



An
Bord
Pleanála

Inspector's Report

ABP-319453-24

Development	Construction of a truck and trailer parking depot along with wastewater treatment & percolation area all other associated site works.
Location	Kilmurry, Slieverue, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2360307
Applicant(s)	Mer Island Holdings Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Mer Island Holdings Limited
Observer	Tomas Breathnach
Date of Site Inspection	10 th October 2024.
Inspector	Peter Nelson

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1.0 Site Location and Description

- 1.1. The site is located in the settlement of Slieverue which is c.4km from Waterford City and c. 2km from Belview Port. The site is a green field site which is accessed from the Kiln Road which is off the Slieverue Link Road (N29). To the east of the site there are a number of light industrial warehouses and truck and plant hire parking sites. Directly to the north of the site is the Waterford City Bypass (N25)
- 1.2. To the south of the site on the opposite side of the road there are a number of one-off detached single storey dwellings. Kiln Road is a cul-de-sac and has a footpath on its southern side. To the west of the site is a triangular green field site.
- 1.3. The site has a stated area of 1.878ha.

2.0 Proposed Development

- 2.1. The proposed development consists of a truck and trailer parking depot with space for 40 trailer spaces and 20 truck parking spaces. The proposed development also includes:
 - Wash bay.
 - Bunded diesel tank.
 - Security boundary fencing.
 - Portacabin (55m²) for welfare facilities,
 - Staff Parking Area.
 - Wastewater treatment and percolation area.
 - Alterations to the existing roadside.

3.0 Planning Authority Decision

3.1. Decision

On the 5th of December 2023, the applicant was requested to submit further information. The request related to the following points:

- The justification for the industrial development on a site not zoned for industry and within a settlement boundary.
- The intended purpose of the development.
- Long term intention of the development areas on the site.
- Ownership of land adjoining the site.
- The number of employees.
- Details of the use and planning permissions of the adjoining site.
- An updated design for the wastewater treatment system and the opening of a trial hole.
- A lighting proposal and mitigation measure for the effect of lighting.
- A noise assessment.
- Updated site plan showing location of noise and duct monitoring.
- Proposals for the treatment of wastewater from the proposed wheel wash.
- An operational waste management plan.
- Proposal for refuelling and details of the petrol oil interceptor.
- A detailed landscaping plan and landscape maintenance plan.
- A Traffic Impact Assessment.

On the 8th March 2024, the Planning Authority refused permission for the following three reasons:

1. *It is considered that due to the location, nature and extent of the proposed development, associated noise, general disturbance, hours of operation and anticipated levels of HGV traffic generated by this development, the proposed development will adversely impact the residential amenity of proximate residents and Slieverue Village in general and will be contrary to the proper planning and development of the area.*
2. *The proposed development is aimed at servicing the haulage industry which has stated commercial ties to Belview Port and related facilities and industries. The 2017 Ferrybank/Belview LAP identified lands for Port*

Facilities and Industries, the objective of which is to allow for the development and expansion of port facilities and associated industries. The application site is located within the settlement boundary of Slieverue village on lands that are not earmarked for such port related facilities and industries.

Accordingly, the proposed development will undermine the strategy for the development of the port whilst adversely impacting the ability and capacity of designated village lands to provide for local industry and appropriate residential growth. It is therefore considered that the proposed development will set an undesirable precedent for further port related industries to settle outside lands designated for such uses, which will be contrary to the provisions of Ferrybank-Belview Local Area Plan and the proper planning and development of the area.

3. *It is considered that the industrial development along the access road has been haphazard in nature and that further industrial development without a proper overarching strategy will consolidate this haphazard nature of uses in the area and along this stretch of access road. The existing developments are also reliant on roads infrastructure which has poorly defined roadside boundaries and access points. The Planning Authority is not in favour of the remaining portions of lands being developed in a similar haphazard and poorly defined manner and would consider that a coordinated approach to land-use, in combination with the upgrade of the junctions and boundaries be followed which is based on an overarching strategy for the area's development in accordance with the principles of long-term sustainability and proper planning and development. The proposed development does not compliment any overarching development strategy for Slieverue village, will further place pressure on existing poorly defined roads and will accordingly further entrench and consolidate a haphazard development pattern contrary to the proper planning and development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the first planner's report dated 4th September 2023 can be summarised as follows:

- A Natura Impact Statement is not required.
- An EIAR is not required.
- The applicant has referred in the application that the development is on zoned lands which is inaccurate.
- The site is within the settlement boundary of Slieverue but is not zoned.
- The proposal involves an extension to the east of existing commercial/industrial uses.
- The council will encourage development of economic activity in the smaller settlements at a character and scale which is appropriate.
- It is unclear that the development is linked to the existing operation of Belview Port.
- If it is, it would be more appropriate for the development be directed to zoned lands for port related services.
- Concerns that the extension of existing industrial land would be extensive given the size of the existing village of Slieverue.
- The applicant is currently renting a site where it appears that there is no permission for truck and trailer parking.
- Irish Water have recommended further information.
- The Environment Section require further information relating to the proposed wastewater treatment plant and the need for a noise and lighting assessment.
- The roads department raises a number of concerns and the lack of detail submitted in the applicant and recommend that further information be sought.
- Thirteen points of Further Information are required.

