



An
Bord
Pleanála

Inspector's Report EIA Screening determination Ref: ABP-305335-19

Development	Construction of 86 housing units in six blocks, community facility and all associated site works and service connections.
Location	Croker's Hill, Kennyswell Road, Kilkenny.
Planning Authority	Kilkenny County Council
Requester(s)	Ms. Enya Kennedy
Type of Application	Request for EIA screening determination pursuant to Article 120(3)(c) of the Planning and Development Regulations, 2001 (as amended)
Prescribed Bodies	None
Date of Site Inspection	15 th November 2019
Inspector	Donal Donnelly

Contents

1.0	Introduction	3
2.0	Proposed Development	3
3.0	Site location and description	4
4.0	Bodies consulted	4
5.0	Request for Determination and documents lodged with request.....	5
6.0	Schedule 7A information submitted by local authority	7
7.0	Local Authority Response.....	9
8.0	Planning Policy	10
9.0	Planning history	11
10.0	Environmental designations.....	11
11.0	Assessment	11
11.7.	Characteristics of the proposed development.....	13
11.8.	Location of proposed development.....	15
11.9.	Types and characteristics of potential impacts	17
12.0	Recommendation.....	20

1.0 Introduction

- 1.1. Pursuant to Section 177AE of the Planning and Development Act, 2000 (as amended), Kilkenny County Council is seeking approval from the Board for the construction of 86 no. housing units at Croker's Hill, Kennyswell Road, Kilkenny. A Natura Impact Assessment has been prepared as part of this application for approval.
- 1.2. Kilkenny County Council made a preliminary examination of the nature, size and location of the proposed development in accordance with the requirements of Article 120 (1)(a) and concluded that there is no real likelihood of significant effects on the environment arising from the proposed development, and a determination has been made that an Environmental Impact Assessment (EIA) is not required.
- 1.3. Notwithstanding this, under the provisions of Article 120(3)(c) of the Planning and Development Regulations, 2001 (as amended), any person who considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment may apply to the Board for a screening determination as to whether the development would be likely to have such effects. An application for screening determination has been received by the Board in respect of the above-mentioned proposed development.

2.0 Proposed Development

- 2.1. This screening determination relates to the following proposed development:
 - 86 no. housing units in six blocks comprising:
 - 1 x 5-bedroomed terraced house;
 - 4 x 4-bedroomed terraced houses;
 - 19 x 3-bedroomed terraced houses;
 - 9 x 3-bedroomed duplex apartments;
 - 2 x 4-bedroomed duplex apartments;
 - 14 x 1-bedroomed apartments;

- 28 x 2-bedroomed apartments;
- 8 x 3-bedroomed apartments;
- 1 v 5-bedroomed group home.
- Community facility.
- All associated site works and service connections.

3.0 Site location and description

- 3.1. The subject site is located in the townland of Croker's Hill on the western edge of Kilkenny approximately 700m from the city centre. The site is in agricultural use and forms the road-fronting part of a larger field that extends further to the north to the Breaghagh River. The Breaghagh River is a tributary of the River Nore and these two watercourses meet approximately 1km downstream from the site. The River Nore is designated a SAC and SPA.
- 3.2. The site has a stated area of 2.2221 hectares and a frontage of approximately 168m onto Kennyswell Road (R695). The speed limit along this road is 50kph (temporarily 30kph). In general, the western part of the site rises up from the road and the eastern part falls towards the river to the rear. There is a wayleave to the north-east towards the river. Overhead electricity wires continue through the side from west to east and there is a small disused pumping station located to the front of the site and a shed to the extreme east of the frontage. There is a row of single storey cottages opposite the site on Kennyswell Road and the Breaghagh Court housing development is situated to the east of the site. There are also approximately four detached dwellings to the south-west.

4.0 Bodies consulted

- 4.1. No prescribed bodies were consulted with respect to the screening determination. A response was received from the Department of Culture, Heritage and the Gaeltacht on heritage related issues on the concurrent Section 177AE application (ABP-305062-19).

