



An
Bord
Pleanála

Inspector's Report

ABP-306275-19

Development	Development at the Abbey Cultural Quarter, Kilkenny City.
Location	The Abbey Quarter, Kilkenny City.
Planning Authority	Kilkenny County Council.
Planning Authority Reg. Ref.	
Applicant(s)	Kilkenny County Council.
Type of Application	EIA Scoping under Article 117 of the Planning and Development Regulations, 2001 as amended.
Date of Site Inspections	8 th March, 2018 30 th March, 2016, and 12 th March, 2015 in connection with previous EIA and AA Direction cases on the site. .
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The site the subject of this scoping request is located within the site of the former St. Francis Abbey brewery site located at the northern end of High Street and on an overall site that is bounded by High Street and Horse Barrack Lane to the west, by the River Nore to the east and by the R695 and new central access scheme bridge over the River Nore and the River Breagagh channel, which runs immediately to the north of the Mayfair Ballroom building, to the north. The River Breagagh separates the main part of the site from an additional area to the north with an existing bridge connection. To the south, the site is bounded by a number of commercial sites that from Parliament Street and Green Street. This overall site has been the subject of a masterplan called the Abbey Cultural Quarter Masterplan.
- 1.2. The site has been largely cleared of the former industrial buildings that were present with only three main structures remaining. These are the Mayfair Ballroom building located at the northern end close to the entrance of the site from Horsebarrack Lane, the Brewhouse and Maturation buildings located to the south and the remain of St Francis Abbey which is included on the NIAH and is a national monument.
- 1.3. The bulk of the wider site is covered in a concrete slab which was laid on the site at the time of its use as a brewery. Information from previous AA and EIA direction cases indicates that there is significant historical services infrastructure located within this concrete slab.
- 1.4. The area of the site which is the subject of works for which the EIA scoping request relates is 1.3 ha.

2.0 Proposed Development

- 2.1. The submission on file from Kilkenny County Council describes the proposed works as follows:
- 2.2. The development which is the subject of this scoping request is proposed to comprise two main elements, an urban park and street. The street is proposed to run from Batemans Quay at the southern end of the overall St Francis Abbey site north, crossing the River Breagagh at the position of the existing bridge connecting the two parts of the site, and terminating to the north at the Central Access Scheme

bridge, now known as St. Francis Bridge. The street is proposed to be primarily a pedestrian and cycle space, though controlled vehicular access will be available to facilitate deliveries to future developments adjoining the street.

- 2.3. The park element of the project is located to on either side of the road at the northern end of the road. It would be bounded by the bank of the River Nore to the east, proposed future new development to the south including riverside park and by the Mayfair Ballroom and Brewhouse buildings to the west. To the north, the park would adjoin the River Breaghagh. The ruin of St. Francis Abbey is located entirely within the park area. Surfaces to the park are proposed to consist of a variety of grassed areas, trees, paved surfaces and water features. The submitted documentation indicates that it is intended that the park would provide space to accommodate seasonal markets and other events.
- 2.4. The EIA Scoping Report submitted with the request, prepared by Malone O'Regan Environmental, states that the development is considered to be sub threshold with regard to Class 10 of Part 2 of the Fifth Schedule of the *Planning and Development Regulations, 2001 (as amended)*. Section 2.1 of the submission states that a screening assessment undertaken determined that the preparation and submission of an EIAR was necessary given the archaeological and historical significance of the site, its proximity to the River Breaghagh and River Nore including the River Nore SAC and SPA and to the visual prominence and impact on the cultural identity of Kilkenny City Centre.

3.0 ARTICLE 95(2) PLANNING & DEVELOPMENT REGULATIONS, 2001 as AMENDED by Article 24 of the 2006 REGULATION.

- 3.1.1. On the 19th February, 2020, and in accordance with Article 95(2) of the Planning and Development Regulations, 2001 (as amended) the Board requested submissions or observations from the following prescribed bodies:
- Department of Communications, Climate Action and Environment,
 - Department of Housing Planning and Local Government,
 - Environmental Protection Agency.

3.1.2. Subsequently, by letter dated 27th February, 2020 the following additional prescribed bodies were invited to make comments or observations on the request. These additional requests for submissions in regard to the proposed development were made to the following:

- An Chomhairle Ealaíon,
- Bord Fáilte,
- An Taisce,
- The Heritage Council, and
- The Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht.