The main points of the planner's report dated 7th March 2024 after the submission of Further Information can be summarised as follows:

- There is no zoning currently attached to the application site.
- Designations within expired plans are not relevant.
- No evidence of consideration/exploration of alternative sites was submitted by the applicant.
- Future development of the sites to the west in the ownership of the applicant is unknown.
- It appears that the applicant has numerous clients that are located in the Belview Port area.
- The development would be more appropriately located on a site in the Belview Port area.
- The proposed development will result in increased traffic volumes in the area.
- The intention to develop a maintenance garage within the 25% allocated green space will further intensify the use of the site causing disturbance for residents.
- The proposed development will result in a significant number of large HGVs using a cul-de-sac road which serves a number of residential properties.
- There is potential for the HGVs to use the area of Briarwood as a rat run which would have a negative impact on residential amenity.
- The proposed development will have a negative impact on a recreation amenity used by the local community, does not respect the existing character of the area and does not strengthen the role of Slieverue as a local service centre.
- The applicant has not adequately addressed the use of the adjoining site as a truck and trailer park.
- The Roads Section recommend that permission be refused as the development is haphazard and a master plan is required for the applicant's landholding.
- Recommend that permission be refused for three reasons.

3.2.2. Other Technical Reports

- Roads Design: Report dated the 31st August 2023 recommended that further information be requested.
- Roads Design: Report dated the 5th March 2024 recommend refusal as the proposed development is haphazard and poorly defined.
- Environment Section: Report dated the 4th September 2023 recommended that further information be requested.

3.3. Prescribed Bodies

Irish Water: Report dated the 31st August 2023 recommended that further information be requested requiring the applicant to submit a pre-Connection Enquiry to assess feasibility of connection to the public water/wastewater infrastructure.

Transportation Infrastructure Ireland: Report dated 4th August 2023. No observations to make.

3.4. Third Party Observations

Thirty-Two observations were received on the planning file: The main points raised can be summarised as follows:

- Safety Issues.
- Noise, air and light pollution.
- Increased emissions from HGVs.
- Nighttime noise from HGV refrigerated units.
- Pedestrian safety.
- Increased traffic and traffic hazard.
- Lack of a traffic report.
- Lack of detail in the planning application.
- Scale of the development.
- Opening hours of the proposed development
- Concern relating to the bounded diesel tank.

- Adequacy of on-site wastewater treatment system.
- There is no blue line around the neighbouring site and there the PA cannot rely on discontinuing of existing use on lands outside the control of the applicant.
- Existing issues with water supply and pressure in the area.
- Insufficient details of the proposed entrance.
- Public road is not in good condition and too narrow for HGVs.
- Few local jobs will be created.
- Impact on the Slieverue linear park and walking loops.
- The impact on the visual amenity.
- Piecemeal development pattern.
- The proposed development is premature pending determination of a road layout and village masterplan for the area.
- Lack of suitable infrastructure.
- The site is not an appropriate location for the proposed logistics and transported related use.
- The development will detract from the village.
- Site is more suited to residential use.
- The need for the truck and trailer park is not Slieverue specific.
- Impact on property values.

Observation on the Submitted Further Information

Two observations were received after the submission of further information.

The main points raised can be summarized as follows:

- The reliance on outdated zoning disregards the local area planning process.

- The stated existing use in the immediate area are incorrect.
- Justification for location not sufficient.
- Belview Port is a more appropriate location for the development.
- The proposed development is the piecemeal development of the site.
- Concerns relating to noise, pollution, health and safety still stand.
- Increased traffic volume.
- Insufficient detail in the Traffic Impact assessment.
- Insufficient detail in the Noise Impact Assessment.
- Insufficient sightlines at the entrance.

4.0 Planning History

Adjoining Sites

P.A. Ref: 99/13141

Permission granted on the 30th March 2000 for the erection of an industrial unit comprising of 421sq.m workshop, ground floor and first floor office space to front of the building, staff and customer parking, compound area and associated site works.

P.A. Ref: 03/1360

Permission granted on the 8th June 2004 for a general industrial workshop and to install a septic tank, percolation system, temporary access and to carry out associated works.

P.A. Ref: 10/669

Permission granted on the 27th January 2011 to construct a 30m high lattice telecommunications/3G Broadband support structure, carrying 6 no. panel antennas and 4 no. RT link dishes, with associated telecommunication cabinets and equipment located at ground level, all enclosed in chain-link fencing and all associated works, plus new access track.