5.0 Request for Determination and documents lodged with request

- 5.1. A request for determination of Environmental Impact Assessment was submitted to the Board by Ms. Enya Kennedy, Green Street, Kilkenny. The following issues were raised in this submission:

Traffic

- Traffic survey is flawed – appears to be completed during Easter holidays and there are four schools in the area.
- Survey does not consider traffic at top of Kennyswell Road serviced by a small bridge.
- Condition attached by Board to the Kilkenny Central Access Scheme (KCAS) prevents next part of the project until Kilkenny Ring Road is complete – condition should be upheld as Kilkenny County Council has failed to implement a traffic management plan.
- There are further developments ongoing further out Kennyswell Road and Old Callan Road in preparation for 3,000 homes and 2 schools without the Ring Road, which was put back to initial stages.
- One-way system now proposed for CAS bridge, Dean Street and Granges Road will impact on Kennyswell Road.
- EIS should be prepared as it would address many of the above issues.

Ecological Impact Statement

- NPWS has not been consulted for the Ecological Impact Statement.
- November lies outside the optimal survey period for general habitat, breeding birds and amphibians.
- Breaghagh River is assessed as ‘poor’ under the 2010-2015 WFD reporting period – river has moderate pollution and there appears to be no attempt to measure the level of PCBs in fish or eels.
- NPWS assessment of many of the qualifying interests of the River Barrow and River Nore are bad.

Appropriate Assessment

- EIA Directive obliges a developer to supply information that expressly addresses the significant effects of their project.
- EIA process ensures that projects which are likely to have a significant effect on the environment are assessed in advance so that people are aware of what those effects are likely to be.
- NIS does not fully examine the effects on species other than those for which the River Barrow and River Nore site was listed or address the effects on protected species or habitats to be found outside the boundaries of the sites.
- Cumulative effects of further developments out the Kennyswell and Old Callen Roads has not been assessed.

PCBs

- PCBs found in the Breagagh River in 2014 and have not been referenced in any documents.
- New discharge pipe to Breagagh River could lead to scouring of the river bed and potential carry over of material to the River Nore.
- Area beside the Mayfair development was not excavated to remove PCBs and a membrane instead was used to hold them in place – lifespan or guarantee is about 2020/2021, which is about the time of completion of the proposed development.

Land

- Proposed development will require the movement of large amounts of material – local residents claim site was previously used as a dump.

Construction

- Any Construction Environmental Management Plan, Construction Methodology Statement and related environmental reports should be made available for public comment and inspection.
- After the tender process, a variant tender may have the option to submit an alternative design for any element of the works on the basis that there is a saving.

6.0 Schedule 7A information submitted by local authority

6.1. Kilkenny County Council responded to the Board's request under Article 120(3)(ca) of the Regulations with the following Schedule 7A information:

- A description of the physical characteristics of the whole proposed development and, where relevant, of demolition works:
 - Refers to architectural design statement.
 - Project approved for funding from Department and forms a key part of Council's Housing Strategy.
 - Small scale demolitions proposed (disused pumping station and farm shed).
 - Design incorporates existing topography to reduce requirement for excavation and spoil removal from the site.
 - Refers to drawings which provide full details of proposed floor plans and elevations of housing and apartment blocks.
 - Proposal is for a range of accommodation sizes and types (14% 1-bed, 36% 2-bed, 41% 3-bed and 9% 4/5-bed). 25% will be fully wheelchair accessible.
 - Construction expected to take 18-24 months, (see Outline Construction and Demolition Waste Management Plan).
 - Construction will include excavation works between the site and river for surface and foul drainage – foul discharge will connect to existing sewer to rear of site and surface water will discharge directly to river via petrol interceptor restricted by hydrobrake.
 - Traffic impact assessment shows existing local junction at Dominic Street/ Kennyswell Road/ De Loughry Place will continue to operate at capacity and there are plans to improve the R695.
- Description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected:
 - Refers to site location map.

