



Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 20/637

Appeal by Envirico Limited care of Peter Bolger Consulting Engineers Limited of Newtown House, Bachelors Walk, Bagenalstown, County Carlow against the decision made on the 16th day of September, 2021 by Kilkenny County Council to refuse permission.

Proposed Development: The development will consist of the importation, screening and recovery of inert waste, namely soil and stones, in a phased manner with resultant increase in finished land height of approximately 1.4 metres on 8.05 hectares, at a maximum rate of 24,000 tonnes per annum with cumulative tonnage of 192,000 tonnes, over a 10 year period. The screening process involves separation of all vegetation including root systems (rhizomes) which will be re-exported from site to a licenced disposal facility. Access and screening of material will be carried out using an existing permitted vehicular entrance, concreted yard and hard-standing area (previously authorised under planning register reference number 11/272); associated works includes the provision of a weighbridge, wheel wash, office and welfare facilities, temporary berms and screening, and associated civil works including use of modular concrete walling on a concrete pad as well as undergrounding and/or re-location of electricity transmission lines within the site; all on a total site area of 12.01 hectares, at Newtown, Bonnetstown, County Kilkenny, as amended by the revised public notices received by the planning authority on the

23rd day of August, 2021 which included revised plans, revised site layout, revised Natura Impact Statement and revised development as follows: The development will consist of a regional facility for the professional management of soils where there is a suspicion or evidence of the presence of root system (rhizomes) of invasive species, the soils will be imported, screened and recovered, in a phased manner with resultant increase in finished land height of approximately 1.4 metres on 8.05 hectares, at a maximum rate of 24,000 tonnes per annum with cumulative tonnage of 192,000 tonnes, over a ten year period. The screening process involves separation of all vegetation including root systems (rhizomes) which will be re-exported from site to a licenced disposal facility. Access and screening of material will be carried out using an existing permitted vehicular entrance, concreted yard and hard-standing area (previously authorised under 11/272); associated works includes the provision of a weighbridge, wheel wash, office and welfare facilities, temporary berms and screening, and associated civil works including use of modular concrete walling on concrete pad as well as undergrounding and/or re-location of electricity transmission lines within the site; all on a total site area of 12.01 hectares. The application is accompanied by a Natura Impact Statement.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. On the basis of the information submitted with the application and appeal, and having regard to the characteristics of the proposal, the Board is not satisfied that the proposed development would not have a significant adverse impact on the residential amenities of the area and on the surrounding and receiving environment and biodiversity. It is considered that insufficient information has been submitted to enable the Board to comprehensively evaluate the likely impact of the proposed development on the locality and the wider environment and would be contrary to the proper planning and sustainable development of the area.
2. On the basis of information provided, the applicant has not adequately demonstrated that the proposed development, including the effectiveness of the treatment process, would be in accordance with Objective 10G of the Kilkenny City and County Development Plan 2021-2027 "To implement the Southern Region Waste Management Plan". Policy G3 of the Southern Region Waste Management Plan 2015-2021 aims to "ensure there is a consistent approach to the protection of the environment and communities through the authorisation of locations for the treatment of wastes" and Section 16.5 of that plan sets out a number of Environmental Protection Criteria for waste related activities for the General Environment and European Sites. The development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The Board is not satisfied, on the basis of the information provided with the application and appeal 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 Special Area of Conservation (Site Code: 002162) and the River Nore Special Protection Area (Site Code: 004233), in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting permission.



4. Having regard to the scale and characteristics of the proposal, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, to the advice in paragraphs [5.36 to 5.37] of the Guidance for Consent Authorities regarding Sub-Threshold Development issued by the Department of the Environment, Heritage and Local Government in August, 2003, relating to the magnitude and complexity of impact, it is considered that the proposed development would be likely to have significant effects on the environment and should be subject to an environmental impact assessment within the meaning of Part X of the Planning and Development Act, 2000, as amended. The proposed development would, therefore, require an Environmental Impact Assessment Report which should contain the information set out in Schedule 6 of the said Regulations.



The image shows a handwritten signature in blue ink over a circular seal. The seal contains the text 'BORD PLEANÁLA' around the perimeter and a stylized logo in the center. A horizontal line is drawn across the signature and seal.

Mick Long

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this *16th* day of *November* 2023