P.A. Ref: 16/129

Permission granted on the 27th April 2016 for the retention of an existing 30-metre-high Lattice telecommunications support structure carrying antennas and RT link dishes together with associated equipment cabinets and security fence.

P.A. Ref: 19/302

Permission granted on the 13th January 2020 to erect a steel storage extension to existing industrial workshop and all ancillary works.

P.A. Ref: 20/480

Permission refused on the 14th July 2021 for an extension to the existing truck and trailer parking permitted under planning permission ref: 06/2178 to permit the parking of additional trailers only, security fencing, landscaping and associated works.

Permission was refused for two reasons. The first related to a failure to demonstrate that surface water including potential contaminants from the proposed development can be treated and discharged at the site without risk to public health and the environment. The second related to the applicant's legal interest in the site.

5.0 Policy Context

5.1. Regional

Slieverue is included in the Waterford Metropolitan Area.

Waterford Metropolitan Area Strategic Plan: Regional Spatial and Economic Strategy for the Southern Region 2020.

Relevant Policies:

Waterford MASP Policy Objective 1 (a):

It is an objective to strengthen the role of the Waterford Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region

Waterford MASP Policy Objective 2: Driving Regional Growth for the South-East

It is an objective to support the role of the Waterford Metropolitan Area as a primary economic driver for the Southern Region in conjunction with the Key Towns of Carlow, Clonmel, Dungarvan, Kilkenny and Wexford, to strengthen inter-regional and intra-regional connectivity (public transport, strategic road network and digital) subject to robust route/site selection and the outcome of environmental assessments and the planning process:

5.2. Development Plan

The **Kilkenny City and County Development Plan 2021 – 2027** is the operational plan for the area. This plan came into effect on the 15th October 2021.

In the Core Strategy, Slieverue is designated as a Small Town/Village and the site is within the Settlement Boundary for Slieverue.

4 Core Strategy

Objective 4I: To commence the review of the Ferrybank/Belview Local Area Plan within 6 months of the coming into effect of this Plan having regard to the MASP and to incorporate into the Kilkenny City & County Development Plan by way of variation.

Section 4.6 Smaller Towns and Villages

‘The smaller towns and villages within the County need to be developed in a way that strengthens their role as local service centres whilst respecting their existing character. Achieving the right balance between encouraging development in smaller towns and villages and the scale and nature of such development is critical. It is important to ensure that new residential development in smaller towns and villages is of a design, layout, character and scale which fits well with the town or village involved and presents a high-quality living environment.’

‘The Council will encourage development of economic activity, services and infrastructure provision in the smaller towns and villages of the county and allow for town renewal and serviced site housing provision in smaller towns and villages where services are available and/or planned, at a scale and character which is proportionate, in order to sustain and renew population and services in these areas.’

Section 4.8 Development Management Requirements

‘Have regard to existing framework plans/community action plans (including existing Village Design Statements that have been prepared in consultation with the local community, and with relevant agencies), and expired LAPs, as supplementary planning information where appropriate.’

5 Economic Development

Strategic Aim: To provide a framework for the implementation of the Council’s economic strategy by fostering competitiveness and innovation in all sectors within a high-quality physical environment while having due regard to the protection of the environment and heritage, in order to position the county for sustainable economic growth.

5.5 Strategic Locations for Enterprise and Employment

A targeted evidence-based Plan led approach has been applied to identify a number of strategically important sites intended to attract specific employment sectors based on a number of variables such as; the strategic location of the sites within the County; the proximity of the sites to a critical mass of skilled workers and public transport and the level of critical infrastructure provision at each location. Within County Kilkenny there are two nationally and regionally important strategic locations for enterprise and employment. These are Kilkenny City and Belview Port⁷ within the Waterford Metropolitan area which is in County Kilkenny. At a level below that, the four District Towns play an important role providing for local employment for their catchments and as drivers of development within the county. Notwithstanding Belview as a strategic location for employment the wider Waterford Metropolitan Area within County Kilkenny has potential as a strategic employment location.

7. Rural Development

The Council recognises the need to manage rural change and to guide rural development and will work to:

Maintain and enhance the existing rural community to ensure vibrant sustainable rural areas,

- Improve the attractiveness of the built environment in rural towns and villages as places in which to work and live and as locations for industry, services and tourism investment.
- Enhance connectivity throughout rural areas in order to promote sustainable settlement, economic and social activity and tourism.
- Ensure that the rural environment will be respected and that development in rural areas will take place in a sustainable manner.
- Promote a broad concept of rural development and not one based solely on agriculture or other dominant natural resource and encourage the sustainable development of resources in such sectors as agriculture, tourism including agri-tourism, forestry, farm diversification, and renewable energy resources.
- Where Camphill communities have developed, the Council seeks to support the development of inclusive neighbourhoods, community led housing and social enterprise and promote the integration of a wide range of household types and people with varying degrees of support needs.