- Council's intention is to develop road infrastructure and a park to the north of the site.
- AA Screening describes the site as an open area of improved agricultural grassland, etc. (p5-p7). Breagagh River is as close 20m to the west of the site boundary – this river is subject to no Natura designations; however, where it meets the River Nore in Kilkenny City it enters the River Barrow and River Nore SAC and the River Nore SPA.
- Ecological Impact Statement gives an evaluation of the context, character, significance and sensitivity of the proposed development site.
- Bat surveys currently being carried out which indicate that bats are present in the trees to the rear of the site but not the site.
- Flood Risk Assessment confirms that the site is not at risk of pluvial or ground water flooding.
- Description of the aspects of the environment likely to be significantly affected by the proposed development:
 - Council considers that the proposed development does not fall within any of the prescribed classes of development set out in Schedule 5, Parts 1 & 2 of the Planning and Development Regulations, 2001.
 - Demolition works are for areas of 18 sq.m. (pumping station) and 36 sq.m. (farm shed) – no specific hazards or risk and area very small in relation to thresholds.
 - Positive effect on population and human health through provision of social housing constructed to NZEB standards.
 - NIS states that predicted impact on European sites is during construction phase only and relates to surface water run-off containing sediments and small quantities of hydrocarbon residues and possibly cement and other substances. NIS outlines appropriate mitigation measures.
- Description of any likely significant effects, to the extent of the information available on such effects, or the proposed development on the environment resulting from:

- Expected residues and emissions and the production of waste, where relevant – no significant wastes or pollution during construction and homes designed as Near Zero Energy Buildings. Proximity to city centre will also encourage walking instead of driving.
- The use of natural resources, in particular soil, land, water and biodiversity – no significant potential impact in terms of natural resources.
- It is submitted that the compilation of the above information has taken into account, where relevant, the criteria set out in Schedule 7.

7.0 Local Authority Response

- 7.1. Kilkenny County Council responded to the specific issues raised by the applicant seeking the screening determination under Article 120(3)(b) as to whether the development would be likely to have a significant effect on the environment. The following is a summary of said response:

Traffic

- Traffic survey carried out after Easter holidays.
- Development trip generation in all directions was predicted based on standard methods.
- Kennyswell Road/ Dominic Street junction would operate within capacity up to 2035 if housing scheme were to be delivered, even if the next phase of Kilkenny Central Access Scheme and completion of Kilkenny Ring Road were not delivered.
- Not considered that the cumulative effects of any other developments would have an impact relating to the subject site as all development would be carried out in accordance with the Development Plan, which itself would be subject to separate EIAR screening.
- Scheme is within walking distance of amenities, so a car is not necessarily required.

Ecological Impact Statement

- Details of the proposal have been referred to the NPWS, The National Monuments Service and the Architectural Heritage Advisory Unit.

- Habitat surveys carried out in November do not reduce the quality or accuracy of information gathered / habitat descriptions given or the conclusions reached.
- Improving overall quality of Breagagh River is outside the scope of this housing project – falls under remit of Local Authorities Water Programme.

PCBs

- All surface water discharged to the Breagagh River would be clean and would be discharged at a rate equivalent to current (greenfield) discharge – not incurring any scouring or additional impacts to the river.

Land

- Ground Investigations Report confirms that there is made ground on site – dumping was primarily made up of builders' waste and any such waste will be removed as required.
- Waste Characterisation Report detected asbestos in two samples at a non-hazardous level – any appointed contractor would be required to adhere to conclusions of this report.

Construction

- Construction and Demolition Waste Management Plan would be a working document. Employer's representative and client can review and agree any construction methodology statements during the construction period.
- Procurement strategy for the project has not been finalised – it is possible variant tenders would be accepted and value engineering proposals made during the course of construction as is standard practice.

