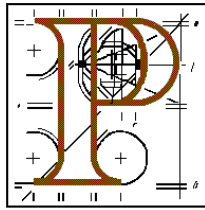


An Bord Pleanála



Planning and Development Acts, 2000 to 2015

Kilkenny County Council

An Bord Pleanála Reference Number: 10.JD0025

APPLICATION by S.A. O'Brien and by Katharine Larkin 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 statement in respect of the proposed redevelopment of the Brewhouse Building on the former Smithwicks Brewery Site in the townland of Gardens, County Kilkenny.

DECISION

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

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the following:

- (a) the size of the site and scale of the proposed development, in particular the fact that the site size is sub-threshold in respect of Class 10(b)(iv) (Infrastructure – Urban Development) of the Planning and Development Regulations, 2001, as amended,
- (b) the urban location of the site, its physical separation from the existing business district and the existing pattern of development in the vicinity,
- (c) the nature and scale of the proposed development, specifically the fact that it comprises the redevelopment of an existing structure, that there is no extension to the proposed building footprint and a limited extent of new floor space,
- (d) the location of the site within the area covered by the Abbey Cultural Quarter Masterplan, the level of detail available regarding development of the balance of the Masterplan lands and the likely timescale for this proposed development,
- (e) the environmental sensitivity of the area affected and the characteristics of likely potential impacts arising from the proposed development,
- (f) the submissions made, including that of Kilkenny County Council, to the Architectural Design Statement Report submitted, including appendices, and to the report prepared by CAAS Limited on behalf of Kilkenny County Council,
- (g) 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,
- (h) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact statement is not, therefore, required.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.