



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309718-21

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<b>Development</b>	Demolish two existing grain silos and replace with two new grain silos approx. 20m high and associated walkways and conveyors all on site
<b>Location</b>	Palmerstown , Kilkenny
<b>Planning Authority</b>	Kilkenny County Council
<b>Planning Authority Reg. Ref.</b>	20779
<b>Applicant(s)</b>	D Walsh & Sons Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1. Conor Foley 2. Richard Holohan.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10/11/2021
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. D. Walsh and Sons is a large agri-business located to the west of Kilkenny City at Palmerstown. The business on site is mainly associated with grain processing and storage. The contiguous site to the west is Grassland Fertilizers. The site is industrial in nature with tall buildings and silos.
- 1.2. The subject site includes offices, an agri-store, large grain silos, dryer, sheds, conveyors and frames, with associated yard areas. The offices are accessed directly from the Bonnettstown Road. The subject silos are accessed from a cul de sac running along the eastern site boundary which also serves a local GAA club (Dicksboro) and a number of dwellings.
- 1.3. As stated the 2No. galvanised silos the subject of this appeal are located along the eastern site boundary and are visible on approach to the site from Kilkenny City to the east.
- 1.4. There is a large yard area fronting the silos where the harvest is offloaded into a pit and fed up into the silos, and onto the adjoining dryers. There is a large hard standing yard area fronting the silos to allow for on-site turning movements associated with the harvest and to provide parking for the agri-store.
- 1.5. To the north of the site is undeveloped greenfield land which is zoned for residential development. The general area is low lying.

## 2.0 Proposed Development

- 2.1. The proposed development involves the demolition and removal of two existing grain silos and their replacement with two new grain silos approximately 20metres in height, with associated walkways and conveyors.
- 2.2. The new silos will have a galvanised finished.
- 2.3. The existing silos are 30years old and have reached their end of life. The new silos will have a conical base enabling the silos to empty easily and self clean.
- 2.4. In the further information received on 22<sup>nd</sup> of January 2021, the applicant stated the additional capacity of the two new bins will be 23% more than the existing bins. The amount of acreage of the local grain harvest remains constant, there has been no

increase in productivity compared to the dairy sector. The grain is harvested by larger combine harvesters and brought to the site in trucks therefore, larger volumes are being deposited at one time as opposed to smaller trailer loads. The grain drying only occurs during the harvest season. Painting the galvanised steel is unsuccessful and will result in the paint peeling off.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Kilkenny Co. Co. granted permission the proposed development subject to 6No. standard conditions.

Conditions relating to the demolition and construction phase, a waste management plan and surface water.

#### **3.2. Planning Authority Reports**

##### **3.2.1 *Planning Report***

The report was concerned about the capacity of the new silos, and perhaps intensification occurring on site.

Noise levels was a concern especially during harvesting season

Painting of the silos was raised in the further information.

##### **3.2.1. *Other Technical Reports***

Area Engineer had no objection to the proposed development.

Environment Section had no objection to the proposed development.

#### **3.3. Prescribed Bodies**

None.

#### **3.4. Third Party Observations**

The two third party objections (also the appellants) raised the following concerns:

- The increase in height and intensification of use
- Noise at night-time especially during harvest season
- Noise standards should be applied.

## 4.0 Planning History

### 4.1 Planning Reference 14/353

Planning permission was granted in 2014 to the same applicant for the demolition of 7No. existing grain silos, an existing dust house and an abandoned steel structure and to construct 6No. new silos (9.3metres x 19metres) and associated conveyors and walkways and a new dust house. This development was carried out.

## 5.0 Policy Context

### 5.1. Development Plan

The site is subject *Industrial / Warehousing* zoning objective in **the Kilkenny City and Environs Development Plan 2014-2020**.

The lands north of the site are zoned for new residential development.

### 5.2. Natural Heritage Designations

The closest European sites are the River Barrow and River Nore SAC and the River Nore SPA sites which are located c.1.5km from the appeal site at the closest point.

