed in Section 7.2 of the NIS and include the following:

Site Clearance Phase

- An adequate buffer zone should be incorporated along boundaries and specimen trees prevent negative impacts during both construction and operation phases of the development.
- Buffer zone delineated by erecting a temporary fence from roadside south boundary 10m, 5m buffer along all other boundaries to prevent materials entering silt/sediment entering water.
- Stockpile areas of soil will be kept to a minimum size, away from site boundaries.
- Runoff from the above will only be routed via suitably designed and sited settlement ponds/ filter channels.
- Temporary construction compounds will be located in suitable locations, materials stored appropriately.
- All soil stripping, excavations shall be left open for minimal periods to avoid acting as a conduit for surface water flows.

Construction phase:

- All ready-mixed concrete shall be brought to site by truck. A suitable risk assessment for wet concreting will be completed prior to works being carried out which will include measures to prevent discharge of alkaline waste waters or contaminated storm water to the underlying subsoil. Wash down and washout of concrete transporting vehicles will take place at an appropriate facility offsite.
- During periods of heavy rainfall concrete pouring will be prevented.
- Any dewatering of standing water within the proposed development site (e.g. water accumulated in excavations) shall require a Dewatering Plan to be incorporated.
- Any approved contractors use during the duration of activity will be required to have spill kits available on site should an incident occur.
- All vehicles entering site to be checked for invasive species (AIS), operators familiar with bio security measures to be taken.

- Any machinery involved with the removal of invasive species to be treated with 1% aqueous Virkon solution and left to dry before use.
- An environmental emergency response plan with procedures for managing an incident, on site ongoing training for personnel.
- There will be no refuelling of machinery with hydrocarbons or storage on site.
- Waste management plan on site for waste removal on site including hazardous material.
- Waste materials shall be stored in designated areas that are isolated from surface water drains. Skips will be closed or covered to prevent materials being blown or washed away and to reduce the likelihood of contaminated water leakage.

Restoration phase:

- Infill with remaining soil, no bare spoil to be left on site, all of site reseeded for the final phase and landscaped as per Master Plan.

Integrity of Site in relation to Residual Impacts

12.2.11. The following table is of note and is replicated as per Section 7.3 of the NIS. It is of note that as stated on this table that the plan or project proposed, subject to the mitigation measures as have been noted above, would not have the potential to undermine the conservation objectives for the relevant qualifying species.

Conservation objectives: does the plan or project have the potential to:	YES/ NO
Cause delays in progress towards achieving the conservations objectives of the site?	N
Interrupt progress towards achieving the conservation objectives for the site?	N
Disrupt those factors that help to maintain the favourable conditions of the site?	N
Interfere with the balance, distribution and density of key species that are the	N

indicators of the Favourable condition of the site?	
Other objectives: does the plan or project have the potential to:	
Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem?	N
Change the dynamics of the relationships (between, for example, soil and water or plants and animals) that define the structure and/or function of the site?	N
Interfere with the predicted or expected natural changes to the site (such as water dynamics or chemical composition)?	N
Reduce the area of key habitats?	N
Reduce the population of key species?	N
Change the balance between key species?	N
Reduce the diversity of the site?	N
Result in disturbances that could affect population size or density or the balance between key Species?	N
Result in fragmentation?	N
Result in loss or reduction of key features (e.g. tree cover, tidal exposure, annual flooding, etc)?	N

Regard to Further Information response

- 12.2.12. It is noted that the Planning Authority requested that Further Information be submitted. This included their request to carry out further investigation of the existing storm and sewer networks and to identify mis-connection on the stormwater network.

The applicant was requested (F.I point no.2) to submit a proposal to ensure all mis-connections are rectified. That an updated site layout plan be submitted with any proposal for the remediation of any mis-connections. The F.I request noted that having regard to the forgoing, the potential impacts on the River Barrow and River Nore should be addressed, and a revised NIS submitted.

12.2.13. The applicants F.I response from Wejchert Architects referred to the O'Connor Sutton Cronin Consultant Engineers response in their letter dated 14th of March 2024. They provided that as set out in this response, there is no foul sewer discharging into a surface water sewer, there is no associated potential impacts on the River Barrow and River Nore SAC to be addressed, and that a revised NIS is not required. The OCSC response had regard to services and to updated surveys and drawings submitted. They noted that the proposed works will see a diversion of these existing sewers and ensure that all services are appropriately connected to the correct public network as indicated.

12.2.14. In addition (F.I point 9 refers), note was had of the proposed mitigation measures in section 7.2 in the NIS. These included the provision of a Site Layout Plan to show the proposed buffer areas, stockpiling, and temporary compounds, including tree protection areas relative to the proposed works. That all mitigation measures proposed including drawings/site layouts should be included within a revised Construction and Environmental Management Plan. The response from OCSC Consulting Engineers on behalf of the applicants referred to the updated CEMP submitted which includes the requested additional information from the Tree Survey & Planning Report and associated drawings. It is noted that Section 8 of the Outline Construction Management Plan submitted includes regard to Mitigation Measures. These are also referred to in Section 7 of the NIS.

12.2.15. In response to the F.I submitted the Planner's Report referred to the mitigation measures in the NIS. It is noted that the Department of Housing, Local Government and Heritage recommends that all mitigation should be incorporated as planning conditions as part of planning permission. Condition no.11 of the planning authority's permission refers. It is recommended that if the Board decides to permit that a similar type of condition be included to ensure adherence to mitigation measures.

Conclusion on Mitigation Measures

- 12.2.16. I would consider that the mitigation and monitoring measures proposed in Section 7 of the NIS are implementable and will be effective in their stated aims. The environmental protection measures have been developed in accordance with current policy, regulations and guidelines and a list of such is provided. Furthermore, an ecologist will be employed to ensure that measures are implemented as prescribed.
- 12.2.17. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European site based on the outlined mitigation measures. Overall, the measures proposed are effective, reflecting current best practice and can be secured over the short and medium term.

AA Conclusion

- 12.2.18. The NIS submitted, concludes in Section 8 that arising from this assessment, mitigation has been proposed. That there are no significant likely negative effects on the Natura 2000 site. It is therefore considered that, due to the proposed design and proposed mitigation measures, there would be no significant risk to water quality and the protected habitats and species of the River Barrow and River Nore SAC during the construction phase of the proposed development. With the implementation of these measures no adverse effects to the integrity of any Natura 2000 Sites will occur.
- 12.2.19. Potential impacts from construction and operation –will be removed with the prevention measures built-in to the project. That it may be concluded that the project will not have any significant effect on the integrity of the Natura 2000 site network, in particular on the ecology of the River Barrow & River Nore SAC. That it will have no significant direct, indirect or cumulative negative effects on the qualifying interests and conservation objectives of the River Barrow & River Nore SAC.
- 12.2.20. The proposed development to provide for a school extension within an existing school campus, access, connection to services and ancillary works on the subject site, has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 12.2.21. Having carried out screening for Appropriate Assessment of the project, it has been concluded that it may have a significant effect on the River Barrow and River Nore

SAC, without the implementation of mitigation measures. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of their conservation objectives.

12.2.22. I would conclude that with the implementation of the mitigation measures in Section 7 of the NIS that proposed school extension development and ancillary works will not result in significant individual or cumulative effects on the River Barrow and River Nore SAC. That neither will it have any influence on the attainment of the conservation objectives.

12.2.23. That following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. 002162 or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.