



**TO: AN CATHAOIRLEACH  
& EACH MEMBER OF KILKENNY COUNTY COUNCIL**

**RE: DEVELOPMENT OF 18 WOLFE TONE STREET, KILKENNY CITY**  
*Planning & Development Acts 2000 – 2019*

**DATE:** 15<sup>th</sup> September, 2020

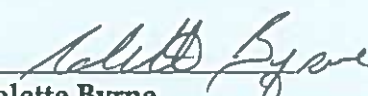
Dear Councillor,

In accordance with 179 of the Planning & Development Act 2000-2019 as amended and Part VIII of the Planning & Development Regulations 2001, as amended, Kilkenny County Council hereby gives notice of its intention to carry out the following development:

**PART VIII – DEVELOPMENT OF 18 WOLFE TONE STREET, KILKENNY CITY**

I attach herewith Report of the Director of Services together with Planner's Report. I am satisfied that the proposed development is consistent with proper planning and sustainable development of the area and consistent with the provisions of the County Development Plan 2014 – 2020.

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the plans made available for public inspection and taking into account the recommendations made by the Planning Department.

  
**Colette Byrne**  
Chief Executive





# **KILKENNY COUNTY COUNCIL**

**REPORT - Dated 2<sup>nd</sup> September 2020**

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

**Development of 18 Wolfe Tone Street, Kilkenny City**

***For consideration by the Elected Members***

***of Kilkenny County Council***

***at meeting to be held***

***on 21<sup>st</sup> September 2020***

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## 1. Introduction

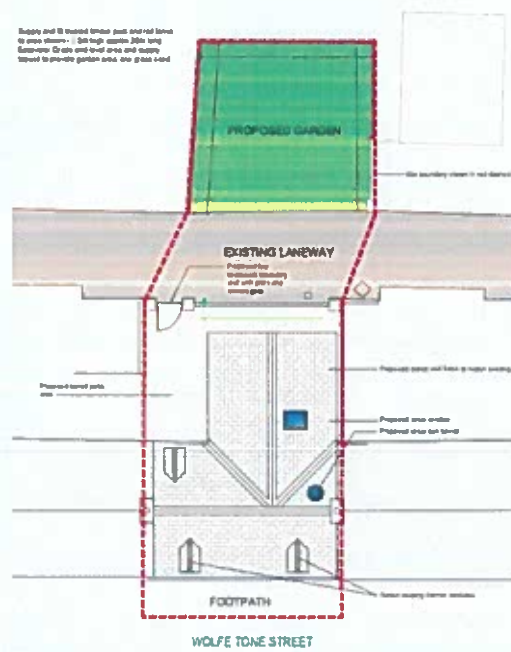
This report has been prepared for submission to the Elected Members of Kilkenny County Council and contains information regarding the proposed development, issues raised following the erection of the public notice of the proposed development and the display for public inspection of the plans and particulars and other matters as required in accordance with Section 179 of the Planning & Development Acts, 2000 as amended.

## 2. Description of Proposed Development

The proposal put forward on public display is for Refurbishment & rear extension of two-storey 4 person dwelling at Wolfe Tone Street, Kilkenny

Development consists of:-

- Refurbishment & rear extension of two-bedroom, mid-terrace dwelling at 18 Wolfe Tone Street, Kilkenny. Proposed extension is approx.30m<sup>2</sup> over 2 floors and provides for Ground Floor Utility/WC, staircase & new bathroom at first floor level. Existing lean-to scullery & out-house to be demolished.



proposed site plan



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The proposal was put forward having regard to the social housing demand in Kilkenny, which is currently

<b>Kilkenny</b>		
<b>1 bed</b>	418	40%
<b>2 bed</b>	393	37%
<b>3 bed</b>	206	20%
<b>4 bed</b>	36	3%
<b>Total</b>	<b>1053</b>	

The project has been granted funding under the Rebuilding Ireland programme.

### **3. Pre-planning**

As part of the planning application process the Housing Section was advised of planning requirements through a formal pre-planning submission prior to lodging the application

### **4. Notice of Development**

A notice describing the proposed development was placed in the Kilkenny People, week ending Friday 12<sup>th</sup> June, 2020. A Site Notice was displayed at the site location from Friday 12<sup>th</sup> June, 2020.

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### **5. Consultation**

- a) Details of proposals were put on display on on the consult website: <https://consult.kilkenny.ie> and at the Planning Department, Kilkenny County Council.