8.0 Planning Policy

- 8.1. The subject site is zoned "*Phase 1 Residential*" where the objective is "*to protect, provide and improve residential amenities.*" Lands directly to the north of the site are zoned "*amenity/ green links/ biodiversity*". The indicative line of the Central Access Scheme passes through these lands. Road objective 10k seeks to "*reserve the line of Phase 2 and Phase 3 of proposed Central Access Scheme free from development and to complete Phase 1 of the Central Access Scheme within the plan period.*"

9.0 Planning history

Kilkenny City Council Reg. Ref: 06/74 (PL62.221535)

- 9.1. The Board upheld the Council's decision to grant permission for a residential development, 2 no. vehicular accesses from Kennyswell Road, surface car parking, landscaping and all associated site works. The application was for 57 no. units and a number of these were omitted for open space by condition. The site is a similar location to the current application site but was of a smaller size at 1.77 hectare.
- 9.2. Permission was granted in January 2008. The permission was extended to April 2018 and has now expired.

10.0 Environmental designations

- 10.1. The Breagh River flows into the River Barrow and River Nore SAC and the River Nore SPA, which are approximately 990m downstream from the location of the proposed surface water outfall that will serve the subject site.

11.0 Assessment

- 11.1. Section 172(1)(b) of the Planning and Development Act, 2000 (as amended) states that an environmental impact assessment shall be carried out in respect of an application for consent for a proposed development of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, where such development does not equal or exceed the relevant quantity, area or other limit specified in that Part, but where it is concluded, determined or decided by the local authority that the proposed development is likely to have a significant effect on the environment.
- 11.2. An EIA Screening Assessment was carried out by Kilkenny County Council which considered that the proposal for 86 no. dwellings, a community facility and associated works and services at Kennyswell Road, Croker's Hill, Kilkenny is significantly below sub threshold Part 2 activities, and having regard to the environmental sensitivities of this area, and the potential impacts based on environmental factors, it was determined that no Environmental Impact Assessment Report is required. Development for the purposes of Part 10 (EIA) under Class 10

(Infrastructural projects) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended) includes “*construction of more than 500 dwelling units*”.

- 11.3. Notwithstanding this, under the provisions of Article 120(3)(c) of the Planning and Development Regulations, 2001 (as amended), any person who considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment may apply to the Board for a screening determination as to whether the development would be likely to have such effects. An application for screening determination has been received by the Board from a resident of Green Street, Kilkenny on issues of traffic, ecological impact and appropriate assessment, impact of discharge on the Breagagh River, ground conditions and construction works. It is submitted that the preparation of an EIAR to accompany the application would address many of these issues.
- 11.4. Schedule 7 of the Planning and Development Regulations, 2001 (as amended) sets out the criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to an Environmental Impact Assessment. The criteria are listed under the following three headings, which shall form the basis of this assessment:
- Characteristics of the proposed development;
 - Location of the proposed development; and
 - Types and characteristics of potential impacts.
- 11.5. Schedule 7A sets out the information to be provided by the applicant or developer for the purposes of screening sub-threshold development for Environmental Impact Assessment. Kilkenny County Council submitted Schedule 7A information to the Board to include a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works; a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected; a description of the aspects of the environment likely to be significantly affected by the proposed development; and a description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment.

11.6. In addition, the amending EU EIA Directive 2014/52/EU applies and in carrying out this Determination I have had regard to the provisions and criteria in regard to screening for EIA set out in that Directive particularly Annex III.

11.7. I also note the guidance contained in the document “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.

11.8. **Characteristics of the proposed development**

Size of Proposed Development

11.8.1. The proposed development includes 86 no. dwelling units and a community centre in six blocks located on a 2.2221 hectare site currently in agricultural use. A wayleave continuing from the main body of the site down to the Breagagh River measures approximately 0.09 hectare. The site has a frontage of approximately 168m onto Kennyswell Road and the maximum depth of the site is approximately 100m.