3.1.3. The following responses were received:-

The ***Environmental Protection Agency*** had no observations or submission to make.

Response received from the ***Geological Survey of Ireland*** (Department of Communications, Climate Action and the Environment stating that it had already made submissions on the scoping request directly to the project agent (Malone O'Regan Environmental) and enclosing a copy of this correspondence. The following is a summary of the main issues raised in this correspondence:

- That there are no geological sites recorded in close proximity to the subject site.
- Suggested that the national geotechnical database would be consulted as part of any baseline geological assessment of the site contained in the EIAR.
- That groundwater and flooding related data are available on the GSI Mapviewer and it is recommended that these are used in the EIAR process.
- That geohazards and particularly flooding should be taken into consideration and information on the GSI website used as source material.
- That GSI information on geothermal suitability should be consulted in the preparation of the EIAR.

4.0 LEGISLATIVE CONTEXT:

- 4.1.1. It is noted that notwithstanding that the proposed development is being considered as sub-threshold, the Planning Authority is proposing the preparation and submission of an Environmental Impact Assessment Report (EIAR). This decision is stated by the Requestor to have been taken following an EIAR screening assessment undertaken in accordance with the criteria contained in Schedules 7 and 7A of the Planning and Development Regulations.
- 4.1.2. Given the location of the site within an urban area and on a historic site within an area of significant archaeological heritage, together with the proximity of the site to adjacent watercourses, including the River Nore which is designated as a SAC and SPA in this location, it is considered by the Council that the development would have potential for significant effects on the environment, and that the preparation of an EIAR is therefore warranted.

4.2. **Planning and Development Act, 2000 (as amended) and Planning and Development Regulations, 2001 (as amended).**

- 4.2.1. The formal Scoping Request from Kilkenny County Council on the information to be contained within the EIAR was submitted under Section 173(3)(a) of the Planning and Development Act, 2000 and Articles 95 and 117 of the Planning and Development Regulations, 2001(as amended).
- 4.2.2. **Section 173(3) (a)** of the Act states as follows:
“Where a person is required by or under this Act to submit an environmental impact statement to the Board, he or she may, before submitting the statement, request the Board to provide him or her with its opinion as to the information that should be contained in such statement, and the Board shall on receipt of such a request provide such opinion in writing.”
- 4.2.3. **Article 95** of the Regulations (as amended by Article 24 of the 2006 Planning and Development Regulations) deals with the procedures for Scoping Requests, and provides details of the level of information to be submitted in order for the Board to provide a written opinion pursuant to the request.

4.2.4. **Article 117** of the Regulations relates to Local Authority Development and provides that before making an application for approval to the Board under section 175(3) of the Act, a local authority may, in accordance with article 95, request the Board to provide a written opinion on the information to be contained in the EIAR.

4.2.5. **Schedule 6** of the *Planning and Development Regulations, 2001*, sets out the information required to be contained within an EIAR. The EIAR must contain the information specified in section 1 and the information specified in section 2 to the extent that the information is relevant to the nature of the development in question and to the environmental features likely to be affected.

4.2.6. In providing such a '*written opinion on the information to be contained in the EIS*', it is considered appropriate to have regard to the following Guidelines:

4.3. **EPA Guidelines on the Information to be contained in Environmental Impact Statements, 2002 and EPA Draft Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR), 2017.**

4.3.1. Section 1.4 of the **2002 Guidelines** deals with scoping and provides that the scoping process identifies the issues and emphasizes those that are likely to be important during EIA and eliminates those that are not. The Guidelines provide that scoping must be focused on issues and impacts which are environmentally based, are likely to occur, and are significant and adverse.

4.3.2. Section 3.0 of the **2017 Draft Guidelines** relates to scoping and includes 3.3.4 Key Scoping Criteria, 3.3.5 Consideration of Other Assessments and 3.3.6 Selection of Headings Under Which to Arrange Issues. Section 3.3.4 states that all parties should be aware of the need to keep the EIAR as tightly focussed as possible and that scoping is usually guided by criteria including the use of 'Likely' and 'Significant' as the principal criteria for determining what should be addressed. Any issues that do not pass this test should be omitted (scoped out) from further assessment.

