

An
Coimisiún
Pleanála

Commission Order
ABP-321962-25

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 24/60103

Appeal by Kate Coleman care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin and by GABM Limited care of Malone O'Regan Environmental of Ground Floor, Unit 3, Bracken Business Park, Bracken Road, Sandyford, Dublin against the decision made on the 12th day of February, 2025 by Kilkenny County Council, to grant subject, to conditions a permission to the said GABM Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of an integrated plasterboard manufacturing facility, incorporating a production plant with access from the industrial area road infrastructure. The production facility will have a floor area of 22,400 square metres, with a height over finished ground level ranging from 19 metres to 29 metres. Roof mounted solar panels are proposed. The proposed development includes all site development works, landscaping, boundary treatments including earthworks, road works, retaining walls, vehicle entrance, vehicle parking with charging (HGV, cars and bicycles/scooters), gates, fencing, paving, water storage tanks, drainage and lighting. Planted berms are proposed within and along the perimeters of the development site. The development will include for extraction of groundwater for production process purposes. Servicing arrangements include the provision of a

constructed surface water attenuation area. Access to connect to the public foul network and to mains water supply is proposed, all on lands with a site area of approximately 11.57 hectares located at Gorteens, County Kilkenny.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Commission had regard to:

- (a) the nature, scale and extent of the proposed development,
- (b) the pattern of development in the area,
- (c) the national, regional and local support for the proposed development including:
 - National Planning Framework First Revision 2025,
 - National Development Plan 2021-2030,
 - Climate Action and Low Carbon Development (Amendment) Act 2021,
 - Climate Action Plan 2024 and 2025,
 - The Whole of Ireland Circular Economy Strategy 2022-2033,
 - Waste Action Plan for a Circular Economy 2020-2025,
 - National Waste Management Plan for a Circular Economy 2024-2030,
 - European Union Water Framework Directive 2000/60/EC (WFD),

- Regional Spatial and Economic Strategy for the Southern Region, and
 - Kilkenny County Development Plan 2021-2027,
- (d) the documentation and drawings submitted within the application, including the Environmental Impact Assessment Report and Natura Impact Statement.
- (e) the submissions on file, including those from prescribed bodies, the local authority and observers, and
- (f) the report of the Inspector.

The Commission noted that one of the third-party appeals was withdrawn; however, this withdrawal had no bearing on the decision of the Commission.

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development taking account of:

- (i) the nature, scale and extent of the proposed development,
- (ii) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (iii) the submissions made in the course of the application, and
- (iv) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment

Report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Commission considered, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and Human Health:** Noise modelling presents likely exceedances of the noise threshold for the night-time period for the gypsum unloading campaigns at two number noise sensitive receptors. The effect can be considered slight in the context of the significance of the effect. The unloading campaigns will be short-term and infrequent with a limited number of events per annum. Mitigation includes the implementation of an Operational Management Plan (including a protocol for handling noise complaints and threshold exceedances), the sharing of information relating to the scheduling of unloading campaigns and noise monitoring.
- **Biodiversity:** There will be habitat loss due to the construction of the proposed manufacturing facility and access road. There will be general disturbance during construction and operation phases. These will be mitigated by the Landscaping Management Plan, mitigation measures outlined in the Construction and Environmental Management Plan, specific measures to be employed for water quality, hedgerows and trees, bats, non-volant mammals, breeding birds and invasive species, and the appointment of an Ecological Clerk of Works.
- **Water:** Negative effects on surface water and ground water as a result of accidental spillage of pollutants, increased sedimentation, and any other contaminants entering the groundwater or surface water network can be adequately mitigated by measures outlined in the application. Water abstraction proposals are not considered significant and will not have any impact on private supply wells in the vicinity of the site. The proposed development will not impede the ability of surface waters to achieve good or high status and the Water Framework Directive.

- **Landscape and Visual:** Landscape and Visual impacts arise given the placement of a significant building within the local landscape giving an overall significance of operational stage landscape impacts of Moderate/Negative/Permanent. The impacts have been mitigated by the siting of the development within an existing industrial environment, and by proposed landscaping/screening measures and colour schemes.

Appropriate Assessment: Stage 1

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lower River Suir Special Area of Conservation (Site Code: 002137) and the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Lower River Suir Special Area of Conservation (Site Code: 002137) and the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' conservation objectives.

In conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Proper Planning and Sustainable Development

Having regard to the nature, scale and design of the proposed integrated plasterboard manufacturing facility and its location adjoining industrial development and Belview Port, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an unacceptable impact on water quality, traffic, visual amenity or residential amenity and would constitute an acceptable form of development in this location. It is considered that the proposed development would accord with European, national, regional and local planning policy and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Climate and Low Carbon Development Act and Climate Action Plan

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 11th day of December 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR) shall be implemented.

Reason: To protect the environment.

4. The site shall incorporate an operational weighbridge which shall be used to record the tonnage of waste entering and leaving the site. Details of the location and specifics of the weighbridge shall be submitted for the written approval of the planning authority prior to the commencement of development.