Culmination with Other Development

11.8.2. The Development Plan zoning map illustrates land use and specific objectives pertaining to the immediate area. The site itself is zoned for Phase 1 Residential and there are no adjoining lands zoned as such. To the north of the site is an indicative alignment of the Kilkenny Central Access Scheme; however, this is a longer term project and therefore it is unlikely that there will be any cumulative effects with any other existing or proposed developments set out as objective of the development plan.

11.8.3. The proposed development will add to the cumulative loading at the Kilkenny wastewater treatment plant; however, there is sufficient capacity at this plant to accommodate effluent from the proposed scheme.

Nature of any associated demolition works

11.8.4. The proposal includes small scale demolitions of a disused pumping station and a former farm shed. Demolitions will involve the removal of mass concrete walls, concrete blocks, random rubble walls and a corrugated metal roof.

Use of natural resources, in particular land, soil, water and biodiversity

- 11.8.5. The proposal will necessitate the removal of habitat including agricultural grassland, low value hedgerow and stone wall. The design of the scheme incorporates existing topography to reduce the requirement for excavation and spoil removal. An outline Construction and Demolition Management Plan will be further developed as a working document to manage waste and to specify mitigation measures to protect water quality.
- 11.8.6. There are no habitats listed on Annex I of the Habitats Directive or records of rare or protected plants on site. There is a badger sett to the north of the site on lands proposed as open space. It is possible that this sett may be vacated post construction; however, it is not likely to be a major or breeding sett.
- 11.8.7. A Natura Impact Assessment has been prepared as part of this application for approval. It is proposed that surface water from the site will drain to the Breagagh River via a new outfall pipe and headwall to the north-east of the site. The Breagagh River is a tributary of the River Nore, which is designated as a SAC and SPA. These watercourses meet approximately 990m downstream from the proposed headwall. It is concluded in the Stage 2 appropriate assessment under case ABP-305062-19 accompanying the current case that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the River Barrow and River Nore SAC, or any other European site, in view of the sites' Conservation Objectives.

Production of waste/ pollution/ nuisance

- 11.8.8. A ground investigation report and a waste classification report are attached to the Local Authority's Schedule 7A information. The ground investigation report provides an investigation of subsurface conditions arising from trial pits, soakaways, boreholes and geotechnical and environmental laboratory testing. The sequence of strata across the site generally comprised of topsoil, made ground, cohesive deposits, granular deposits and bedrock. Made ground contained frequent fragments of plastic, brick, metal, concrete, wood and organic content. Traces of asbestos were also detected. It is concluded in the waste characterisation assessment that the soils and level of asbestos are classified as non-hazardous. However, asbestos containing material is only suitable for disposal to landfills

outside Ireland. Other material unsuitable for recovery will be reused for landscaping or sent to a non-hazardous waste landfill.

- 11.8.9. Adherence to best practice construction and environmental management during the construction phase will ensure that development will not result in pollution of groundwater or surface water.
- 11.8.10. The most likely source of nuisance from the proposed development will also be during the construction phase. Construction noise, dust, traffic, etc. will be temporary in nature. It is expected that the construction phase will take place over an 18 month to 2-year period commencing in 2020. Hours of construction will be limited to 08:00 to 18:00 hours Monday to Friday and 08:00 to 14:00 hours on Saturday. Issues relating to construction sequencing and programming, site management, construction traffic management and construction waste management are addressed in the Outline Construction & Waste Management Plan.

Risk of major accident

- 11.8.11. A small area of the site to the north-west is shown on the Development Plan land use zoning map to be within the 700m consultation distance for the Grasslands Fertiliser (Seveso II) site. The Health and Safety Authority was notified of the application by the local authority and no response was received.

Risks to human health

- 11.8.12. There are no perceived risks to human health (e.g. due to water contamination or air pollution) arising from the construction or operational phases of the proposed development.