4.3.3. Section 3.3.6 of the guidelines identifies the headings under which to arrange issues and states that the prescribed environmental factors must all be addressed in an EIAR. As they are a necessary simplification of the relevant components of the environment, each factor is typically explored by examining a series of headings

and/or topics relevant to that factor, as indicated by the examples included in Annex IV of the Directive. These headings and topics are generally identified during the scoping process. Some typical headings and topics and their arrangement within an EIAR are shown below.

Annex IV(4) of amended Directive *'A description of the factors specified in Article 3(1) likely to be significantly affected by the project: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.'*

4.4. EPA 'ADVICE NOTES ON CURRENT PRACTICE (in the preparation of Environmental Impact Statements)', 2003

- 4.4.1. These Advice Notes are designed to accompany the *Guidelines on the Information to be contained in Environmental Impact Statements*, also published by the EPA. The Advice Notes contain greater detail on many of the topics covered by the Guidelines and offer guidance on current practice for the structure and content of Environmental Impact Statements. The Advice Notes are divided into five sections, each providing detailed guidance on specific aspects to be considered in the preparation of an EIS.

5.0 Planning History

There is an extensive planning history relating to the site and environs primarily connected with the use of the site and adjoining lands as a brewery. There are no recent planning applications for the development of adjoining lands to the site.

Planning Applications

Kilkenny County Council Ref. 13/990045 – Permission granted to Diageo Ireland for demolition of structures on the current site and adjoining lands which include the removal of equipment and structures that were contiguous to the Brewhouse Building. It also provided for the demolition of the bottling plant located to the east of the current site.

ABP EIA / AA Determinations

An Bord Pleanála Ref. 10.JD0025 – Referral by SA O'Brien and Katharine Larkin regarding the necessity to prepare an EIS in respect of the proposed redevelopment of the Brewhouse Building. The Board determined that the preparation of an EIS was not required.

An Bord Pleanála Ref. 10.JD0024 – referral by Peter Sweetman and Associates regarding the necessity to prepare an EIS in respect of the proposed redevelopment of the Mayfair Ballroom located on former Diageo Ireland lands at Irishtown Kilkenny. The Board determined that the preparation of an EIS was not required.

An Bord Pleanála Ref. 10.JN0011 – referral by Peter Sweetman and Associates regarding the necessity to prepare an Appropriate Assessment in respect of the proposed redevelopment of the Mayfair Ballroom located on former Diageo Ireland lands at Irishtown Kilkenny. The Board determined that appropriate assessment was not required.

An Bord Pleanála Ref. ABP-300610-18 – Appropriate assessment direction case relating to the proposed redevelopment of the Brewhouse building, gardens, Kilkenny. The Board determined that appropriate assessment was not required.

Kilkenny County Council Part VIII Applications

- Part VIII procedure for the redevelopment of the Brewhouse Building was approved by the Council in February, 2016 and further amended in December, 2017.

- Part VIII procedure for the redevelopment of the former Mayfair Ballroom was approved by the council in July, 2016 and further amended in July, 2019.
- Part VIII procedure for the development of the River Garden Project which comprises the removal of the existing concrete slab, the raising of the existing ground levels and the construction of a 3 metre wide shared pedestrian / cycle way along a landscaped strip of c. 15 metres in width and 600 metres in length. The approved project also provides for a skate park and the section of walkway in the vicinity of St Francis Abbey and Evans Tower would be temporary pending the outcome of future archaeological investigations of this area.

6.0 Policy Context

6.1. Development Plan

The site is located within the area covered by the *Kilkenny City and Environs Development Plan, 2014-2020*. The site and adjacent lands on the former St Francis Abbey Brewery site are zoned ‘*General Business*’ under the provisions of the *Kilkenny City and Environs Development Plan, 2014-2020*. The proposed uses on the site, educational and office are permitted under the General Business land use zoning objective.

The site and the adjoining lands are located within the City Centre Architectural Conservation Area. The extent of the ACA takes in all of the Abbey Quarter Masterplan lands located to the south of the River Breagagh.