Ferrybank/Belview Local Area Plan.

Kilkenny County Council has commenced the process of preparing a new Local Area Plan for Ferrybank-Belview to replace the existing LAP.

Ferrybank/Belview Local Area Plan 2017

5.4.2 Truck parking

The Port of Waterford Company has identified a need for a truck park/open storage in the vicinity of the Port to allow for vehicles to park and wait. This would require a land take of approximately 5 -7 acres. Such a use is permissible within the PFI (*Port Facilities and Industry*) zone.

5.3. Natural Heritage Designations

The Lower River Suir Special Area of Conservation is c. 3.5km from the appeal site.

The River Barrow and River Nore Special Area of Conservation is c.4.6km from the appeal site.

5.4. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has appealed the decision of the Kilkenny County Council to refuse the proposed development. The grounds of appeal can be summarised as follows:

- The proposed site bounds an existing long established industrial area with companies generally involved in transportation.
- The site is suitably located with the proximity of the site onto the N29/N25 of key importance.
- The mitigation measures recommended as part of the Noise Impact Assessment can be fully complied with.
- The Traffic Impact Assessment found that no traffic will be generated thorough Slieverue Village as a result of the development.
- All traffic routes will be to and from the N29 junction only, 300m to the east of the site entrance.
- The applicant considers that the Ferrybank/Belview Local Area Plan (LAP) which was adopted in 2017 is still in force and the planning authority should have regard to its provisions.

- The LAP excludes the village of Sileverue, therefore its content is irrelevant.
- It is not the case that the LAP limits port related facilities to specific areas identified in the development plan and prevents development outside those areas.
- While the applicant has commercial ties to the Port, only c.15% of their business relates to the port.
- The proposed site is a secondary hub which will reduce the amount of time that trucks spend on roads. This forms part of the applicant's commitment to reducing their carbon footprint.
- The proposed site is suitable for industrial use given the adjoining uses.
- The planning authority's preference for the business to be located in the Belview Port Area is not a relevant consideration.
- There are no lands for sale or available in the Belview Port area.
- Planning permissions are currently not being considered in the port areas until the N29 Port Improvement works are complete.
- The proposed site is at a scale and character which is proportionate to the existing development in the area.
- In the previous LAP for Slieverue, the site was zoned Light Industry. Section 4.8 of the Development Plan allows for expired LAP's to be used as supplementary planning information where appropriate.
- There are extensive green field lands available for future development in the Slieverue settlement area.
- The area of the site is best suited for industrial use given its clear separation from residential areas and the area's long established industrial use.
- The third reason for refusal suggests that there an overall strategy for access along this local road. There is no Council policy or strategy for this area.
- The design of the entrance and front boundary is set back in line with the other adjoining developed sites.

- The applicant would have no issue in development of their roadside boundary detail in accordance with a coordinated approach to the requirements of the Council.

6.2. Planning Authority Response

The main points of the response of the planning authority can be summarised as follows:

- It was clear in the planning assessment that the only the provisions of the Kilkenny City and County Development Plan 2021-2021 apply to the site and not those contained in the Ferrybank/Belview Local Area Plan.
- The site is within the settlement boundary of Slieverue.
- The boundary has the sole purpose of excluding the area from the requirement for applicants to comply with the Kilkenny Rural Housing Policy.
- It is a priority of the Council to promote housing in these designated settlements.
- When considering planning applications on unzoned lands, the Council considers the proper planning and development of the area including impact on residents of Slieverue, in particular those on Kiln Road and the impact on the wider area, including Belview Port.
- Allowing further industrial development adjacent to the port and not in areas designated for port related development will undermine the long-term strategy for the port and not in areas designated for port related development will undermine the long-term strategy for the port.
- The proposed development will also set a precedent for further such uses in the settlement of Slieverue Village and on unzoned lands proximate to the port and its associated zone lands.

6.3. Observations

One observation has been received. The main points raised can be summarised as follows:

- The Slieverue Local Area Plan 2006 is now 18 years old, and zoning included may give unreliable guidance as to the appropriateness of a development in an area zoned in the LAP.
- The current development plan does not include zonings within settlement boundaries for Tier 4 Towns and Villages.
- The character of Kiln Road has changed since the adoption of the Local Area Plan with greater amenity for residents.
- Additional truck and trailer traffic will give rise to increased safety concerns for local residents on Kiln Road and for those who use the footpath provided as part of a loop around the village.
- The review of the Ferrybank/Belview Local Area Plan is about to commence.
- It would be more appropriate to await the review process before deciding on the most appropriate location for this type of development.
- Locating the development in Belview would enable the applicant to achieve their objective of reducing its carbon footprint at a convenient work location without negatively impacting the residents of Slieverue.
- Truck Parking is a permissible use in the Port Facilities and Industrial Zone in the current Ferrybank/Belview Local Area Plan.
- The planned upgrade of the N29 and the IDA plans to improve access to lands at Belview increase the long-term logic of location in Belview. These plans would be undermined by allowing for the proposed development in Slieverue.
- It is important for the future proper planning and development of Slieverue that this section of the village is not compromised by an inappropriate development at this location.