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## 6. Details of Submissions Received

None

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

The proposed development is consistent with the provisions of the Kilkenny City and Environs Development Plan 2014 - 2020 and is compatible with the zoning objectives and the Housing Strategy for the area.

Copy of a report the Area Planner is appended to this report. All conditions/comments in the Area Planner's Report will be taken into account by the Housing Section when preparing the detailed tender drawings.

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

**Proposed Development:** Part 8 Proposal  
Refurbishment & rear extension of dwelling at 18 Wolfe Tone Street, Kilkenny.

I recommend that Kilkenny County Council proceed with the proposed development in accordance with the plans made available for public inspection and taking into account the proposed revisions to plans as outlined and the recommendations made by the Planning and other Service Departments.

**SIGNED**



**Mary Mulholland**  
**Director of Services**



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## **Appendix A -Planning Report**

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



**To :** Mary Mulholland, Director of Services

**From:** Arlene O' Connor, Senior Executive Planner

**Date:** 10/9/2020                      **Part VIII Ref:** P8/03/20

**Re:** Planning report on proposed refurbishment and rear extension to no. 18 Wolfe Tone Street, Kilkenny.

**Part VIII Proposal**

Under this Part VIII proposal, Kilkenny County Council are proposing the refurbishment and extension to an existing house at no. 18 Wolfe Tone Street, Kilkenny.

The proposed development will consist of:

- Refurbishment and rear extension to 2 bedroom, mid terrace house.
- The proposed extension covers 30m<sup>2</sup> over 2 floors and will contain a new ground floor utility/wc, staircase and a first floor bathroom.
- An existing lean-to scullery and out-house will be demolished on this site.

**Zoning**

The site falls within a zoning of '*Existing Residential*', within the Kilkenny City and Environs Development Plan 2014 – 2020, with an objective to protect, provide and improve residential amenities.

**Heritage**

*Protected Structure* – The house is not a protected structure.

*Recorded Monument* – The site does not contain nor boundary any recorded monument.

*ACA* – The site falls within the Michael Street / Wolfe Tone Street Architectural Conservation Area.

*SAC* – The site is over 210 metres from the River Nore cSAC and a determination has been made in an Appropriate Assessment Screening Report carried out on this proposed Part VIII, that these works along with any cumulative impact will not impact on the River Nore SAC.

*SPA* – The River Nore SPA is a good distance to the east of this site.

*pNII.1* – The site is not within any pNII.1.

*Zone of Archaeological Potential* - The site is not located within the Zone of Archaeological Potential for Kilkenny City, established under the National Monuments Act.

*Housing Protection Area* – This house falls within a Housing Protection Area as per Figure 5.1 of the City and Environs Development Plan.

**EIA Conclusion**

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

**Relevant Planning Policy and Guidelines**

- Kilkenny City and Environs Development Plan 2014 – 2020

**Planning History**

There is no planning history associated with this site.

### Third Party Submissions

This Part VIII proposal was placed on public display from Friday 19th June, 2020 to Friday 7<sup>th</sup> August, 2020 and no submissions were received during this timeframe.

### Internal and External Departmental Submissions

*Irish Water* – No objection to this proposal.

### Assessment

Under this Part VIII, the house will be refurbished and extended to the rear, with no proposed works to the front of this house. The house is a mid-terrace property and the extension is proposed in an area where there is an existing lean-to scullery and a stand alone out house which are both proposed for demolition. The new extension is over two floors and will be immediately adjacent to the boundary with the adjoining house to the north west, no. 19. The houses on both sides have protruding rear extensions, thus it is not anticipated that this two storey extension will intrude on these neighbouring houses in terms of overshadowing or light detraction.

There are no concerns from a planning perspective to this proposal.

### Recommendation

In principle, the Planning Authority recommend that the Part 8 application be approved by the Council.

1. Prior to any work commencing it is advised that a Construction and Environmental Management Plan (CEMP), which should include details of working hours, parking arrangements, materials / waste storage in addition to standard environmental mitigation and monitoring measures be submitted and agreed with the Area Engineer.

Signed: \_\_\_\_\_

  
Senior Executive Planner

Date: 10/9/2020

Signed: \_\_\_\_\_

  
Senior Planner

Date: 10/9/2020

# Habitats Directive Project Screening Assessment

**Table 1: Project Details**

Development Consent Type	Part 8
Development Location	18 Wolfe Tone Street, Kilkenny City
Part 8 Ref	Part 8:03/20
Description of the project	Redevelopment of Mayfair Building on the former Smithwicks Brewery site (Abbey Quarter) in the townland of Gardens, Kilkenny.