11.9. Location of proposed development

Existing and approved land use

- 11.9.1. The subject site is currently is agricultural use and is zoned for "Phase 1 Residential" use. The proposed development would see a change in character of the lands from rural to urban. However, the site immediately adjoins the built up area of Kilkenny City.

Abundance, availability, quality and regenerative capacity of natural resources

- 11.9.2. Natural resources in the area include the River Breaghagh to the north of the site, which flows into the River Nore approximately 990m downstream. The River Nore is designated a SAC and SPA. Given the nature of the proposed development, any such impact on water quality is considered to be limited to the construction phase of the project. It is concluded in the Stage 2 Appropriate Assessment that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Barrow and River Nore SAC, or any other European site, in view of the sites' Conservation Objectives.
- 11.9.3. The planning application is accompanied by a site-specific Flood Risk Assessment which confirms that the site is not at risk at pluvial or ground water flooding and that the development is not expected to result in an adverse impact on the hydrological regime of the area, or to increase flood risk elsewhere.
- 11.9.4. The construction phase of the proposed development will result in the clearance of habitat of low value. Over time, and with the establishment of new landscaping and the location and the abundance of open space to the north of the site, it is expected that the area's natural resources will regenerate. Given the location of the lands close to the built-up area, it is expected that species on site will already be habituated to the semi-urban nature of the area. During the operational phase, no further impacts on the natural resources of the area will occur from the development.

Absorption capacity of the natural environment

- 11.9.5. There are no wetlands on the subject site and the riparian corridor is sufficiently distant and will be buffered from proposed buildings by a linear area of proposed public open space.
- 11.9.6. Subject to implementation of mitigation measures, including erection of a robust silt curtain along the northern boundary of the site and the use of an appropriately sized silt trap or settlement pond so that only silt free run-off will leave the site, as well as the construction of head wall and outflow pipe behind a bunded barrier, significant effects to the integrity of the downstream European Sites are not expected to occur.
- 11.9.7. The Breaghagh River is assessed as 'poor' under the 2013-2018 WFD reporting period. However, there will be no negative effect arising from the quality or quantity

of surface run-off. As noted by the local authority, improving the overall quality of the Breagagh River is outside the scope of the proposed development and falls under the remit of the Local Authorities Water Programme, which is actively working on delivering the aims of the Water Framework Directive.

11.9.8. The proposed development will easily be absorbed into the existing populated area. There will be adequate separation distances and infrastructural capacity for the proposal. The density and scale of development is appropriate for the location of the site.

11.9.9. There are no sites or landscapes of historical, cultural or archaeological significance that will be adversely affected by the proposed development. Lough Macask pNHA and Newpark Marsh pNHA are both within 2km of the site; however, the proposal will have no direct impact on these sites.

11.9.10. I would be satisfied that the proposed development will be sufficiently separate and distant from Kilcreen Lodge so as not to affect the setting of the protected structure. Any boundary treatment can be agreed with the Planning Authority in the event of a grant of planning permission.

11.9.11. A desk-based and field study were carried out of the site to identify and describe known and potential archaeological or cultural heritage constraints. No material or features or archaeological interest were identified during test trenching and it is recommended in the Archaeological Impact Assessment accompanying the planning application that the site be subject to further test trenching prior to development. A submission from the Department of Culture, Heritage and the Gaeltacht also recommends that archaeological mitigation, including riverine assessment and/ or archaeological testing, may be required if there are to be ground impacts near or into the River Breagagh. Conditions relating to archaeological assessment/ monitoring/ recording attached to any grant of permission can be expanded to include any required testing along the wayleave.

11.10. **Types and characteristics of potential impacts**

Magnitude and spatial extent

11.10.1. Having regard to the above assessment, I consider that the magnitude and spatial extent of the impact of the proposed development in terms of geographical area and

population will be very limited. The site is relatively small and the existing population in the area is predominantly to the eastern side of the site. I consider that there are no likely significant impacts arising specifically from the area of the site or extent of population in its vicinity.