### 5.3. EIA Screening

The proposed development consisting of replacing existing structures with new structures on an existing agri-industrial site, does not fall within any class of the in Schedule 5 Part 2 of the *Planning and Development Regulations 2001*. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

There are two third appeals against the planning authority's decision to grant planning permission for the proposed development.

### 6.2 ***Conor Foley and Claire Kenealy, 14 Rothe Terrace, Kilkenny***

- They reside 1km south of the exhausts of the dry tower. The tower operates 24/7 during the harvest time and produces excessive noise both day and night. The noise disturbs their sleep. They have raised the noise issue with the owners and the council on a number of occasions to no satisfaction.
- There were no conditions attached to manage and control on-going noise associated with the operation.
- There should be reasonable standards for the grain handling and drying operations that would apply to an industrial site. The development is located in an urban setting.
- Section 8.2.1.3 Noise is relevant to the proposed development.
- EPA OEE publication NG4 and AACI '*Environmental Noise Guidance for Local Authorities*' recommends :

Daytime: 55 dB

Evening 50 dB

Nigh time 45 dB

### 6.3 ***Richard Holohan, Bluetime Homes Ltd***

- The proposal represents an inappropriate intensification of an existing operation. The new silos are 23% larger than the existing silos.
- The area is zoned to be a residential suburban and an intensification would be inappropriate given the lands are located in the Loughmask residential neighbourhood.
- The intensification of use and associated environmental impacts on the future residential area will have a negative effect on the quality of life of the

future residents. The problem of noise will be exacerbated by the fact the grain drying actively continues 24 hours a day during drying season. This is inappropriate considering the context of the site's proximity to the city centre and to residentially zoned land.

- The silos could be pre-coated or use good quality paint.
- Heavy Goods Vehicles axle weights have reduced, requiring more HGV movements.
- The height of the towers will dominate the skyline, and they will be unsightly especially approaching the city from the west on the Kilkenny-Cashel Scenic Route.

## 6.2. Applicant Response

Malone O'Regan have responded on behalf of the applicant to both appeals. The following is a summary of the submission.

The site is zoned to take full account of the applicant's agri-business and its immediate neighbour Grassland Fertilizers as they have been in business here for 60 years.

### 6.2.1 Richard Holohan Appeal

The theoretical capacity of each storage silo is 1,180 cubic metres approximately 23% additional capacity or 132 tonnes each. The total capacity is a small proportion of D. Walsh complex. The acreage for cereals is unlikely to increase unless milk prices drop substantially. The new silos are only to replace the existing end of life silos. The crop yields are weather dependent. The capacity of the new silos is greater than the existing to provide greater flexibility during peak harvest times.

The proposal will not result in any increase in noise or air pollution. There are no changes proposed to the process of handling, drying or storing grain. The drying equipment will operate as it currently operates. There is no history of non-compliance associated with D. Walsh and Sons site.

HGV axle weights were reduced some years ago, but the number of axles has increased to compensate. The number of deliveries to the site has greatly reduced over the past ten years but the size of the loads has increased significantly.

It is acknowledged galvanised steel can be painted, but for grain silos this has proved to be unsuccessful because they expand when full and this results in the paint peeling a looking unsightly. The new silos will not dominate the skyline they will form part of an industrial complex.

#### 6.2.2 Conor Foley and Claire Kenealy Appeal

The primary noise source from the dryer and associated silos is equipped with silencing equipment. There is very little noise associated with the conveyors. The noise levels from the silos and conveyors are not significant. The proposed silos are only associated with the intake of grain which occurs during the daytime. The proposed works do not include works to the drying system, therefore a noise condition should not be imposed. A map is included indicating the distance of 14 Rothe Terrace from the site, 850metres and there are other dwellings much closer to the site who have not complained about noise.

#### 6.3. **Planning Authority Response**

There were no further comments on appeal.