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

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

		Y/N
<b>1</b>	<b>ONE- OFF HOUSE /SMALL EXTENSION/ ALTERATION TO EXISTING BUILDING</b>	Y
1a	<p>Is the development a one- off house/small extension/alternation to existing building within an SAC/SPA or within 100m of an SAC/SPA and likely to discharge pollutants or nutrients of a significant nature and amount to surface water within catchments of and SAC/ SPA as part of its construction or operational phase (including the installation of waste water treatment systems; percolation areas; septic tanks within SAC/SPA or very close proximity)?</p> <p>If the answer to the above question is:                      - no, then no appropriate assessment required                      - yes, then an appropriate assessment is required                      - not sure, then an appropriate assessment is required in accordance with the precautionary principle</p>	No
<b>2</b>	<b>DEVELOPMENTS OTHER THAN THOSE DESCRIBED IN 1 ABOVE</b>	
2a	<p><b>Impacts On Freshwater Habitats</b>                      Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats, or in the catchment of same and does the development propose to discharge water to or abstract water from the habitat?</p> <p>Sites to consider: Lower River Suir, River Barrow, River Nore</p> <p>Habitats to consider:                      Alluvial Wet Woodland, (Lower River Suir), Dry Heath (some steep slopes along River Barrow and its tributaries) Rivers, Streams, Lakes and Lagoons, Old Oak Woodland, floating river vegetation,</p> <p>Species to consider:                      River Lamprey, Brook Lamprey, Freshwater Pearls Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twalte Shad, Atlantic Salmon, Otter, Vertigo Moulinsiana,</p>	No
2b	<p><b>Impacts On Wetland Habitats</b>                      Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats, or likely to discharge water to or abstract water from the wetland?</p> <p>Sites to consider: Hugginstown Fen, Galmoy Fen, The Loughans, Flood Plain wetlands</p> <p>Habitats to consider:                      Bogs, Alkaline Fens (Hugginstown and Galmoy), Turloughs (The Loughans)</p>	No

		Y/N
2c	<p><b>Impacts on Intertidal and Marine Habitats</b>  <i>Is the development located within a Special Area of Conservation whose qualifying interests include intertidal and marine habitats and species, or within the catchment of same and likely to discharge water to or abstract water from the habitats.</i></p> <p><b>Sites to consider:</b> Lower River Suir</p> <p><b>Habitats to consider:</b> Atlantic Salt meadows, Mudflats, sandflats, saltmarsh, estuary</p> <p><b>Species to consider:</b> Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter.</p>	No
2d	<p><b>Impacts On Woodlands And Grasslands</b>  <i>Is the development within a Special Area of Conservation whose qualifying habitats include terrestrial habitats, or in close proximity to same with a likely ecological impact?.</i></p> <p><b>Sites to consider:</b> Spa hill and Clomantagh Hill, Cullahil Mountain, River Barrow, River Nore, Lower River Suir</p> <p><b>Habitats to consider:</b>  Alluvial Wet Woodlands (River Nore below Inistioge and River Suir at Fiddown Island and Carrick on Suir), Eutropic tall herb vegetation (River Suir at Fiddown Island and Carrick on Suir), and grasslands (Spa hill and Clomantagh Hill, Cullahil Mountain)</p> <p>Oak Woodlands in old estates next to the Nore and Barrow</p> <p><b>Species to consider:</b> Greenwinged, Frog and Bee Orchids (Cullahill and Clomantagh Hill), Nettle Leaved Bellflower and Autumn Crocus</p>	No
2e	<p><b>Impacts On Birds</b>  <i>Is the development within a Special Protection Area, or likely to discharge water to same or likely to have another significant impact on the habitats of Birds in same?.</i></p> <p><b>Sites to consider:</b> River Nore</p> <p><b>Species to consider:</b>  River Nore: Kingfisher (Alcedo Atthis) – Nesting in river banks</p>	No

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

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

1.	<p><b>Impacts on designated freshwater habitats (rivers, lakes streams and lagoons).</b></p> <p><i>Please answer the following if the answer to question 2a in table 2 was yes.</i></p> <p><i>Does the development involve any of the following:</i></p>	
1.1	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge	No
1.2	Abstraction from surfacewater or groundwater within 1km of SAC/SPA.	N/A
1.3	Removal of topsoil within 100 m of watercourses with potential for surface water runoff.	N/A
1.4	Infilling or raising of ground levels within 100m of watercourses with potential for surface water runoff.	N/A
1.5	Construction of drainage ditches within 1km of SAC/SPA.	N/A
1.6	Construction within a floodplain or within an area liable to flood.	N/A