The Plan has been the subject of **Variation No. 1 (July, 2015)** which had the stated purpose ‘*to ensure a statutory basis for high level principles which are required to underpin the future development of the Bateman Quay / Market Yard and surrounding area which will consolidate the city centre and contribute towards its vitality and viability*’. This variation was the subject of SEA and AA and it is on foot of this Variation that the Abbey Creative Quarter Masterplan was prepared. Nine new high level development objectives were inserted into the CDP on foot of Variation No.1 including:

- To provide for a riverside linear park (Objective 3H)
- To provide for an urban park in the vicinity of St Francis Abbey (Objective 3L)
- To provide for park and walk facilities for car and bus / coach parking at a site or sites in close proximity to the ACQM area.
- To finalise and adopt the Abbey Creative Quarter Masterplan and to incorporate it into the Kilkenny City and Environs Development Plan, 2014-2020 as a separate future variation (Objective 3L).

The Plan has also been the subject of **Variation No.5** which states that it would be an objective of the Council:

‘to provide the necessary overarching policy framework to allow for temporary car parking in the Abbey Quarter Masterplan area notwithstanding the text of the Masterplan in section 4.1.6’.

Variation (No.5) also provides for the additional objectives to be added to section 3.4.3 of Kilkenny City & Environs Development Plan and these include the following which are of specific relevance to the proposed development:

- 3H - To provide for a linear park along the western bank of the River Nore connecting to the existing River Nore linear park north of Green’s Bridge and the existing River Nore linear park south of the Masterplan area (Canal Walk) (as indicated on Fig 3.4) subject to compliance with the Habitats and Birds Directives and the provisions of the Abbey Creative Quarter Masterplan.
- 3I - To provide for an urban park in the vicinity of St. Francis Abbey (National Monument) incorporating the City Walls, Evan’s Turret and St. Francis’ Well taking into account the recommendations of the archaeological strategy developed in the preparation of the Abbey Creative Quarter Masterplan (as indicated on Fig 3.4) and subject to compliance with the Habitats and Birds Directives and the provisions of the Abbey Creative Quarter Masterplan.
- 3P - To provide for an urban street of pedestrian and cyclist priority between the Central Access Scheme and Bateman Quay crossing the River Breaghagh at the existing bridge crossing. To provide for traffic management measures on the street such as to inhibit the flow of through traffic and heavy goods vehicles.

6.2. Urban Design Framework Masterplan for the Abbey Creative Quarter

- 6.2.1. The Plan, which covers a total stated area of 8.25 ha., provides for a number of individual projects of which the current proposal for the construction of the urban park and street is one element. The Plan also identifies a riverside walkway / landscaped area along the eastern boundary of the site adjoining the River Nore and connecting with existing riverside access to the south of the Masterplan lands. To the south of the proposed park and located on both sides of the southern section of the proposed street, the Masterplan indicates a number of blocks stated to be primarily 3 and 4 storey in height. Residential development is envisaged for blocks located at the northern end of the street and north of the Breaghagh River. Access to the Masterplan lands is indicated as being available via a connection from the CAS which would run north south through the site. Overall development of the Masterplan lands is indicated in the Plan as being developed over 9 phases.
- 6.2.2. The EIA scoping Report submitted with the current request states that the Masterplan (the Abbey Cultural Quarter Masterplan) is has been incorporated into the Kilkenny City and Environs Development Plan by way of variation. The Masterplan has been the subject of SEA and screening for Appropriate Assessment.
- 6.2.3. The information submitted with the current request (EIA Screening Report) indicates that the Masterplan and Urban Design Framework has been the subject of further update by Loci Consultants and Kilkenny County Council in 2018.

6.3. Natural Heritage Designations

- 6.3.1. The site is located such that it is not within any European site. The closest European sites to the site of the proposed redevelopment are located around the adjacent River Nore, the boundary of which is located immediately adjoining the project site to the east. The sites centred on the River Nore are the River Barrow and River Nore SAC and the River Nore SPA.

7.0 Scoping Opinion

7.1. General Requirements

7.1.1. Schedule 6 of the *Planning and Development Regulations, 2001 (as amended)*, sets out the information required to be contained within an EIAR. The EIAR must contain the information specified in section 1 and the information specified in section 2 to the extent that the information is relevant to the nature of the development in question and to the environmental features likely to be affected.

7.1.2. In terms of the requirements of Schedule 6, and to assist assessment and increase clarity, the Environmental Impact Assessment Report (EIAR) should be systematically organized to provide sections describing the following:

The Proposed Development - to include information on the site, design, size and other relevant features of the proposed development. The description of the project should make specific reference to demolition works that may be required as part of or to facilitate the development. In the case of the subject development, the description of development should include its context with regard to other permitted and proposed developments on the overall St. Francis Abbey site and the extent of any demolition works required, including removal of the existing concrete slab. The proposed development should be described in scaled drawings, photographs and photomontages.