6.4. Further Responses

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Residential Amenity: Noise
- Traffic and Road Infrastructure
- Wastewater Treatment Plant – New Issue

7.2. Principle of Development

- 7.2.1. One of the reasons for refusal states that the application site is located within the settlement boundary of Slieverue Village on lands that are not earmarked for port related facilities and industries, unlike lands included in the Ferrybank/Belview Local Area Plan 2017. It states that the proposed development will undermine the strategy for the development of the Belview Port, whilst adversely the ability and capacity of the designated village lands to provide for local industry and appropriate growth.
- 7.2.2. In Chapter 4 *Core Strategy* of the Kilkenny City and County Development Plan, Section 4.6 deals with the strategy for Smaller Towns and Villages and states that they need to be developed in a way that strengthens their role as local service centres whilst respecting their existing character. It states that achieving the right balance between encouraging development in smaller towns and villages and the scale and nature of such development is critical. The plan states development of economic activity, services and infrastructure provision in the smaller towns and villages will be encouraged.

- 7.2.3. In their reply to further information the applicant states that the site is in an established industrial area containing business generally involved in transportation. The applicant states that it is their opinion that the zoning from the previous plan, the Slieverue Local Area Plan, is still in place. The council's website states that the Slieverue Local Area Plan 2006 expired in 2012 but will be used as a supplementary guidance document. This concurs with Section 4.8 of the Development Plan. The subject site and the undeveloped sites to the west were zoned Light Industry in the expired map.
- 7.2.4. Section 4.6 of the development plan states *'development proposals within the boundary will be considered on their merits against the policies and objectives contained in this core strategy and the Development Plan generally.'*
- 7.2.5. In their observations on the appeal the planning authority states that these lands are unzoned. I consider that the proposed development is within the settlement boundary and does not have the benefit of a specific land use zoning and therefore I will consider the proposed development on its merits and how it contributes to strengthening the role of Slieverue as a local service centre whilst respecting its existing character.
- 7.2.6. In the further information submitted on the planning application, the applicant makes the claim that there are extensive lands available for other classes of development within the Slieverue area and that given the location of the site adjacent to the heavily trafficked N25 the site is better suited to light industry.
- 7.2.7. The applicant's states that they have been operating out of this area since 2009 on a restrictive adjacent site. The Planning Authority state in the planning report dated 7th March 2024 that there is no reference in the planning permission on the adjacent site (P.A. Ref: 06/2097) to the site being used a truck and trailer park. I consider planning status of the site, which the applicant is currently operating from, is not an issue to be addressed in this appeal.
- 7.2.8. The applicant states that their main hub is located in Dungarvan and that they have clients in Belview Port which is an important existing client base however the business has a nationwide customer base with an emphasis on clients in the South East. The applicant considers the site to be very conveniently located to the N25 which forms the main and most critical route for their transportation business.

- 7.2.9. I recognise that the site is in a convenient location however the site is now within a settlement boundary where it is policy to allow economic activity at a scale and character which is proportionate, in order to sustain and renew population and services in these areas. I do not consider that the proposed development is of a nature and scale which is proportionate to the settlement.
- 7.2.10. I also recognised that the site is adjoining an existing industrial area with transport and port related uses in, however I consider that, as the site is now within a settlement boundary that it would be better suited to commercial activity that would serve the settlement and would be of a scale that is appropriate for the settlement.
- 7.2.11. I also note that a review of the Ferrybank-Belview Local Area Plan is being currently being prepared. The existing Ferrybank-Belview Local Area Plan 2017 includes two port related zonings which allow for the development and expansion of port facilities and associated industries that are most appropriately adjacent to the port. The Port Facilitates and Industry zoning specifically allows for the truck parking. I consider that the proposed truck and trailer parking depot would be better suited to such an area rather than within a settlement boundary.
- 7.2.12. To conclude, I considered that, notwithstanding the adjoining industrial activities, that the proposed development is not a type of development that will strengthen the role of Slieverue as a local service centre and is of a scale that is not proportionate for the Slieverue settlement and therefore the proposed development is not suitable for a site contained within the Slieverue settlement boundary.

7.3. Residential Amenity: Noise

- 7.3.1. The first reason for refusal states that due to the location, nature and extent of the proposed development, associated noise, general disturbance, hours of operation and anticipated levels of HGV traffic generated, the proposed development would adversely impact the residential amenity of proximate residents and Sileverue Village.
- 7.3.2. The proposed development consists of a parking depot for 40 trailer spaces and 20 truck spaces and with a proposed workforce of 104. The proposed parking facilities

are to operate 24/7 and the depots proposed washing facilities are to operate from 0.700 to 19.00.