1.7	Crossing or culverting of rivers or streams within 1km of SAC/SPA.	N/A
1.8	Storage of chemicals hydrocarbons or organic wastes within 100 m of a watercourse.	N/A
1.9	Development of a large scale which involves the production of an EIS.	N/A
1.10	Development of quarries, particularly where abstraction is below water table.	N/A
1.11	Development of windfarms within 1km of an SAC or with the risk of runoff to an SAC/SPA, particularly during construction.	N/A
1.12	Development of pumped hydro electric stations.	N/A
2	<p><b>Impacts on designated wetland habitats (bog, heath, marsh, fen).</b></p> <p><i>Please answer the following if the answer to question 2b in table 2 was yes.</i></p> <p><i>Does the development involve any of the following:</i></p>	
2.1	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge.	N/A
2.2	Construction of roads or other infrastructure on peat habitats within 1km of a Natura 2000 site of which qualifying interests include peat, fen or marsh. (Only Peat habitat at Bruckana – consider Galmoy fen – impact unlikely)	N/A
2.3	Development of a large scale within 1km within a Natura 2000 site, whose qualifying features include fen or marsh, which involves the production of an EIS.	N/A
3	<p><b>Impacts on designated intertidal and marine habitats (mudflats, sandflats, estuaries, reefs and sea cliffs).</b></p> <p><i>Please answer the following if the answer to question 2c in table 2 was yes.</i></p> <p><i>Does the development involve any of the following:</i></p>	
3.1	Impacts on intertidal and marine habitats from potential development which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge	N/A
3.2	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a Natura 2000 site whose qualifying features include intertidal or marine habitats.	N/A
3.3	Dredging within 5km of a Natura 2000 site whose qualifying features include intertidal or marine habitats.	N/A
3.4	Impacts on watercourses (tributaries, streams, drains) which are remote from the SAC/SPA but may still impact on the SAC/SPA by reason of the nature or quantity of the discharge.	N/A
3.5	Removal of topsoil or infilling within 100m of Natura 2000 sites whose qualifying features include intertidal or marine habitats where potential for surface water runoff exists.	N/A
3.6	Development of a large scale within 1km of Natura 2000 sites whose qualifying features include intertidal or marine habitats, which involves the production of an EIS.	N/A
4	<p><b>Impacts on other designated woodlands and grasslands (woodland, upland grassland, lowland grassland, coastal grassland including dunes).</b></p> <p><i>Please answer the following if the answer to question 2d in table 2 was yes.</i></p> <p><i>Does the development involve any of the following:</i></p>	
4.1	Works within the boundary of a Special Area of Conservation whose qualifying interests include woodland or grassland habitat types.	N/A

4.2	Development within 200m of Natura 2000 site with woodland or grassland habitats.	N/A
4.3	Development of a large scale within 1km of Natura 2000 site with woodland, grassland or coastal habitats which involves the production of an EIS.	N/A
5	<b>Impacts on birds in SPAs</b>  <i>Please answer the following if the answer to question 2e in table 2 was yes.</i>  <i>Does the development involve any of the following:</i>	
5.2	Erection of wind turbines within 1km of an SPA.	N/A
5.3	All construction works within 100m of SPA (River Nore), including the development of cycle ways or walking routes	N/A
5.4	Infilling of coastal habitats within 500m of intertidal SPA.	N/A
5.5	Works within 1km of coastal SPA which will result in discharges to rivers or streams that are directly connected to designated sites.	N/A

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

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

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

Species	Relevant Sites	Activities which could have impacts on species	Possible Impacts Identified? Y/N
Otter	River Nore River Barrow Lower River Suir  Note: Otters are a strictly protected species. All breeding sites and resting places are protected regardless of whether or not they are within or external to Special Areas of Conservation.	Activities that interfere with river banks.	No
Atlantic Salmon	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	No
River Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	No
Brook Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed;	No

Species	Relevant Sites	Activities which could have impacts on species	Possible Impacts Identified? Y/N
Sea Lamprey	River Barrow River Nore Lower River Suir	Activities that interfere with water quality or the river bed – estuarine areas;	No
Twaite Shad	Lower River Suir	Activities that interfere with water quality or the river bed – estuarine areas;	No
Crayfish	Lower River Suir	Activities that interfere with water quality or the river bed;	No
Freshwater Pearl Mussel	River Barrow River Nore Lower River Suir	Activities that interfere with water quality, levels or the river bed ;	No
Nore Freshwater Pearl Mussel	River Nore	Activities that interfere with water quality, levels or the river bed ;	No