The Existing Environment - The existing environment and the impacts of the development are explained by reference to its possible impact on the following environmental factors:-

- Population, and Human Health,
- Biodiversity with particular attention to species and habitats protected under the Habitats and Birds Directive.
- Land, Soil, Water, Air and Climate,
- Material Assets, Cultural Heritage and the landscape,
- The interaction between the above factors

In terms of the receiving environment, the EIS shall include all areas that would be impacted upon, directly or indirectly, by the proposed development. The information contained in the EIAR should therefore be based on comprehensive surveys of the area and have regard to updated data bases which may exist in terms of architectural heritage and ecology. The EIAR should accurately describe the receiving environment in terms of geology, geomorphology and hydrology, as well as a physical description of the site proposed for development.

The Likely Significant Effects of the Proposed Development - Impacts should address direct, indirect, secondary, cumulative, short, medium and long-term, permanent, temporary, positive and negative effects as well as impact interactions. None of the topics outlined above (Population and Human Health etc.) should be omitted, although their level of detail may differ depending on the likelihood of impacts.

In accordance with the requirements of Article 94 of the Planning and Development Regulations, 2001 (as amended), the EIAR shall contain a reference list detailing the sources used for the impact descriptions and assessments used in the EIAR.

The EIAR should also contain a list of experts who contributed to the development of the report, identifying for each expert, the part of the EIAR for which he / she is responsible, his / her experience or expertise and any additional information considered relevant to demonstrate the persons competence in the preparation of the EIAR.

An assessment of the impact of the proposed street and park is required, with an assessment of the cumulative impact of existing and permitted developments in the vicinity. Such developments would include permitted works to the Mayfair Ballroom and Brewhouse buildings. The assessment of cumulative impacts in the EIAR should also have regard, as far as is practicable, to the likely effects arising from future phases of development of the Abbey Quarter Masterplan.

Further to the above, details of the environmental impacts of the development during the demolition, excavation, construction and operational phases of the development should also be described and assessed by reference to baseline information which should be collated and presented within the EIAR. The environmental impact of the

aforementioned phases, including in particular noise and vibration impacts arising from the removal of the existing concrete slab and construction phase impacts in terms of materials storage and containment within the site should also be described and assessed.

The EIAR will be required to provide information regarding the nature, quantities and source of materials to be used in the overall development. Information will also be required on volumes and nature of waste materials likely to be generated in the demolition phase and proposed means for disposal of same.

The EIAR should also provide an assessment of the expected effects arising from the vulnerability of the project to major accidents and disasters that are relevant to the project. These risks should be considered in the context of the factors of the environment.

The Measures to Mitigate Adverse Impacts - The EIAR shall give a description of the features of the proposed development and measures envisaged to avoid, prevent, reduce and, if possible, offset likely significant adverse effects on the environment. Where adverse impacts are likely to result, appropriate mitigation measures shall be identified where necessary – and shall clearly indicate where and with whom responsibility for the implementation of the mitigation measures lies. The EIAR shall also provide information relating to the monitoring of the impacts of the development on the environment.

Consideration of Alternatives: The consideration of alternatives, in terms of location and design, as well as proposed uses, should also be addressed in the EIAR and should comprise a description of the reasonable alternatives relevant to the proposed development which were studied and the reason for the option chosen having regard to the effects on the environment. In undertaking this assessment of alternatives, the following should be borne in mind:

- It is not a requirement to requirement to revisit issues considered in the formulation of policy that has been the subject of SEA.
- Alternatives should be relevant to the project and its specific characteristics.

- The assessment of alternatives should include a description of the current state of the environment without implementing the project, i.e. the Do-Nothing scenario. This assessment should be the starting point for the consideration of impacts in the EIAR.
- In the assessment of alternatives the level of detail provided should be reasonable and commensurate with the project.

A Non-Technical Summary - The EIS must contain a non-technical summary of the detailed information contained within the EIAR. The language of this summary shall be non-technical in nature and should provide clear details of the environmental effects the development will have, as well as all significant effects and mitigation measures proposed. The description of the development in this summary should clearly explain and describe all aspects of the proposed development such that the EIAR is accessible in terms of public understanding of the process and to facilitate full public participation and consultation in the process.

