



An  
Bord  
Pleanála

## Board Order ABP-305335-19

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**Planning and Development Acts, 2000 to 2019**

**Planning Authority: Kilkenny County Council**

**APPLICATION** by Enya Kennedy of Green Street, Kilkenny requesting An Bord Pleanála to consider and determine, in accordance with its powers under article 120(3)(a) of the Planning and Development Regulations, 2001, as amended, whether the local authority should be directed to prepare an environmental impact assessment report in respect of a proposed development of the construction of 86 housing units and all associated site works at Croker's Hill, Kennyswell Road, Kilkenny.

### DECISION

**NOT TO DIRECT** the local authority to prepare an environmental impact assessment report in respect of the said proposed development based on the reasons and considerations set out below.

## REASONS AND CONSIDERATIONS

Having regard to:

- (a) the provisions of Schedule 5 and Schedule 7 and the requirements set out under Schedule 7A of the Planning and Development Regulations 2001, as amended,
- (b) the nature, scale and location of the proposed development,
- (c) the provisions of Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment,
- (d) 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 in August 2003, and the guidance document “Interpretation of definitions of certain project categories of Annex I and II of the EIA Directive” published by the European Commission in 2015 , and
- (e) the submissions made in this case by the applicant for screening determination and by the planning authority,