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



## Habitats Directive Screening Conclusion Statement

Development Type	Part 8
Development Location	18 Wolfe Tone Street, Kilkenny City
Natura 2000 sites within impact zone	None
Part 8 Ref	Part 8:03/20
<b>Description of the project</b>	
Refurbish and provide a new rear extension at 18 Wolfe Tone Street, Kilkenny.	
<b>Describe how the project or plan (alone or in combination) could affect Natura 2000 site(s).</b>	
No impacts due to the proposal being for alterations and refurbishment of existing building and the site being over 210 metres from the River Nore, thus having no significant impact on River Nore SAC.	
<b>If there are potential impacts, explain whether you consider if these are likely to be significant.</b>	
N/A	
<b>Conclusion of assessment</b>	
Having regard to the precautionary principle, it is considered that:	
<input checked="" type="checkbox"/> Significant impacts can be ruled out or AA not required (if project is directly connected or necessary to Management of Natura 2000 site (determined in consultation with NPWS).	
or	
<input type="checkbox"/> Significant impacts are certain, likely or uncertain (cannot be ruled out), Natura Impact Statement (NIS) is required. Project must be subject to appropriate assessment.	
<b>Documentation reviewed for making of this statement.</b>	
Appropriate Assessment Guidelines, 2009 / Kilkenny City and County Development Plan 2014 – 2020	
<b>Completed By</b>	Arlene O' Connor, Senior Executive Planner
<b>Date</b>	10/9/2020

**To:** Mary Mulholland, Director of Services

**From:** Arlene O' Connor, Senior Executive Planner

**Proposal:** Part VIII proposal – Refurbish and provide new rear extension at 18 Wolfe Tone Street, Kilkenny.

**Re:** Environmental Impact Assessment – Screening for Environmental Impact Assessment Report (EIAR).

**Planning Legislation:**

Planning and Development Regulations 2001-2020, Schedule 5, Part 1 and 2  
European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018  
Article 75 which amends Article 120 of the Planning and Development Regulations 2001  
Planning and Development Act 2000 – 2019

**Characteristics of Project**

Under this Part VIII proposal, Kilkenny County Council are proposing the refurbishment of a dwelling located at no. 18 Wolfe Tone Street along with a new rear extension over 2 floors.

The proposed development will consist of:

- Refurbishment and rear extension to 2 bedroom, mid terrace house.
- The proposed extension covers 30m<sup>2</sup> over 2 floors and will contain a new ground floor utility/wc, staircase and a first floor bathroom.
- An existing lean-to scullery and out-house will be demolished on this site.

**Location**

No. 18 Wolfe Tone Street is a mid-terrace, dormer style dwelling. The site falls within the Michael Street / Wolfe Tone Street Architectural Conservation Area and this street of terraced houses is also within a Housing Protection Area within the city.

**Type and characteristics of potential impact**

From assessing the documentation associated with the proposed renovation, demolition and extension works, it is considered that the proposed development works are significantly below sub threshold Part 2 activities and having regard to the environmental sensitivities of this area and the potential impacts based on the following environmental factors;

- Population and human health
- Biodiversity, with particular attention to special and habitats protected under the Birds and Habitats Directives
- Land, soil, water, air and the landscape
- Climate
- Interaction between above
- Expected effects from relevant major accidents and / or disasters

it is determined that no Environmental Impact Assessment Report is required.

An Appropriate Assessment Screening report was also carried out by the Planning Authority, in relation to the proposed Part VIII works at no. 18 Wolfe Tone Street in Kilkenny city and this concluded that significant impacts on any Natura 2000 site can be ruled out therefore it was determined that a Natura Impact Assessment was not required.

**Conclusion**

It is determined that based on the above preliminary examination, there is no real likelihood of significant effects on the environment arising from the proposed development works which are for the refurbishment and extension of this house at no. 18 Wolfe Tone Street in Kilkenny city and therefore it is recommended that an Environmental Impact Assessment Report is not required for this Part VIII proposal at 18 Wolfe Tone Street, Kilkenny.

Signed: Arlene O' Connor,  
Senior Executive Planner,  
Kilkenny County Council.  
10/9/2020