Nature of impact

- 11.10.2. The main aspects of the environment that would potentially be impacted by the proposed development are population and human health, biodiversity, land, soil, water, material assets (traffic and transport), and cultural heritage. Any impacts arising from the proposed development would be localised and/ or temporary in nature and with limited potential adverse impacts on the wider environment. Positive impacts on population and human health will occur through the provision of new social and affordable dwellings constructed to Near Zero Energy Building standards.

Transboundary impacts

- 11.10.3. There are no transboundary impacts associated with the proposed development.

Intensity and complexity of impact

- 11.10.4. Impacts on population and human health arising from the proposed development would be limited mainly to the construction phase. This would be an intense but temporary period of activity affecting nearby residents in terms of noise, traffic, dust, etc.
- 11.10.5. Impacts on biodiversity would also be restricted to the construction period for the most part through removal and disturbance of species. Having regard to the low value of habitat and the limit species using the site and surroundings, and proposed mitigation measures, it is not expected that impacts on biodiversity associated with the proposed development will be long term or particularly complex.
- 11.10.6. Impact on land, soil and water will also be mainly confined to the construction period. The scheme design incorporates existing topography where possible and any underlying waste will be reused, recovered or disposed of appropriately. A new surface water drainage system will discharge to the Breagagh River following suitable treatment and attenuation. The construction phase of this element of the project will require the implementation of mitigation measures set out in the Stage 2 Appropriate Assessment. These works will take place over a short and intense

period and in compliance with best practice construction and environmental management standards.

- 11.10.7. It is not anticipated that there will be any particularly intense or complex impacts generated by the proposed development in terms of traffic and transport or cultural heritage, or any other environmental factor.

Probability of Impact

- 11.10.8. Some of the potential effects identified above may have a high or moderate degree of probability; however, the extent of impacts will not be significant, and the overall magnitude is considered to be low.

Expected onset, duration, frequency and reversibility of impact

- 11.10.9. Upon commencement of construction works, the proposed development would result in immediate, permanent and long-term change to the area from a greenfield to an urban character. This change would be irreversible. The impacts associated with the proposed development on various environmental factors would be more temporary and short-term in nature, and subject to appropriate standards and mitigation, would not be considered significant. Certain impacts would also have a degree of reversibility, e.g. establishment of new landscaping.

Culmination of impact

- 11.10.10. There are no other existing developments or proposed developments in the vicinity of the subject site that are currently the subject of Environmental Impact Assessment and that might give rise to cumulative impacts.

Possibility of effectively reducing impact

- 11.10.11. The Natura Impact Assessment, Ecological Impact Assessment, Archaeological Impact Assessment, Traffic Impact Assessment and Outline Construction and Demolition Waste Management Plan accompanying the planning application set out appropriate mitigation measures and best practice standards for the proposed development. Subject to compliance with these documents, there is no real likelihood of significant effects on the environment arising from the proposed development.

12.0 Recommendation

Having regard to my assessment above, I consider that the proposed construction of 86 dwelling units in six blocks, a community facility and all associated site works and service connections at Croker's Hill, Kennyswell Road, Kilkenny would not be likely to have significant effects on the environment. I, therefore, recommend that an Environmental Impact Assessment Report not be prepared in respect of the proposed development the subject of this report based on the reasons and considerations set out below.

Having regard to;

- (a) the submissions made in this case by the applicant for screening determination and by the Kilkenny County Council,
- (b) the nature, scale and location of the proposed development,
- (c) the provisions of Schedule 5 and Schedule 7 and the requirements under Schedule 7A of the Planning and Development Regulations 2001, as amended,
- (d) 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.
- (e) 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,

it is considered that the proposed development would be a sub threshold development for the purposes of EIA having regard to the classes of development set out under Class 10 of Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and by itself, and in combination with other development in the vicinity, would not be likely to have significant effects on the

environment and that, consequently, the preparation and submission of an environmental impact assessment report is not required.

Donal Donnelly
Planning Inspector

29th November 2019