- 7.3.3. A noise assessment was submitted as part of the further information submission. The adjacent residential development to the south of the development site were identified as the nearest Noise Sensitive Location (NSLs). This is considered acceptable as they will be the most likely homes to be affected by the proposed development. A baseline noise survey was carried out at these NSLs.
- 7.3.4. The existing daytime background noise levels were measured as being 46 dB L_{A90} with the noise source being the constant road traffic noise from N25 and N29 which occasional bird song. The nighttime background levels were measures as being 34 dB L_{A90} due to intermittent road traffic noise.
- 7.3.5. For the assessment, 40 truck movements were assumed for the daytime period and 5no. for the Nighttime Period. It is stated that no refrigeration trucks are expected to operate. The wash facility is expected to operate throughout the daytime. I note that in the Traffic Impact Assessment it is estimated that there will be 55 no. HGV daily trip into the site and 55 HGV trips out of the site.
- 7.3.6. The predicted assessment for daytime noise at NSL no.4 which is predicted to have the highest impact, is an exercise rating of 6.4 (dB) over the existing background level. This increase includes an acoustic feature correction of +3 (dB) to allow for potential tonality from reversing beepers. At night the predicted excess over the background level is 14dB. This, the report states, represents an adverse impact during the day and a significant adverse impact during the night.
- 7.3.7. The report claims that the increase in the calculated noise levels will be similar in magnitude of the ambient noise level and that the nature of the noise is similar to the already transported acoustic climate.
- 7.3.8. The predicted noise levels are within the noise levels presented in the EPA noise contour maps for the area. In the EPA strategic noise maps the site straddles the 55-60dB L_{DEN} noise contours and the 45-50dB L_{Night} contours. L_{DEN} is the noise level od day, evening and night (i.e. 24-hour noise level). L_{Night} is the noise level of night only (i.e. 23:00 to 0:00 ($L_{Aeq,8hr}$)). In general terms, L_{DEN} noise level is an indicator of noise annoyance and L_{Night} noise level is an indicator of possible sleep disturbance.

- 7.3.9. The Noise Impact Assessment proposed a series of mitigation measures which include no idling of engines, ensuring the bays to the north of the depot, close to the N25, are used first and limiting truck movements at night-time to as low as reasonably practicable.
- 7.3.10. As the calculated noise levels are within the existing noise levels, given the proposed mitigation measures, and notwithstanding the discrepancies in the predicted traffic trips, I consider that the operation of the proposed truck and trailer parking depot will not cause any additional loss of residential amenity due to noise.

7.4. Traffic and Road Infrastructure

- 7.4.1. The third reason for refusal states that the industrial development along the sites access road has been haphazard in nature and that further industrial development without a proper overarching strategy will consolidate this haphazard nature of uses in the area and along this stretch of access road. It states that the proposed development does not complement any overarching development strategy for Slieverue Village.
- 7.4.2. The observer also raises concerns relating to the potential increase safety concerns for local residents on the Kiln Roads and those using the footpath along this road due to the increased truck and trailer traffic.
- 7.4.3. A Traffic Impact Assessment (TIA) was submitted as part of the further information submission. The TIA states that the provision of facilities for road haulage operations which complement the Port and service business in the southeast region at a location which is readily accessible to the strategic road network is clearly suited to this site.
- 7.4.4. The site is access from the local Kiln Road (L3407). The proposed entrance to site is approximately 325km from the junction with the N29 dual carriageway. There is no access across the dual carriageway and there is a concrete median barrier. The N29 has a left-in and left out junction connecting to the Kiln Road.
- 7.4.5. The TIA states that while the speed limit on the Kiln Road at the site is 80kph the observed driven speed of traffic using the section of the road passing the site and connecting to the N29 is substantially lower than the 80kpm. I note that currently

there is a footpath on the southern side of Kiln Road only. There are a number of vehicle entrance and setbacks to the commercial units directly to the east of the site.