In terms of specific environmental topics the development is likely to impact upon, the EIAR should, in particular, address the following matters:

- Population, and Human Health
- Biodiversity (for example fauna and flora),
- Land (for example land take), Soil (for example organic matter, erosion, compaction, sealing), Water (for example hydromorphological changes, quantity and quality), Air and Climate (for example greenhouse gas emissions, impacts relevant to adaptation),
- Material Assets, Cultural Heritage, (including architectural and archaeological aspects) and Landscape.
- Interactions between the above factors.

An outline of the specific issues considered relevant to the EIAR under these headings is given in the following sections:

7.1.3. Population, and Human Health

- As identified in the submitted screening assessment, current advice regarding the scope of human health and the consideration of associated impacts is that the assessment should refer to the assessment of those environmental factors which might lead to effects on human health, e.g. air, water etc.
- Given the nature of the existing site the EIAR should specifically address the likely effects on the health and safety of surrounding populations during all phases of the development, including demolition, excavation, construction and operational phases, including the operation of plant equipment.
- An assessment of the impact of the proposed development on the availability of local recreational facilities and overall level of amenity and the potential impacts arising for population and human health should be addressed in the EIAR.

7.1.4. Biodiversity.

- Given the brownfield nature of the site, and its location within an urban setting, the EIAR should provide a clear baseline assessment of the existing receiving environment and the impact of the development on the ecology of the receiving environment.
- The EIAR should address any potential for disturbance arising from the construction activity and particularly any works required to remove the existing concrete slab. In particular, the potential for disturbance to any species using the adjoining river channels (Nore and Breagagh) or banks to these watercourses should be assessed. .
- The proximity of the site to the River Nore SPA and SAC sites is noted and there is therefore a need to carry out an Screening for Appropriate Assessment under the Habitats Directive and further assessment if necessary. The results of such assessments will inform the Biodiversity section of the EIAR. It is noted that the level of detail submitted with regard to the exact site boundary and relationship with the European sites is not very

clear and the appropriate assessment will need to focus on the potential impacts arising on the adjacent European sites arising from the operational and particularly the construction phases of the development.

- The scope and nature surveys, including aquatic surveys, as outlined in the submitted EIA Scoping Report (Malone O'Regan Consulting, December, 2019) should be reviewed with the Development Applications Unit of the NPWS in the Department of Culture Heritage and the Gaeltacht. Survey work should comply with best practice for seasonality and scope and the comments of the Development Applications Unit on these issues should be sought.
- The EIAR should address the potential for the enhancement of the biodiversity of the site arising from the development and the measures undertaken to maximise these impacts.

7.1.5. **Land, Soil, Water, Air and Climate.**

Soil

- The EIAR should also provide information relating to the amount and description of materials disturbed or excavated on the site and proposals for the storage, reuse and disposal of material excavated or otherwise generated during the demolition and construction phases of development. Given the previous industrial use of the site, particular attention should be paid to the identification, removal and management of any contaminated soil.
- The impact of excavations required as part of the development should describe, assess and mitigate the potential impact of the proposed development on existing sub surface services that may be present on the site.
- An assessment of the impact of such excavations or other ground disturbances on surface waters should be provided.
- Provide details of the types and nature of materials imported to the site during construction together with construction methods to be employed and measures to prevent the importation of invasive species.

- Mitigation measures to prevent or minimize emissions from the site during demolition and construction phases, should also be provided.

Water

- The impact of materials to be excavated and/or stored on the site will require to be considered in terms of the potential impact on surface and ground waters in the area of the site, in particular impacts on the adjoining River Breagh and River Nore. Changes to the existing hard surface will lead to alterations in surface water drainage patterns and the existing on site surface water drainage system should be clarified as part of the EIAR and application documentation and the impacts of the proposed development on these existing drainage networks clearly set out. .
- There is no indication that the site is prone to flooding however given the proximity to two watercourses, the EIAR should assess potential flooding impacts and risks in accordance with the document “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” published by the OPW in November 2009.
- Also with regard to flooding, the EIAR should detail how sustainable drainage methods are proposed to be incorporated into the design and the impact of the development on existing surface water discharges from the site to the local drainage network.
- The EIAR should provide information relating to the coordinated provision of physical infrastructure and services, in terms of the cumulative impact of any other proposals contained in the Abbey Quarter Masterplan for the surrounding area.
- Assessments regarding flood risk and drainage should detail and make provision for the accommodation of climate change impacts.