### 7.0 **Assessment**

- 7.1. The proposed development is essentially the replacement and modernizing two existing large silos at D. Walsh & Sons mills on the outskirts of Kilkenny City. The site is zoned are 'Industry/ Warehousing' in the current development plan for the area. The business has existed for more than sixty years and is operating alongside Grassland Fertilizers (as separate company). The two existing silos are located alongside the eastern boundary of the site and are accessible from a yard area off a local cul de sac serving the business, Dicksboro GAA Club and a small number of dwellings.
- 7.2. The existing silos have been on the site for over thirty years and have reached their end of life. The existing silos are 13.5metres in height with a 10.4m diameter. The new silos are to be placed in the same position, and they have a similar diameter at 10.9metres, however they are 19.5metres in height. They will have a concave bottom which is self-cleaning and easier to operate in terms of filling and emptying compared to the current silos.

- 7.3. The site includes 6No. similar silos to the current proposal which were granted planning permission under planning reference, P14/353. The silos will be positioned alongside the existing grain dryer which is 26metres in height. Although the silos represent an increase in height by circa 6metres, they will not look out of place or obtrusive when viewed from the wider area. The new structures represent an incremental expansion on the site in keeping and in scale with the existing structures on the site. The granting of permission for replacement of the two silos is consistent with the most recent planning history on the site whereby 7No. old silos were replaced with 6No. more modern silos.
- 7.4. The third-party appellants have expressed concern over the alleged intensification of use associated with replacing the silos. The case made by the third parties regarding the intensification of use is unsubstantiated, other than to state the replacement silos are 23% larger than the existing silos. In my opinion, the intensification of use would be associated with the supply of grain, and not the capacity of the silos, which will remain unaltered as D. Walsh have the same acreage of grain being supplied to them annually. The difference in supply is more associated with the weather and a good or a poor harvest. The 23% percentage increase is not significant. The proposal is merely enhancing the existing facilities on site to ensure safety standards on the premises and to meet with modern harvesting practices. The harvesting practices have changed over the past ten years to include large contract combine harvesters and trucks delivering the grain to the site as opposed to tractors and trailers bringing smaller and more frequent loads to the site. The new silos and hoppers will ensure a more efficient delivery of the grain to the dryers as it is deposited on site in larger vehicles in one single delivery as opposed to a multitude of smaller deliveries.
- 7.5. In terms of the noise associated with proposed development, the third-party appellants are concerned about the noise levels associated with the proposed development particularly at night-time during the harvest time when the dryers are constantly operating. The proposed development consists of the replacement of two archaic silos with modern efficient silos, and there are no works or development proposals associated with the grain dryers on site. A noise condition is unreasonable in this context as the silos will not generate a significant or material increase in the existing noise levels associated with the site and its commercial



activities. Therefore, I am not recommending a noise condition be attached to the decision.

7.6. Finally, I noted one of the existing silos on site that is painted. The paint has peeled off the surface due to the expansion of the silo during harvesting season. The painted silos are not suitable to the grain processing business for that reason. The galvanised surface weather naturally to a matt grey finish, and in my opinion, this is conducive to the existing buildings and agri-business use and industrial zoning of the site.

### 7.7 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development comprising of the replacement of existing structures within an established site, and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European Site.

## 8.0 **Recommendation**

8.1. I recommend the Board uphold the planning authority's decision to grant planning permission for the proposed development.

## 9.0 **Reasons and Considerations**

Having regard to:

- (i) The Industrial/ Warehousing zoning objective in the Kilkenny City and Environs Development Plan 2014-2020;
- (ii) The planning history of the site;
- (iii) The long established agribusiness land use associated with the site and adjoining site;
- (iv) The scale and layout of the proposed development on the subject site,

it is considered that the proposed development would not seriously injure the amenities of the area, and that the proposed development is in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by the planning authority on 22<sup>nd</sup> of January 2021, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Site development and demolition works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
3.	<p>All surface water generated on site shall be collected and disposed of on site. No surface water shall discharge on the adjoining road.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>

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Caryn Coogan  
Planning Inspector

16<sup>th</sup> of November 2021