- 7.4.6. As part of the further information submission the applicant states that a consistent public road width of 6m as per the existing public road width to the eastern approach can be maintained. The roadside boundary fencing proposed was further set back as per the existing industrial sites to the east. The proposed roller gate was also set back to prevent any artic blocking the public road when waiting for the gate to open. It is stated that driver will have full access control on the gates and therefore waiting will generally not be an issue.
- 7.4.7. The design of the proposed entrance has 90m sightlines. The TIA states the TII standard DN-GEO-03060 sets out the default sightline requirement for a road with an 80kph speed limit, which is 160m in each direction, measured from the centre of the access or side road at a point 3m setback from the nearside road edge, from a driver eye height of between 1.05m and 2.0m. However, it is noted that this distance requirement can be reduced in situations where the ambient speed is lower. The TIA noted that Kilkenny County Council have granted recent planning permissions on the south side of the road with 90m sightlines. Given that the stated observation speed for this road is 60kph or lower I am satisfied that the sightlines of 90m are sufficient for the entrance to the proposed site.
- 7.4.8. AutoTracking drawings were submitted at further information stage demonstrating the HGV movement turning into/out of the site. Having regard to these drawings I am satisfied that HGV's can adequately and safely enter and exit the proposed site.
- 7.4.9. The TIA estimates that the traffic generated through the proposed entrance would be 119no. arrivals and 119no. departures with 55no. HGVs arrivals and 55no. HGV departures. The TIA states that as the proposed development is replacing an existing development that there will be no increase in traffic using the L3407 between the N29 and the existing leased yard access will not change as a result of the development, but it will increase between the proposed access and the existing leased yard access. As stated above the planning authority states that there is no reference in the planning permission on the adjacent site (P.A. Ref: 06/2097) to the site being used as a truck and trailer park.

- 7.4.10. The TIA contends that there will be no increased impact in the existing observed flows at the junction following a grant for of permission for the proposed site. I note that this is allowing for the traffic to the applicants to the existing operation.
- 7.4.11. The Planning Authority, Road Report dated the 5th March 2024 which assessed the further information submitted stated that the existing development appears to have evolved over time with poorly defined roadside boundaries and access points and that there are not in favour of the remaining portion of the lands being developed in a similar haphazard and poorly defined manner and would recommend that a master plan be developed. I consider that while the adjoining sites may have developed in a haphazard manner the proposed entrance and road boundary for the development site is not haphazard and will not be poorly defined.
- 7.4.12. Having regard to the above and notwithstanding the substantive issue of the principle of development within this settlement boundary, I consider that the proposed development will not be injurious to traffic safety of the area or will not cause disturbance due to traffic delays.

7.5. Wastewater Treatment – New Issue

- 7.5.1. The proposed development includes wastewater treatment, and a percolation are to serve the staff facilities in the proposed portacabin.
- 7.5.2. In their report dated the 4th September 2023, the Environment Section of the Planning Authority note the following observation on site at the time of their site inspection:
- *Rock was noted in the trial hole at 0.8m below existing ground level.*
 - *The trial hole was located approximately 60m from the percolation area.*
 - *Two of the percolation holes were full of water indicating huge variations in the permeability of the soil in the area where the percolation tests were carried out.*
- 7.5.3. As part of the further information request the applicant was requested to open up a trial hole adjacent to the proposed percolation area and to notify the Environment Section of the Planning Authority when the trial hole is open for inspection. The

request for Further Information states that the applicant may be requested to submit a revised design for the wastewater treatment system and percolation/filtration area upon inspection of the new trial hole.

- 7.5.4. In response to this request an additional trial hole was excavated on the site closer to the proposed percolation area. The applicant states that this was brought to the attention of the Environment Department as request. The applicant did not submit a detailed assessment of the new trial hole however state that the renewed trial hole is deemed appropriate for the treatment system as proposed.
- 7.5.5. The planner's report after the submission of further information dated the 7th March 2024 notes that there no response received from the Environment Section. No reference to the new trial hole was made in the planner's assessment of the further information.
- 7.5.6. I have concerns that there is not enough information or evidence in the application to ascertain the suitability of the site for the wastewater treatment system. I am also, therefore unable to conclude that the proposed development will not result in a risk of deterioration on any waterbody either qualitatively or quantitatively or on a temporary or permanent basis or other jeopardize any waterbody in reaching its Water Framework Directive objectives and consequently cannot be excluded from further assessment. (see section 9 of this report).
- 7.5.7. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

8.0 AA Screening

- 8.1. I have considered the proposed truck and trailer park in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located in the settlement of Slieverue, Co. Kilkenny and is located c. 3.5km from the Lower River Suir Special Area of Conservation and c.4.6km from The River Barrow and River Nore Special Area of Conservation.

- 8.3. The proposed development comprises of a Truck and Trailer Parking Depot, Wash Bay, Bunded Diesel Tank, Security Boundary Fencing. Portacabin for welfare facilities, staff parking area, wastewater treatment & percolation area and alteration of existing roadside entrance and all other associated site works.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.6. The reason for this conclusion is as follows:
- The small scale and nature of the development
 - Location- the distance from nearest European sites and lack of connections.
- 8.7. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.8. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive

- 9.1. The subject site not located near to any inland surface waters, transitional waters or coastal waters. The groundwater body in the area is the Mullinnavant IE_SE_G_155.
- 9.2. The proposed development comprises of a Truck and Trailer Parking Depot, Wash Bay, Bunded Diesel Tank, Security Boundary Fencing. Portacabin for welfare facilities, staff parking area, wastewater treatment & percolation area and alteration of existing roadside entrance and all other associated site works.
- 9.3. No water deterioration concerns were raised in the planning appeal.
- 9.4. I have assessed the truck and trailer parking depot and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order

to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am uncertain that it can be eliminated from further assessment because it cannot be demonstrated that the site is suitable for the treatment of waste water.