Air and Climate

- Impacts on air, it is considered that this will be potentially relevant during the demolition phase of development. The EIAR should therefore provide appropriate and up-to-date baseline data and describe any mitigation

measures deemed necessary to minimise adverse impacts on air quality in the vicinity of the site and to mitigate dust and airborne pollution.

7.1.6. **Material Assets, Cultural Heritage and Landscape.**

Material Assets

- Given the city centre location of the site, a description of the ***traffic impacts*** resulting from the proposed development shall be provided. The EIAR should address traffic generated by the development, during demolition, construction and operational phases of the development, and should include information on the volume and type of traffic (including details of any unusually heavy, high or wide loads) likely to be generated during these phases of the development and the impact on main junctions in the vicinity of the site, notably the junction of the proposed street and St. Francis Bridge and Batemans Quay.
- The EIAR should consider the environmental effects of such heavy traffic, and should clearly provide details regarding proposed routes to and from the site, in particular during the demolition and construction phases of the development.
- In considering traffic-related issues, the EIAR should address any cumulative issues which may/will arise in the overall development of Masterplan site, and should have regard to other major developments in the vicinity of the site.
- The development shall be described in terms of its permeability with surrounding areas and the traffic arrangements which will facilitate such permeability, including pedestrian and cycle traffic.

Cultural Heritage

- The site and the adjoining lands are located within the City Centre ***Architectural Conservation Area*** and the ACA takes in all of the Abbey Quarter Masterplan lands located to the south of the River Breaghagh. The EIAR should assess the impact of the proposed development and potential

cumulative impacts with other developments on the masterplan lands on the character of the ACA.

- The impact of the proposed development on the character and setting of St Francis Abbey which is included on the NIAH and other similar structures including Evans Turret and the city walls should be included in the EIAR.
- Consideration should also be given to structures of architectural merit which are at a remove from the site but which may be affected due to works associated with the proposed development. Structures of architectural merit should include those buildings which contribute to the character of the area and which may or may not be included in the RPS for Kilkenny. The impact of the development on the setting of the Mayfair Ballroom building is specifically noted in this regard.
- Given the nature and location of the subject site in the centre of Kilkenny City, it is likely that development on site would have potential impacts on the **archaeological heritage** of the area. It is recommended that this issue be specifically investigated and the results presented in the EIAR.
- Baseline archaeological data should be provided for the site including location, extent and nature of any existing archaeological finds. Proposed mitigation measures to be undertaken, where such archaeological remains will be affected, shall be described. The significant extent of the baseline archaeological assessment already undertaken (detailed in 3.3.8.1 of the submitted EIA Scoping Report) is noted. Notwithstanding this, it is recommended that prior to finalization and submission of the EIAR that the National Monument Section of the Department of Culture Heritage and the Gaeltacht would be consulted with regard to extent and methodology of archaeological investigations at the site appropriate to inform the EIAR.

Landscape

- The EIAR should include description of the proposed planning and landscaping of the site, both hard and soft to include materials, levels and plant species. This information should be augmented by a detailed landscaping and planting plan for the development.

- An assessment of the proposed development on the receiving urban landscape will be required to be undertaken as part of the EIAR. This assessment should address existing visually prominent and functional features in the urban landscape and should provide an assessment of the visual impact of the development as it relates to the surrounding heritage areas including St Francis Abbey and Evans Turret.
- The landscape section of the EIAR should include a series of photomontages or other forms of visual aid, and the views should be taken to and from the surrounding locations including St. Francis Bridge, St. Francis Abbey surrounding streets including Batemans Quay and other identified sensitive receptors.

7.1.7. **Interactions between the above factors.**

The EIAR should include detailed consideration between the above factors where considered relevant.

8.0 **Conclusion**

- 8.1. I consider that the above written opinion provides appropriate scoping for the EIS to be prepared in relation to the proposed development, in accordance with the requirements of Section 173 of the Planning and Development Act, 2000 and Article 177 of the Planning and Development Regulations, 2001.

I recommend that Kilkenny County Council be furnished with a copy of this written opinion, and also copies of the submissions received under Article 95(2) of the Planning and Development Regulations, 2001, as amended.

Stephen Kay
Planning Inspector

2nd April, 2020

