



An
Bord
Pleanála

Board Direction
ABP-300352-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/11/2018.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the use of lands at the former Glanbia site in Muckalee County Kilkenny as a coal and timber processing and fuel distribution site is or is not development and is or is not exempted development.

AND WHEREAS Kilkenny County Council referred this declaration for review to An Bord Pleanála on the 29th day of November, 2017:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) articles 10 and 11 of the Planning and Development Regulations, 2001, as amended,
- (c) Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the submissions made:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) Historically, the creamery operated as an agri-business enterprise, producing, storing, distributing and selling agricultural products and other products, including fuels, related to its hinterland,
- (b) the storage and wholesale distribution of coal is an established use associated with the overall operation of the creamery site,
- (c) the storage and wholesale distribution of coal, continues on site, along with the storage, distribution and sales of other fuels,
- (d) there is evidence presented of negative impacts on the amenity of adjoining residential property in terms of noise and dust and the potential for adverse impacts on water quality in the vicinity of the site arising from the external surface storage and movement of loose fuels,
- (e) the submitted statements of former employees at the site indicates a level of fuel sales and storage that was small in scale and processes that were not significantly mechanised and did not, in later years involve the acceptance, storage and processing of loose coal, and
- (f) it has not been demonstrated to the satisfaction of the Board that an intensification in the use of the site for the wholesale distribution of coal, that would bring about new material planning impacts, has not occurred.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the use of lands at the former Glanbia site in Muckalee County Kilkenny as a coal and timber processing and fuel distribution site is development and is not exempted development.

Board Member:

Date: 16/11/2018

John Connolly