Please refer to section 7.5 of this report.

9.5. The reason for this conclusion is as follows:

- The lack of information demonstrating the suitability of the site for the treatment of wastewater that will arise from the proposed development.

9.6. Conclusion

I conclude that on the basis of a lack of objective information, it is uncertain that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardize any water body in reaching its WFD objectives and consequently cannot be excluded from further assessment.

10.0 Recommendation

I recommend that permission be refused for the following reason:

The proposed development is located in an area which is within the Slieverue settlement boundary designated in the Kilkenny City and County Development Plan 2021-2027. The provision of the proposed truck and trailer parking depot for 40 trailer spaces and 20 truck parking spaces would not be scale and character which is proportionate to the settlement and would therefore be contrary to section 4.6 of Core Strategy as contained in the Kilkenny City and County Development Plan 2021-2027. The proposed development would therefore be contrary to the proper planning and development of the area.

Peter Nelson
Planning Inspector

16th June 2025

Form 1 - EIA Pre-Screening

Case Reference	319453-24
Proposed Development Summary	Truck and Trailer Parking Depot, Wash Bay, Bunded Diesel Tank, Security Boundary Fencing. Portacabin for welfare facilities, staff parking area, wastewater treatment & percolation area and alteration of existing roadside entrance and all other associated site works.
Development Address	Kiln Road, Kilmurry, Slieverue, Co. Kilkenny.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>CLASS 10. Infrastructure projects (b)(ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development. (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	319453-24
Proposed Development Summary	Truck and Trailer Parking Depot, Wash Bay, Bunded Diesel Tank, Security Boundary Fencing. Portacabin for welfare facilities, staff parking area, wastewater treatment & percolation area and alteration of existing roadside entrance and all other associated site works.
Development Address	Kilmurry, Sileverue, Co. Kilkenny
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development of 40 trailer spaces and 20 truck parking space and associated facilities is on a 1.878ha. site. adjacent to light industry. I consider that the scale of the development will not result in significant use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The proposed development site is a 1.878ha. site. adjacent to light industry at the edge of a village. The site is adjacent to the N25 national road and is not adjacent to European Sites. The site is not in a densely populated area and is not of historical, cultural or archaeological significance. The green field site is not in an environmentally sensitive geological area and can accommodate development.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact,	Having regard to the scale and characteristics of the development and the location of the proposed development site it is considered that there will be no significant effects either on its own or any cumulatively of the environment of the area.

transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 2: Water Framework Directive Assessment

Water Framework Directive Assessment Stage 1: Screening	
Step 1 Nature of the Project, the Site and Locality	
An Bord Pleanála Ref. No.	319453-24
Townland/Address	Kilmurry, Sileverue, Co.Kilkenny
	Truck and Trailer Depot, Wash Bay, Bunded Diesel Tank, Wastewater Treatment Plant & Percolation Area.
	The site is located on a green field with a shallow fall from north to south. Soil type is TLPS – Till derived chiefly from Lower Palaeozoic Rocks
Proposed surface water details	Stormtech Attenuation System, Washdown and Silt Tank, Petrol Interceptor
Proposed water supply source & available capacity	Water source to be mains water supply. Capacity Available in Slieverue
Proposed wastewater treatment system & available capacity, other issues	Foul water drainage from the Porta Cabin will flow to wastewater treatments system and standards percolation area.
Others	N/A

Step 2: Identification of Relevant Water Bodies and Step 3: S-P-R connections

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Groundwater	0	Mullinavat IE_SE_G_155	Good	Not at Risk	No pressures	Free draining soil conditions.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

Construction Phase							
No .	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1	Ground	Mullinavat IE_SE_G_155	Drainage	Hydrocarbon Spillages	Standard Construction Conditions	No	Screened Out
Operational Phase							
1	Ground	Mullinavat IE_SE_G_155	Drainage	Hydrocarbon Spillages. Untreated waster water.	Petrol Interceptor Wastewater treatments system and standards percolation area.	No	Screened Out
Decommission Phase							
	N/A						

STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives – Template					
Surface Water					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction works	N/A	N/A	NA	NA	N/A
Stormwater drainage	N/A	N/A	NA	NA	N/A
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					

Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 :</u> <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, & 3? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Operation on site wastewater treatment	Septic tank and percolation area. Uncertainty of site suitability.	N/A	Septic tank and percolation area. Uncertainty of site suitability.	Uncertain