Reason: To facilitate monitoring and control of the development on the site.

5. The proposed development shall be amended as follows:

- (a) 1.8 metres wide footpaths shall be provided along all pedestrian routes.
- (b) Yield road markings shall be provided for on the northern entry to the proposed mini roundabout.
- (c) Overrun of the embankment on the northern exit shall be avoided.
- (d) Pedestrian routing shall avoid conflict with HGV turning movements in the unloading area.
- (e) The car parking dimensions and circulation aisle for the proposed staff parking area shall be clarified.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic and pedestrian safety.

6. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works, the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

7. During the construction phase, the developer shall adhere to the measures set out in the following documents:
- (a) Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes published by the National Roads Authority in 2006.
 - (b) Bat Mitigation Guidelines for Ireland - V2 Irish Wildlife Manuals 134, published by the National Parks and Wildlife Service (2022).

The requirements of any licence required from the National Parks and Wildlife Service shall be strictly adhered to and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

8. (a) Groundwater abstraction shall take place from the groundwater well PW1 only, as outlined in Figure 7-6 of the Environmental Impact Assessment Report. Groundwater abstraction shall not occur at any other location within the site without prior agreement with the planning authority and supported by the preparation of a new Groundwater Feasibility Study.
- (b) All other wells not being used for groundwater abstraction shall be promptly decommissioned and closed in an environmentally safe manner. Details in this regard together with a time frame for decommissioning shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of environmental and water resource protection.

9. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system and soakpits.

Reason: In the interest of public health.

11. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

12. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
- (b) location of areas for construction site offices and staff facilities,

- (c) details of site security fencing and hoardings,
- (d) details of on-site car parking facilities for site workers during the course of construction,
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) measures for the control and clean-up of accidental spillages that may threaten watercourse or groundwater quality including procedures for notifying the planning authority and Inland Fisheries Ireland in writing,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil including the location of stockpiles and temporary berms,
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and

- (n) a record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be available for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety and environmental protection.

13. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interests of reducing waste and encouraging recycling.

14. (a) Other than peak operational days when the unloading and transferring of gypsum to the proposed development occurs, during the operational phase of the proposed development the noise level shall not exceed:
- (i) 55dB (LAeq, 60 minutes) between the hours of 0700 to 1900,
 - (ii) 50dB (LAeq, 60 minutes) between the hours of 1900 to 2300, and
 - (iii) 45dB (LAeq, 60 minutes) at all other times, (corrected for a tonal or impulsive component) as measured at the noise sensitive locations modelled in the Environmental Impact Assessment Report.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) On peak operational days when the unloading and transferring of gypsum to the proposed development occurs, noise levels shall not exceed those set out in the Environmental Impact Assessment Report.

Reason: To protect the residential amenities of property in the vicinity of the site.

- 15. During the operational phase of proposed development, on peak operational days when the unloading and transferring of gypsum to the proposed development occurs, the number of HGV deliveries shall be limited to 34 HGV deliveries per hour. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

- 16. The operation of the development shall be managed in accordance with an Operational Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of operation. This plan shall provide details of intended construction practice for the development, including:

- (a) details of storm water monitoring proposals prior to discharge to the soakaway including frequency, testing parameters, environmental quality standards and reporting procedures,

- (b) details of the service plans for the oil interceptors including maintenance scheduling and any specific details in relation to service agreements that are in place with suppliers,
- (c) location of any fuel and chemical storage tanks and details of bunding,
- (d) measures for the control and clean-up of accidental spillages that may threaten watercourse or groundwater quality including procedures for notifying the planning authority and Inland Fisheries Ireland in writing,
- (e) details of all waste management procedures,
- (f) details of noise monitoring including the scope and timing of noise compliance monitoring,
- (g) a response procedure to noise complaints and noise threshold exceedances,
- (h) details of the system for logging and investigating all complaints received during the operational of the development and details of the nominated point of contact for any complaints. This should be available for inspection by the planning authority on request,
- (i) details of the scheduling of delivery and haulage of raw gypsum materials on the route indicated in Figure 3-8 of the Environmental Impact Assessment Report including a provision for communicating this schedule to all sensitive receptors, and
- (j) details of all greenhouse gas emissions and initiatives to encourage reductions.

Reason: In the interests of amenities, public health and safety and environmental protection.

17. A minimum of 20% of the proposed car parking spaces shall be provided with electrical connection points to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

18. No goods, raw materials or waste products shall be placed or stored between the front of the building and the public road. All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored or displayed only within the enclosed area of the building.

Reason: In the interests of public health and visual amenity.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

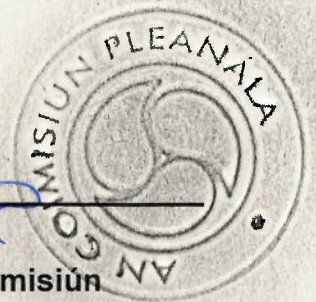
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *1st* day of *August*, 2025.